



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth to seventh periodic reports submitted by Brazil under article 44 of the Convention, due in 2021\*

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\* The present document is being issued without formal editing.



## Abbreviations

ASAJ	Adolescent and Youth Health Area
BPC	Continued Benefits Provision
CBF	Brazilian Soccer Confederation
CBIA	Brazilian Centre for Childhood and Adolescence
CLT	Consolidation of Labor Laws
CNJ	National Council of Justice
CNMP	National Council of Public Prosecution
CNT	National Work Council
CONAETI	National Commission on the Eradication of Child Labour
CONANDA	National Council for the Rights of Children and Adolescents
CONCPC	National Civil Police Commanders Council
CONDPC	National Council of Scientific Police Commanders
CRIE	Special Immunobiological Reference Centres
CPA	Committee for the Participation of Adolescents
CRAS	Welfare Reference Centers
CREAS	Welfare Specialized Reference Centers
ECA	Statute of the Child and Adolescent
EMTI	Integral Time High School
ENDICA	National School of Child and Adolescent Rights
ENEM	National Secondary Education Exam
FC	Brazilian Federal Constitution
FNDE	National Fund for Educational Development
FONACRIAD	National Forum of Government Directors of Executive Agencies for the Policy of Enforcement of the Rights of the Child and Adolescent
FUNAI	National Indian Foundation
FUNABEM	National Foundation for Child Welfare
FUNDEF	Primary Education Maintenance and Development and Teacher Appreciation Fund
GDP	Gross domestic product
GSF	Federal social expenditure
HDI	Human Development Index
HIV/AIDS	Human immunodeficiency virus/acquired immune deficiency syndrome
IBGE	Brazilian Institute for Geography and Statistics
ICCN	Incentive Programme for Combating Nutritional Deprivation
INEP	National Institute for Educational Studies and Research
INSS	National Social Security Institute
IPEA	Institute of Applied Economic Research
IPEC	International Programme on the Elimination of Child Labour, ILO

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LDB	Law on Educational Directives and Bases
MJSP	Ministry of Justice and Public Security
MMFDH	Ministry of Women, Family and Human Rights
MPT	Public Labor Prosecution Office
NGO	Non-governmental organization
PAB	Minimum Healthcare Allocation
PAR	Integrated Actions Plan
PCN	National Curricular Parameters
PDDE	Direct Money to School Program
PeNSE	National Research of Student Health
PETI	Programme to Eliminate Child Labour
PNAD	National Household Sample Survey
PNAE	National School Food Program
PNATE	Nation Program of Support to the School Transportation
PNI	National Immunization Programme
PNIAM	National Maternal Breastfeeding Incentive Programme
PNLD	National Book and School Material Program
PRONAGER	National Programme to Generate Employment and Income
PSF	Family Health Programme
RDA	Recommended daily allowance
SAEB	National Basic Education Evaluation System
SEAS	State Secretariat of Social Assistance
SENAJUS	National Secretariat of Justice
Sinase	National System of Socio-educational Services
STD	Sexually transmitted disease
SUAS	Unified System of Social Assistance
SUS	Single Health System
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
WPGA	WePROTECT Global Alliance

## I. Introduction

1. Brazil, as a State party to the Convention on the Rights of the Child, presents its fifth-seventh combined Periodic Reports on the implementation of the Convention. Previous reports presented by the Brazilian State made detailed reference to the passage of the 1988 Federal Constitution, and of Law n.8,069, from July 13th, 1990, known as the Statute of the Child and Adolescent (ECA).
2. The Statute of the Child and Adolescent was conceived at nearly the same time as the Convention on the Rights of the Child, incorporating its contents to the Brazilian legal framework since the start of the legislative process. The ECA has been acknowledged for decades as a reference in world legislation aimed at ensuring the fundamental rights of children and adolescents.
3. The present report outlines Brazilian State actions regarding the promotion and protection of the human rights of children, in accordance with treaty-specific guidelines, under Article 44, paragraph 1(b), of the Convention on the Rights of the Child. Its preparation took advantage of information collected from various actors from the three branches of government.
4. After its conclusion, the report was made available on the web page of the Ministry of Women, Family and Human Rights for public consultation for 10 days.
5. The public consultation was carried out through a semi-structured survey comprising 8 multiple choices questions (with answers varying among the categories: “excellent”, “good”, “regular”, “bad” or “insufficient”), asking citizens’ opinions regarding the report’s approach and adequacy of the information available on each of its sections.
6. None of the answers received marked the option “insufficient”. From a total of 8 questions, only in one of them (General principles – articles 2, 3, 6 and 12), concerning the degree of adequacy of the available information, the option “bad” was marked by 16.7% of respondents. All other answers varied among “excellent”, “good” or “regular”. Most of the answers marked the option “regular”, followed by “excellent” and “good”.
7. An open field intended for general observations was filled with various commentaries, some of which disagreed on the age definition of a child spanning until 18 years old. There were also commentaries on health, education and the need for alternative modalities accounting for those two aspects. Homeopathy, conventional vaccines and its side effects, and educational practices toward the development of creative thinking were mentioned.
8. The public consultation was widely promoted in official digital platforms and social media of the Ministry of Women, Family and Human Rights and the Federal Government. The UN office in Brazil and the National Council of Human Rights were also involved to ensure consultation would reach the largest number of citizens and institutions.

## II. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

9. Brazil’s advanced legal framework on the protection the rights of the children and adolescents is widely renowned as a world benchmark. According to the Constitution (Article 227), it is the duty of the family, society, and the State to guarantee children and adolescents, with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, liberty and family and community life, besides maintaining them safe from any form of negligence, discrimination, exploitation, violence, cruelty and oppression.
10. The most prominent legal provisions in compliance with the Convention and its Optional Protocols are listed below:
  - (a) Law n. 13,840 of June 5th, 2019 – National System of Public Policies on Drugs: set provisions about the National System of Public Policies on Drugs and the conditions of attention to drug users or addicts and to address the financing drug policies;

- (b) Law n. 13,812 of March 16th, 2019 – National Missing Persons Search Policy: Establishes the National Missing Persons Search Policy, creates the National Missing Persons Database and amends the Law n. 8,069 of July 13th, 1990 (Statute of the Child and Adolescent);
- (c) Law n. 13,811 of March 12th, 2019 – Ban on marriage under 16 years old. Law renders new wording to the article 1,529 of Law n. 10,406 of January 10th, 2002 (Civil Code), to suppress the legal exceptions to child marriage;
- (d) Law n. 13,798, of January 3rd, 2019 – National Week of Teen Pregnancy Prevention. – Adds the article 8-A to the Law n. 8,609, of July 13th, 1990 (Statute of the Child and Adolescent), to establish the National Week of Teen Pregnancy Prevention;
- (e) Law n. 13,509, of November 22nd, 2017 – Voluntary return, loss of family power, accommodation, hosting, custody and adoption of children and adolescents and work rights to the adopters – sets provisions about adoption and amend the Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), the Consolidation of Labor Laws (CLT), approved by the Decree-Law n. 5,452, of May 1st, 1943, and Law n. 10,406, of January 10th, 2002 (Civil Code);
- (f) Law n. 13,441, of May 8th, 2017 – Provides for the infiltration of police agents online – Amends the Law n. 8,069. Of July 13th, 1990 (Statute of the Child and Adolescent), in order to regulate the infiltration of police agents online in order to investigate crimes against the sexual dignity of children and adolescents;
- (g) Law n. 13,438, of April 26th, 2017 – Protocol establishing standards for evaluation of risk for the psychic development of children. – Amends the Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), to make compulsory the adoption of standards for the evaluation of risks for the physic development of children in the Single Health System (SUS);
- (h) Law n. 13,436, April 12th, 2017 – Right to follow-up and orientation to mothers concerning breastfeeding. – Amends Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), to ensure the right of follow-up and orientation to mothers concerning breastfeeding;
- (i) Law n. 13,431, April 4th, 2017 – System of assurance of the rights of the child and adolescent victim or witness of violence – Establishes the system of assurance of the rights of children and adolescents victims or witnesses of violence and amends the Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent);
- (j) Law n. 13,257, of March 8th, 2016 – Public policies for early childhood. – Set provisions over public policies for early childhood and amends the Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), the Decree-Law n. 3,689, of October 3rd, 1941 (Criminal Procedure Code), the Consolidation of Labor Laws (CLT), approved by the Decree-Law n. 5,452, of May 1st, 1943, the Law n. 11,770, of September 9th, 2008, and the Law n. 12,662, of June 5th, 2012;
- (k) Law n. 13,106, of March 17th, 2015 – Turn into crime selling, supplying, serving, ministering or handing alcoholic beverages to children and adolescents – Amends Law n. 8,609, of July 13th, 1990 – Statute of the Child and Adolescent, to establish as a crime the sale, supply, serving, ministering or handing alcoholic beverages to the child or adolescent; and revokes the item I of article 63 of Decree-Law n. 3,688, of October 3rd, 1941 – Law of Criminal Violations;
- (l) Law n. 13,046, of December 1st, 2014 – Personnel trained to recognize and report mistreating of children and adolescents – Amends Law n. 8,609, of July 13th, 1990, Statute of the Child and Adolescent, to compel entities to keep, in their staff, personnel trained to recognize and report mistreatment of children and adolescents;
- (m) Law n. 13,010, of June 26th, 2014 – Right of the child and adolescent to be educated and cared for without the use of physical punishment or cruel or degrading treatment – Amends the Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), to establish the rights of children and adolescents to be educated and cared for without the use

of physical punishment or cruel or degrading treatment, and amends the Law n. 9,394, of December 20th, 1996;

(n) Law n. 12,962, of April 8th, 2014 – Child and adolescent interaction with parents deprived of freedom – Amends the Law n. 8,069, of July 13th, 1990 – Statute of the Child and Adolescent, to ensure the interaction between child or adolescent with their parents deprived of freedom;

(o) Law n. 12, 594, of January 18th, 2012 – National System of Socio-educational Services (Sinase) – Establishes the National System of Socio-educational Services (Sinase), which regulates the fulfillment of socio-educational measures destined to the adolescent who practices wrongdoing acts;

(p) Law n. 12,425, of June 9th, 2011 – Obligation of paying temporary alimonies to the child and adolescent victim of violence by the offender precautionary separated from the common residency – Adds paragraph to the article 130 of Law n. 8,069, of July 13th, 1990 (Statute of the Child and Adolescent), to determine temporary alimonies to be fixated provisionally in favor of the child or adolescent whose offender is separated from the common residency by court order;

(q) Law n. 12,010, of August 3rd, 2009 – Improvement on the laid down systematic to assure the right to family interaction to every children and adolescents – Set provision about adoption; amends Laws n. 8,069, of July 13th, 1990 – Statute of the Child and Adolescent, 8,560, of December 29th, 1992; revokes provisions from Law n. 10,406, of January 10th, 2002 – Brazilian Civil Code, and the Consolidation of Labor Laws – CLT, approved by the Decree-Law n. 5,452, of May 1st, 1943; and sets other provisions;

(r) Law n. 11,829, of November 25th, 2008: Improve the fight against production, sale and distribution of child pornography. Amends Law n. 8,069, of July 13th, 1990 – Statute of the Child and Adolescent, to improve the fight against the production, sale and distribution of child pornography, as well as turn into crime the acquisition and possession of such material and other conducts related to online pedophilia.

11. Resolutions from the National Council for the Rights of Children and Adolescents approved since the last report should also be taken into consideration:

(a) Resolution n. 215 of November 22nd, 2018 – Regulates the parameters and actions for the protection of children and adolescents rights in the context of construction works and ventures;

(b) Resolution n. 214 of November 22nd, 2018 – Sets recommendations for the States, District and Municipal Councils of Child and Adolescent Rights, aiming at the improvement of participation of children, adolescents and other representation of traditional people and communities in the social control of children and adolescents rights;

(c) Resolution n. 213 of November 20th, 2018 – Provides on the strategies to facing lethal violence against children and adolescents;

(d) Resolution n. 210 of June 5th, 2018 – Decides on rights of children, whose mothers, adults or adolescents, are deprived of liberty;

(e) Resolution n. 191 of June 7th, 2017 – Sets provisions over the participation of adolescents in the National Council for the Rights of Children and Adolescents – CONANDA;

(f) Resolution n. 187 of May 23rd, 2017 – Approves the document: Technical Guidelines to street social educator in programs, projects and services with children and adolescents living on the streets;

(g) Resolution n. 181 of November 10th, 2016 – Sets the parameters for interpreting rights and adjustment of services in relation to the assistance of children and adolescents from traditional population and communities in Brazil;

(h) Resolution n. 180 of October 20th, 2016 – Sets provisions over equality of rights among girls and boys in children and adolescents assistance, protection and defense public policies;

(i) Resolution n. 178 of September 15th, 2016 – Establishes parameters and recommendations for the introduction, implementation and monitoring of the Information System for Child and Adolescence (SIPIA);

(j) Resolution n. 177 of December 11th, 2015 – Regulates the right of the child and adolescent not to be submitted to excessive medicalization;

(k) Resolution n. 163 of March 13th, 2014 – Sets provisions over the abuse of targeting advertising and marketing communications to the child and adolescent;

(l) Resolution n. 162 of January 28th, 2014 – Approves the National Action Plan to Combat Sexual Violence Against Children and Adolescents;

(m) Resolution n. 160 of November 18th, 2013 – Approves the National Social and Educational Assistance Plan;

(n) Resolution n. 139 of March 17th, 2010 – Sets parameters for the introduction and operation of Guardian Councils in Brazil;

(o) Resolution n. 137 of January 21st, 2010 – Sets parameters for the introduction and operation of national, state and municipal funds for the rights of children and adolescents and sets other provisions.

### III. Definition of the child (art. 1)

12. In Brazil, under the terms of article 2 of the Statute of the Child and Adolescent, the following age definitions apply to children and adolescents: a) up to 12 uncompleted years old – the person is a child; and b) between 12 and 18 years old – an adolescent, or teenager.

13. According to data from the Brazilian Institute for Geography and Statistics, there are currently around 60 million children and adolescents in Brazil, thus distributed by age:

- 0 to 4 years old: 14,730,311;
- 5 to 9 years old: 14,650,311;
- 10 to 14 years old: 14,805,478;
- 15 to 19 years old: 15,790,863.

14. A total of 35.5 million of those are children (0 to 12 uncompleted years old), representing 17% of the population, of which 50.9% are male and 49.1% are female. 83.5% live in the urban area and 16.5% in the rural area. Regarding race/color, 49.8% are brown, 42.4% white; 6.9% black and 0.9% indigenous or yellow.

15. The Brazilian Civil Code was amended in 2019 to ban the marriage of children and adolescents under 16 years old, in any event. The exception, to those reaching this age, is that they are only able to get married when expressly authorized by both parents or legal representatives. (Civil Code – article 1,520).

16. There is no consolidated official data available on the number of married children at present. Estimates available have been gathered by civil society organizations, and they served as a basis for the legislative change mentioned above (Law n.13,811/19).

17. According to a study carried out by the non-governmental organization Promundo, published in 2015, Brazil is the fourth country with the most child marriages in the world, in absolute numbers. Three million women claim to have gotten married before 18 years old. Moreover, the study shows that 877 thousand Brazilian women 15 years old or less got married, and that, presently, there are around 88 thousand boys and girls (with ages between 10 and 14 years old) engaged in consensual, civil and/or religious union in Brazil. Hence the need for an express prohibition of child marriage by the aforementioned legislation.

18. The Brazilian constitutional legislation is based upon four founding principles, among them, the promotion of good for all, without prejudice of origin, race, sex, color, age or any other form of discrimination (Federal Constitution – article 3, IV). The Federal Constitution and the Statute of the Child and Adolescent specifically prohibits any form of violence and

discrimination against children and adolescents. (Federal Constitution – article 227 and ECA – article 5).

19. Stemming from this legal-protective framework, the full protection rule is guided by three general guiding precepts: (i) the absolute priority principle, (ii) the higher interest of the child principle, and (iii) the assistance decentralization principle.

20. The principle of the higher interest of the child influences in practice all state interventions towards children and adolescents, on judicial (regulation of visits, establishment of alimonies, moral damages, adoption, accommodation in substitute families, shared custody, pregnancy support alimonies, statutory relations, etc), budgetary, and political matters, among many other areas. This principle allows for children and adolescents not to be seen as objects and to act as a subject of rights, in the center of decisions.

21. The right to life and to a full and healthy development is a fundamental right of children and adolescents in Brazil, established specifically both in the Federal Constitution, the ECA and other legal tools that address this population.

22. Likewise, the social participation and prominence of children and adolescents are secured, as aspects of the right to freedom, as expressed by the ECA – article 16, II, V and VI below:

- ECA – Article 16 The right to freedom comprises the following aspects:
- II – opinion and expression;
- V – participate in the family and community life, without discrimination;
- VI – participate in the political life, in accordance with the law.

23. To prevent discrimination, Brazil adopts, besides the law and the sanctions therein, continuous action within the society. In the school context, for example, discussions are held in the classroom and other collective spaces. The matter is also addressed on communication channels, aiming to promote the right of all people to non-discriminatory treatment, regardless of birthplace, family situation, age, sex, race, ethnicity or color, religion or belief, disability, personal development or learning conditions, economic conditions, social environment, region or place of residence or other condition that distinguishes people, families, or the community they live in (ECA article 3).

24. There is no death penalty in Brazil, therefore, there is no question that children and adolescents will not receive that sentence. On the contrary, children are considered not criminally responsible for their actions. Adolescents, when committing offenses, are directed to comply with correctional measures, which aims for the recovery, professional training, and social reintegration of the adolescent.

25. In relation to child and adolescent suicide and self-mutilation, Brazil is aware of this issue and promotes public debates together with the civil society, through annual national promotional campaigns, such as: “Embrace life”, “Give life a like” and “Yellow September”. Families are involved in the process, inasmuch as they have a primary role in noticing the first signs of a possible suicidal behavior.

26. In this context, the federal government recently approved the National Policy of Self-mutilation and Suicide Prevention, a permanent public strategy aimed at anticipating those events and addressing factors associated to them (Law n. 13,819/2019 and Decree n. 10,225/2020). Among other measures, the Policy established regulations related to compulsory notification of self-inflicted violence, particularly in cases of children and adolescents.

27. Brazil still faces the challenge of premature and violent deaths among children and adolescents. They arise mainly from the involvement with drug trafficking and other criminal behaviors.

28. In this regard, homicide was the main cause of death for male youth, responsible for 55.6% of deaths among young males from 15 to 19 years old. As regards women in the same



age group, the rate of death by homicide is considerably lower: 16.2% of deaths among those between 15 and 19 years old<sup>1</sup>.

29. With reference to death during the first year of life, the national official data in 2019 indicates that 35,293 children died as a result of multiple causes, such as: tuberculosis, tetanus, diphtheria, measles, traffic accidents, etc.

30. Between ages 1 and 19, in the same period, 29,913 deaths were registered.

31. In 2020, deaths in the first year of life amounted to 20,042 and in the other age groups (between 1 and 19 years old) amounted to 16,726 occurrences.

32. In relation to children and adolescents heard in judicial or administrative proceedings, we explain that in Brazil all procedures that involve minors are conducted under legal confidentiality, so that there is no publicity of these acts (ECA – article 143 and Criminal Procedure Code – article 189, II and III).

33. Regarding the development of policies focused on children and adolescents, it is worth noting that in Brazil we have the National Council for the Rights of Children and Adolescents – CONANDA, state and municipal Children and Adolescent Rights councils. These collegiate entities have the roles of formulating general standards for policies focused on child and adolescent rights, of overseeing enforcement actions, and of considering the guidelines and lines of action set up in the ECA.

34. Within CONANDA (Law n. 8,242/1991), the CPA – Committee for the Participation of Adolescents was established (Resolution n. 197/2017) was established, with the intention of strengthening the participation of adolescents in decisions that affect them. They are able to present to CONANDA propositions for agendas, resolutions, campaigns about the rights of children and adolescent and topics for deliberation.

35. A total of 47 adolescents sit at the CPA. They are appointed within the adolescents participation spaces in the Regional Councils for the Rights of Children and Adolescents and coming from diverse social groups, as a way of including all of the country's regional and ethnical diversity. This is one of the ways by which Brazil ensures youth participation in decision-making procedures.

#### **IV. Civil rights and freedoms (arts. 7, 8, and 13–17)**

36. In Brazil, birth registration is secured to every child as a fundamental right. The Federal Constitution assures the gratuity of public birth registrations (Federal Constitution – article 5, LXXVI) and the ECA established the regular civil registration as one of the protective measures towards child and adolescents (ECA – article 102)

37. Brazilian nationality is granted to children and adolescents on the following cases (Federal Constitution – article 12):

(a) Born in Brazil, even to foreign parents, as long as they are not in their country's official service;

(b) Born abroad, to Brazilian father and/or Brazilian mother, as long as any of them is in the official service of the Federative Republic of Brazil;

(c) Born abroad to Brazilian father and/or Brazilian mother, as long as the child is registered in the appropriate Brazilian embassy/consulate or come to reside in the Federative Republic of Brazil and opt, at any time, after reaching the age of majority, for the Brazilian nationality;

(d) Those who, in accordance with the legislation, acquire the Brazilian nationality; of nationals of Portuguese-speaking countries, it is required that they have lived in Brazil for a continuous year and moral reputation;

<sup>1</sup> <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/3519-atlasdaviolencia2020completo.pdf> (in Portuguese).

(e) Foreigners of any nationality that have lived in the Federative Republic of Brazil for more than 15 years continuously and have no criminal conviction, as long as they apply for the Brazilian nationality.

38. Regarding the preservation of privacy, the country's legislation assures to children and adolescents protection of image, of private life privacy and honor, as well as in relation to various conducts that may be harmful to them (FC – article 5, X and ECA – article 17). In other words, information about children and adolescents is protected under legal confidentiality and receives differentiated treatment due to their peculiar condition of developing individuals.

39. In July 2019, Brazil approved Law n. 13,853/2019 (General Data Protection Law). That Law established that data on children can be collected without consent only when the information is essential to ensure their protection or to contact parents or legal guardian. The content shall be used only once and cannot be stored, and under no circumstances it can be forwarded to third parties without consent. Games and other online activities shall also request only strictly necessary personal data.

40. The freedom of thought, conscience, and belief, as well as the freedom of association and peaceful assembly, derive from the freedom of expression, assured to every Brazilian, without any distinction (FC – article 5).

41. Regarding access to information, the latest basic education census, carried out by the National Institute for Educational Studies and Research (INEP), verified that there are:

- 62,478 existing facilities in schools used as computer labs;
- 65,901 existing facilities in schools used as libraries. There is no information on accessibility;
- 94,664 existing facilities in schools used as libraries and/or reading rooms. There is no information on accessibility;
- 36,991 Multifunctional Resources Room for Specialized Education assistance – AEE.

## **V. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)**

42. Through the National Human Rights Ombudsman, an expansion and reinforcement of the Report Channels for human rights violations was enacted, focusing especially on violence against children and adolescents. The Ministry of Women, Family and Human Rights (MMFDH) implemented a number of actions for the improvement of the service. For example, changes in the call center protocols shortened the waiting time of the complainants from 50 minutes to less than one minute. Presently, it is also possible to receive assistance instantly through the web page [ouvidoria.mdh.gov.br](http://ouvidoria.mdh.gov.br), the smartphone app “Human Rights Brazil” or messaging apps Telegram and WhatsApp. It should also be noted the signing of cooperation agreements with state prosecution offices with the goal of providing them with the possibility of using and accessing complaints directly through the system.

43. Moreover, the National School of Child and Adolescent Rights – ENDICA – was created out of a partnership with the United Nations Development Programme and the University of Brasilia Government and Public Administration Advanced Studies Center. In order to offer quality and accessible training to all of those who are part of the Child and Adolescent Rights Safeguarding System, the ENDICA was launched in October 2020 and two courses have already been released, with more than 10,000 enrolled students. Many other courses are already in the pipeline for 2021 and all of them will include 60 hours of training and grant certificates. Also in 2021, one specialization course and one master's degree course will be offered.

44. National Forums have also been launched, aiming at mobilizing, training and establishing partnerships with actors from the Rights Safeguarding Systems, from the five regions of Brazil, for local actions of integral protection of children and adolescents victims of violence. In 2020, the National Forums gathered more than 9,000 applicants, and more

than 220,000 people were reached through the Ministry of Women, Family and Human Rights' official channels. During 2020, three forums were carried out on the topics of sexual exploitation online, youth lethality and drugs in the childhood and adolescence. In 2021, four National Forums will take place, and it is expected that they will reach thousands of people. All events will result in digital books, comprising the lectures and best practices presented in events, and in reports containing contributions from specialists in public policy.

45. It is worth noting the encouragement for the creation of facilities that encompass, in a single space, programs, services that provide protection and integral assistance for children and adolescents victims and witnesses of violence, through multidisciplinary specialized teams. These facilities are known as Integrated Centers of assistance to children and adolescents victims and witnesses of violence. The Integrated Centers shall, among other services, provide psychosocial services. This initiative will gather diverse actors, such as Rights Councils, Public Prosecution Office, Public Defender's Office, Judiciary Branch, State Health Offices, Education, Welfare, Public Security, among others.

46. Another prominent initiative is the Safe Child Program, conducted in partnership with the Organization of Ibero-American States (OEI). The Program aims at training professionals from the Rights Safeguarding System on the subjects "Intersectorial and interdisciplinary protection of children and adolescents victims of violence", "Sexual violence" and "Assistance and protections programs", through workshops, courses and meetings. The Program's ultimate objective is to train professionals working on programs/projects that promote children and adolescents' social participation and leadership.

47. The article 19 of the Convention established that the State Parties should adopt protection measures for the child against all kinds of physical or mental violence, including sexual abuse, "as long as the child is under the parent's custody, legal representative or any other person responsible to them". There is also a fundamental concern for the family as the basic cell of society, be it biological or acquired, since family relations have a direct bearing over the care of children. A healthy domestic environment favors the proper monitoring of minors' routine and prevents the occurrence of abusive treatment, be it physical, mental, or sexual.

48. In that regard, we highlight that the Family Relation Strengthening National Strategy envisages, as guidelines, "the recognition and support to the roles carried out by the family in the formation, care and protection of children, adolescents and young people" (Decree n. 10,570/2020, article 4, II, "a") and, moreover, "the promotion of an appreciation culture for child and adolescent years as special stages in personal development, the recognition and support to the roles of parents or legal guardians with regard to the needs and rights of the child and adolescent, in order to strengthen the parental role and the centrality of the family" (article 4, VI). Bearing in mind the implementation of efficient public policies in that domain, it should be stressed the important role parents and legal guardians play in the adequate development of children and adolescents, positively impacting their adult lives.

49. Paragraph 3 of article 24 of the Convention sets forth the adoption, by the State parties, of "all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children". Unfortunately, international reports indicate considerable rates of child marriage worldwide. The United Nation's Children Fund (UNICEF) estimates that 10 million additional child marriages will take place until the end of the present decade, partly due to the Covid-19 pandemic.

50. In Brazil, although this practice still occurs, especially in contexts of vulnerability, the Executive Branch has strongly promoted awareness of the fight against teenage pregnancy, since the beginning of the current administration. As a result of these efforts, a 2019 law established the National Week of Teenage Pregnancy Prevention (Law n 13,798, of January 3rd, 2019), which takes place on the week of February 1st of each year. Additionally, Law n. 13,811, also of 2019, raises the minimum age of civil marriage, banning it for those under 16 years old. In 2020, the promotional campaign to prevent teenage pregnancy "Everything has its proper time" innovated by offering more scientific information, including on affectivity, by involving the family and by helping young people reflect on their professional and future project.

51. With the outbreak of the Covid-19 pandemic, reports of violation against children and adolescents have increased, both before citizen service channels (“Dial 100 and “Dial 180” hotlines) and by means of joint actions before investigative and judicial bodies, such as the Federal Police, which has initiated operations against child sexual exploitation and networks that promote pedophilia.

52. As regards violence against girls, Law n. 11,340/06 (“Maria da Penha” Law) seeks to address this issue integrally. Therefore, its text considers the implementation of social educative activities as tools to combat domestic and family violence. Such regulations are found specifically in article 8, item V, as well as in article 35, item IV, below:

- Article 8:
  - V – the promotion and execution of educational campaigns for preventing domestic and family violence against women, targeted at the school public and society in general, and diffusion of this Law and the mechanisms of protection of women’s human rights;
- Article 35:
  - The Federal State, the Federal District, the states and the municipalities may create and promote, within their respective competences:
    - IV – programs and campaigns against domestic and family violence.

53. With Maria da Penha Law as a guiding element, several measures have been taken by the Brazilian State aiming at the prevention of violence against teenage women and girls.

54. A booklet called “Facing online violence against adolescents in the context of the Covid-19 pandemic”, published in August 2020, aims at raising awareness among teenage women and girls about online violence, including guidance for the prevention of violence in digital media, such as web pages, apps and social media. This booklet is a response to the social isolation measures to control the health crisis caused by Covid-19.

55. This booklet’s aim is to serve as a tool for preventing online violence against teenage women and girls in the pandemic context, considering that especially during quarantine the virtual environment has become the primary space for social interaction and communication, and that girls and teenage women are particularly vulnerable to abuse, exploitation and virtual violence.

56. The booklet brings information on the subject of online violence, its definition, kinds and forms of prevention. It also lists websites where it is possible to find more information on the subject, thus seeking to guide teenage women and girls for the safest possible internet browsing. One of the booklet’s chapter contains step-by-step guidance for girls who, during the reading, may identify as targets of violence on the digital environment, in order for them to learn how to seek help.

57. Another booklet called “Protective Family” works as a guide to parents and legal guardians on how to identify risk of sexual abuse, child exploitation and pedophilia. Moreover, the campaign “Surfing Safely” raises awareness of parents about technological content received by children.

58. In 2022 Brasil will host the WePROTECT Global Alliance (WPGA) Summit. As a result of the fusion between the “Global Alliance against Child Sexual Abuse Online”, founded in 2012 by the European Home Affairs Commissioner and the US Attorney General, and “WePROTECT”, founded in 2014 by the then prime minister of the United Kingdom, the WPGA was established in 2016 with the goal of building a strong global voice against abuse and sexual exploitation of children and adolescents online. In 2020, WPGA became an independent non-profit institution, funded by private philanthropic foundations. Currently, 98 governments, 45 private sector companies, 46 civil society organizations and 9 international institutions are members of WPGA.

59. In coordination with the Brazilian Federal Government, the next WPGA Global Summit will be take place in Brazil, in the city of Brasilia – Federal District, on March 09th and 10th, 2022. The Global Summit will strengthen the networks that sustain the Alliance. The Summit’s specific goal is to provide a unique opportunity to the members of the

WePROTECT Global Alliance to get together and share learnings and good practices, as well as reach an agreement over collaborative solutions, reaffirming commitments to take action.

60. The Summit will include plenary sessions and simultaneous additional themed sessions. The event will be held in person, depending on sanitary conditions arising from the global pandemic, and will last two days. Participants who are not able to attend locally may participate virtually. The Summit will gather high-level representatives of all members of the Alliance, including government, the private sector, civil society organizations, regional entities and United Nations agencies.

61. Also the campaign promotion #girlsforgirls aims at building solidarity among teenage women and girls on the virtual environment, so that they take care of each other and do not act as online violence agents among themselves.

62. The Executive Branch has established a partnership with the Judiciary Branch of the Federal District to promote the project called “Maria da Penha goes to school: educating to prevent and inhibit violence against women”. The main goal of this project is to train and raise awareness among education professionals about domestic and family violence against women.

63. The school is most common spaces for community interaction for girls and teenage women. It is thus an adequate environment for prevention actions to take place as well as for raising awareness among the school staff about domestic and family violence situations experienced by the students. Training education professionals about this subject and making all school community aware of it is of paramount importance.

64. As part of the “Maria da Penha goes to school project”, as series of lectures and courses with guidance counselors, administrators, support staff and educational coordinator has taken place to raise awareness and provide training about domestic and family violence, means for resorting to the local protection network, promotion of women’s rights, etc.

65. This project also raises awareness and trains teachers of all grades about women’s rights and domestic and family violence, so that they become agents for the promotion of Maria da Penha Law in the schools. It also includes discussions aimed at making teachers aware of the possible identification of cases in their classrooms and of the importance of promoting of debates with boy and girl students about women’s rights, domestic and family violence and healthy relationships.

66. The National Plan for Fighting Femicide (PNEF) may be published in the first half of 2021. Its purpose is to fight femicide by implementing integrated and structured public policies throughout the national territory. It also plans to expand the project to many Brazilian states, which will be a major improvement in protecting teenage women and girls and preventing domestic violence.

67. PNEF is based on the fact that violence against women and femicide have many dimensions and aspects, directly related to the condition of the female sex. These practices must be deemed violations of women’s human rights. Therefore, prevention measures and the fight against these violations require wide and structural action in many sectors.

68. This Plan has five axes, each one with specific actions to reach its goals: coordination; prevention; data and information; fight against femicide; and protection of rights and assistance.

69. Numerous actions planned in each of PNEF axes will cause a direct impact on the protection of teenage women and girls, especially in the prevention axis. Prevention efforts include planned activities in rural areas and schools, national campaigns, training of professionals and promoting information material.

70. The House of Brazilian Women<sup>2</sup> also provides assistance to children accompanying their mothers. Besides assuring children’s well-being in the House of Brazilian Women’s

<sup>2</sup> Public structure created to provide humanized assistance to women, integrating in the same space different specialized services to victims to the most diverse kinds of violence against women: reception and screening, psychosocial support, police station, Special Court of Domestic and Family

facilities, this service also works in identifying violence and vulnerability signs in children and is mindful of the responsibility of referring these cases to protection services provided for by the Statute of the Child and the Adolescent. If need be, referral can also be made to the nearest social assistance institutions.

71. Brazil runs important information systems about children and adolescents, such as the complaints panel of the National Ombudsman of the Ministry of Women, Family and Human Rights – “Call 100”; the Social Assistance Welfare Monitoring System; the Notifiable Diseases Information System from the Ministry of Health (SINAN-Net) and the National Hosting and Adoption System of the National Council of Justice – CNJ.

72. These databases indicate that in 2019, 86,837 violence reports against children and adolescents were made, as follows: 38% were related to negligence; 23% to psychological violence; 21% to physical violence; 11% to sexual violence; 3% to institutional violence; 3% to work exploitation; and 1% to other elements.

73. The State provides citizens public access to channels for reporting human rights violation, particularly “Call 100” and “Call 180”, besides online service channels and other direct channels.

74. As an example, in 2019, “Call 100” registered 17 thousand incidents of violence against children and adolescents. Operating 24 hours a day, including Saturdays, Sundays and holidays, this service receives, examines, and forwards reports of human rights violations to competent agencies. It performs, thus, a fundamental role in checking reports of violation of minors’ rights.

75. The Ministry of Justice and Public Security coordinates operations to fight child sexual abuse and exploitation on the internet. Up to the present, seven operations called “Light in Childhood” have been carried out in the country, with participation of Civil Police in many states. These operations also benefit from technical cooperation with other countries, such as Argentina, the United States, Panama and Paraguay. The operations have resulted in the arrest of more than seven hundred people and in the execution of more than one thousand five hundred search and seizure warrants of computers and digital files.

## **VI. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)**

76. Brazil has a robust protection system for children and adolescents and their families separate from parental care. As regards family support, the Social Assistance Policy provides many services, programs and projects, such as the Social Assistance Reference Centers (“CRAS”), which work to prevent violations of rights and to strengthen family bonds.

77. According to the report SUAS Census<sup>3</sup> (Census of the Unified System of Social Assistance – 2019), protection services for families and the individuals cover 100% of the national territory. The Social Assistance Specialized Reference Centers (CREAS), which provide assistance to children victims of violence and to the family or individuals allegedly violating the rights of children and adolescents, currently have a 96.4% coverage in cities with more than 20 thousand inhabitants.

78. Regarding host institutions (shelters), there are 2,801<sup>4</sup> Host Units – Children and Adolescents, as follows: 2,000 in Institutional Shelters; 79 in Host Families; 79 and 42 other arrangements.

79. As regards family accommodation, the Social Assistance Policy provides 333 services of family hosting, with 1,625 host families.

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Violence against Women, Public Prosecution Office, Public Defender’s Office, promotion of economic independence, space for childcare, temporary shelter and transportation center.

<sup>3</sup> Unified System of Social Assistance.

<sup>4</sup> According to SUAS Census of May 2020.

80. With regard to the number of children separated from their parents as a result of court orders, according to the National System of Adoption and Hosting of the National Council of Justice – CNJ, 30,964 actions of family power suspension were filed in year 2020.

81. Brazil has 4,766 institutions, 24.4% of which correspond to Family Hosting Service in a Host Family (temporary). These institutions are present throughout the country as follow:

- Central-western Region: 388;
- Northeast: 627;
- North: 281;
- Southeast: 1,910;
- South: 1,100.

82. According to Resolution 1 of CONANDA/CNAS, institutional hosting services may host up to 20 children and adolescents, whereas in family hosting service, each family can foster only one child/adolescent, except in groups of siblings.

83. The number of children and adolescents living in institutions of temporary homes in Brazil in March 2021 is 30,964, thus distributed:

- Central-western Region: 2,561;
- Northeast: 4,312;
- North: 1,784;
- Southeast: 14,647;
- South: 7,317.

84. The Statute of the Child and Adolescent determines that the permanence of children and adolescents in an institutional host program will not exceed 18 months, except for proven need that it serves their higher interest, properly substantiated by the judicial authority<sup>5</sup>.

85. However, from January 2020 to March 2021, the duration of the accommodation of around 10% of sheltered children and adolescents has exceeded 18 months, as detailed below:

- Up to 6 months: 9,938;
- From 6 months to 1 year: 4,780;
- From 1 to 2 years: 7,103;
- From 2 to 3 years: 3,285;
- Over 3 years: 6,298.

86. We are working alongside the National Congress, CNJ and civil society to speed up adoption proceedings and to promote host families in order to avoid the institutionalization of the child.

87. According to Brazilian legislation, every child or adolescent allocated in a host family program or institution has its situation reassessed every 3 months at most. In doing so, the competent judicial authority renders a reasoned decision, based on a report produced by an intersectional or multidisciplinary team, on the possibility of family reintegration or accommodation in a substitute family, in any of the arrangements provided for by article 28 of the Statute of the Child and Adolescent. From 2020 to March 2021, 10,632 children and adolescents have been reintegrated.

88. From 2014 to March 2019 5,546 children and adolescents adoptions were registered, as follows:

- Up to 3 years old: 1,514;
- From 3 to 6 years old: 1,584;

<sup>5</sup> New wording by Law n. 13,509/2017.

- From 6 to 9 years old: 1,015;
- From 9 to 12 years old: 725;
- From 12 to 15 years old: 485;
- From 15 years old on: 215.

89. Many Federal Government programs and actions focus on guiding parents and legal guardians on fostering children. As an example, the “Happy Child Program” has a special emphasis on the early childhood.

90. Moreover, the project “Strong Families”, through which parental skills are taught to parents and legal guardians of children from 10 to 14 years old, is currently under implementation in many states throughout the country. The “Family-Job Balance Program” works to encourage parental care in balance with professional activities, and co-responsibility at home.

91. Regarding intercountry adoptions, the legal procedures regulated by the Constitution and ECA have been described in the first report presented to the Committee. Intercountry adoption is an exceptional measure in Brazil and should be resorted to only after exhausting all attempts of adoption within the country.

92. Brazil has enacted the Hague Convention of 1993 (relating to the protection of children and cooperation in matters of intercountry adoption) through Decree 3,087/99.

93. A Federal Central Authority (ACAF) has been established to oversee intercountry adoptions, receive and transmit requests of international cooperation and comply with all the duties imposed to Central Authorities included in the treaty. ACAF’s duties comprise fulfilling the administrative procedures pertaining to international legal cooperation and compliance with the 1993 Hague Convention, participating in the process of accrediting foreign organizations for intercountry adoption, as well as receiving and transmitting requests for intercountry adoptions. The proceedings follow the rulings of the Council of Brazilian Central Authorities, a collegiate body chaired by the Ministry of Justice and Public Security and consisting of 27 State-level Central Authorities for Intercountry Adoption and other governmental representatives.

94. Brazil has regulated intercountry adoptions and the action of foreign and national organizations which work in the field of intercountry adoption (Decrees 5,491/05 and 5,947/06). These non-profit organizations are responsible for sending to the Brazilian authorities post-adoption reports, as regularly as set forth by the Brazilian legislation and the certificates of foreign citizenship granted to adopted Brazilian children, in order to ensure full protection of those within the jurisdiction and laws of the country of their new residence. They must also submit annual reports of their activities, detailing the number of adoptions carried out, costs involved and contributions to social projects.

95. In 2019, the Council of Brazilian Central Authorities regulated Article 48 of the Brazilian Statute of Children (ECA), which provides for the adopted children the right to access their adoption file, if available, by presenting a free and electronic request to ACAF. By the time of the writing of this report (March 2021), about 120 requests have been received and more than 40% of those requests have already been positively answered.

96. The following chart illustrates the number of intercountry adoptions of children and adolescents who used to reside in Brazil by nationals of other States Parties to the 1993 Hague Convention over the years:



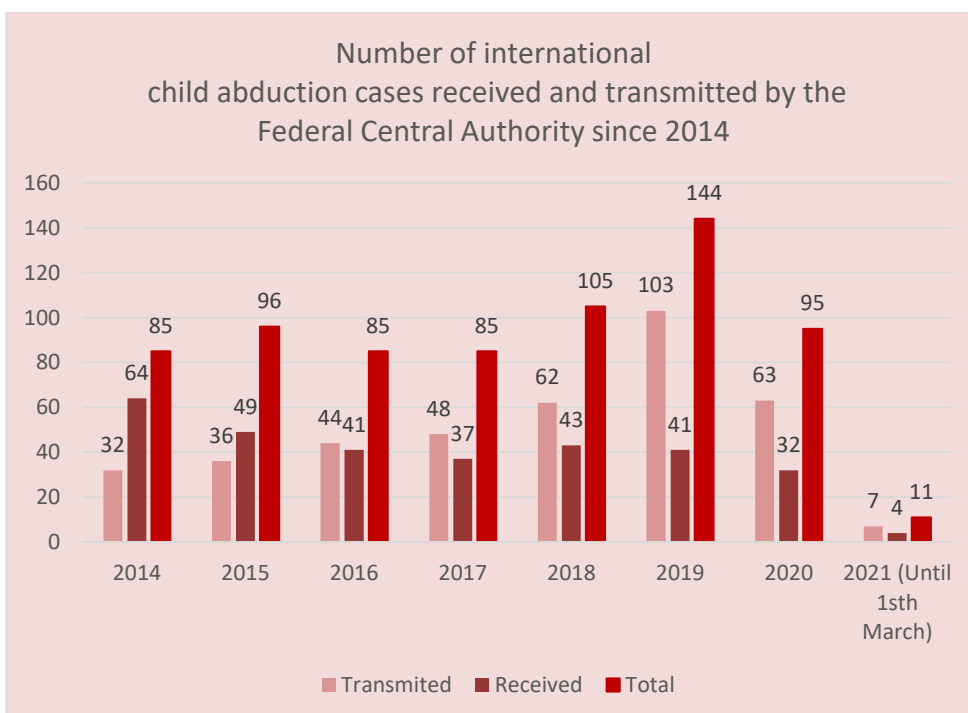


97. As for the illicit transfer and non-return of children abroad, the Brazilian Central Authority (ACAF), which is within the Ministry of Justice and Public Security, is, concurrently, responsible for the subjects of Intercountry Adoptions and International Child Abduction. The Hague Convention of 1980 on the Civil Aspects of International Child Abduction was enacted by Decree 3,413/00.

98. In child abduction cases, the ACAF works in partnership with the Brazilian Office of the General Attorney, which oversees ACAF’s judicial representation for the application and enforcement of the 1980 Hague Convention on the Civil Aspects of International Child Abduction in Brazil. Additionally, cooperation has been established with the Brazilian Federal Police, which engages in efforts to locate children brought to Brazil that do not have their addresses confirmed by the requesting country. These activities may also involve the participation of the Ministry of Foreign Affairs, Brazilian consulates, the central authority of the foreign country concerned, federal judges, and technical assistants of the Federative Republic of Brazil and its Courts of Justice.

99. The Brazilian Prosecution Office can participate in this process, at its discretion, by submitting complaints in cases where there is either evidence of a crime or a situation of vulnerability related to the child while he or she is in the Brazilian territory. The judicial authority in charge of deciding on the abduction case can issue a provisional measure of protection on behalf of the child under its jurisdiction.

100. The following chart illustrates the number of international child abduction cases received and transmitted by the Brazilian Central Authority since 2014.



## **VII. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)**

101. Brazil, in compliance with its duty to protect the life and health of children and adolescents, in order to prevent communicable diseases, provides, within its National Immunization Program, a schedule for vaccination of children and adolescents. The government thus continuously offer, free of charge, vaccines against serious diseases, such as: measles, meningitis, poliomyelitis, diphtheria, tetanus, pertussis, tuberculosis, hepatitis B, rotavirus, pneumonia, otitis, yellow fever, mumps, rubella, chickenpox, and HPV.

102. In 2019, the Provisional Measure n. 894 established a special pension to children with Congenital Zika Syndrome born between January 1st, 2015 and December 31st, 2019, who are recipients of the Continuous Provision Benefit (BPC).

103. Brazil also continuously provides, free of charge, health assistance to pregnant women and the unborn child, including medical exams, antenatal care, postnatal care, specialized medical assistance whenever necessary, supply of vitamins and food supplements, and orientation regarding breastfeeding, nutrition and child development.

104. Working mothers are guaranteed a paid maternity leave of, at least, 120 days. Working fathers are guaranteed a leave of 5 days. Both leaves seek to offer to newborns all of the assistance and care essential in their first days of life, enabling the development of a bonding between parents and their newborn child that is essential to the child's development.

105. Regarding primary health care services, the newborn is offered a range of medical exams, for an early diagnosis of metabolic diseases, enabling therapeutic interventions that can be determinant to the health and quality of life of children and their families, if initiated early.

106. Just as health services are offered to children, adolescents are also offered, within the SUS – Unified Health System, medical consultations, exams and orientation about reproductive health and family planning, including with the supply of free of charge contraceptives.

107. It should be noted that in Brazil, sexual intercourse with anyone under 14 years old is considered a crime (Criminal Code – article 217 – A).

108. Concerning teenage pregnancy, in 2019 Brazil registered 419,255 babies born of children and adolescent mothers, a fact that unveils that extent of this social, economic and public health problem. The incidence of cases is higher in the Northeast Region of Brazil, where 143,568 of the cases were registered.

109. In this sense, with the aim of disseminating information about preventive and educational measures that may contribute to a decrease in teenage pregnancy, the government established the National Week for the Prevention of Adolescent Pregnancy (ECA – article 8-A), engaging both public authorities and the civil society in this matter.

110. Every year, Brazil performs the National Student Health Survey – PeNSE, aimed at students of secondary education, in middle school and high school. According to the research results in 2019, 12.2% of the surveyed students already perform some kind of professional activity. 60% of those surveyed claimed to watch more than 2 hours of TV daily, 18.3% of the male students considered themselves fat or very fat and 25.6% of them reported a desire to lose weight. Among girls, 21.8% of them considered themselves fat or very fat, and 30.3% of them reported a desire to lose weight. 7.4% of the students reported to feel humiliated by bullying most of the time or even always, in the 30 days prior to the research.

111. As for substances such as cigarettes and alcohol, the research revealed that 18.4% of the students said that they had already tried cigarettes. 55.5% of them had already tried alcoholic beverages and 23.8% of the students had drunk alcoholic beverages in the 30 days prior to the research.

112. Brazilian families with children and adolescents in situation of socioeconomic vulnerability are offered welfare benefits of income transfers such as: Bolsa Família and the

Continued Provision Benefit (BPC), the purpose of which is to ensure the minimum needed for the subsistence of these families.

113. At the same time, these families are offered basic and special social protection services, aimed at the strengthening and empowerment of families, so that they can overcome any possible difficulties and enjoy their social rights, helping keep family ties alive. This way, communities are also strengthened and people are encouraged to mobilize. Moreover, benefits and shelters are also provided for, ensuring survival in critical times.

114. Brazil guarantees the full assistance to the health of children and adolescents with disabilities through the Unified Health System, ensuring universal and equal access to services for the promotion, protection, and recovery of health.

115. In this regard, the ECA guarantees that children and adolescents with disabilities have their overall health needs met, as well as their specific needs of habilitation and rehabilitation, also ensuring them specialized educational services, preferably within regular schools, without discrimination or segregation (ECA – article 11 and 54).

116. Likewise, protected work is secured to the adolescent with disabilities (ECA – article 66) above 14 years of age, as an apprentice, according to article 7, XXXIII, of the Federal Constitution.

117. The Brazilian legislation also provides for the implementation of campaigns to encourage the temporary guardianship of children and adolescents separated from their families, and the adoption, specifically interracial, of older children or adolescents, and children with special health care needs or disabilities (ECA – article 87, VII).

118. Information on the number and percentage of children with disabilities, disaggregated as described in paragraph 1, article 23 of the Convention, and according to the types of disabilities, are available as follows.

	<i>0 to 4 years old</i>	<i>5 to 9 years old</i>	<i>10 to 14 years old</i>
Visual disability	0.7%	1.8%	2.9%
Hearing disability	1.1%	2.2%	3.1%
Motor disability	1.8%	1.3%	1.4%
Mental/Intellectual disability	2.3%	4.9%	6.8%

119. When it comes to the number of children with disabilities in regular or special schools, 789,466 children with disabilities under 14 years of age were registered as attending regular schools, and 54,660 were registered as attending exclusively special schools.

## **VIII. Education, leisure and cultural activities (arts. 28–31)**

120. In Brazil, the right to education is recognized by law. The Federal Constitution establishes that it is a right of all, a duty of the State and of family, with a view to the full development of the person, his or her preparation for the exercise of citizenship and his or her qualification for work (Federal Constitution – article 205).

121. Children and adolescents are ensured basic education, which is divided in three levels: elementary school, middle school and high school. Parents and legal guardians are responsible for the enrollment of children and adolescents in educational institutions from the age of 4 years old (ECA – article 55 and Law n. 9,393/1996 – article 30)

122. Still concerning the educational context, Brazil offers food to students who attend public schools, through the National School Feeding Program (PNAE), which also offers food and nutritional education to students of all levels of public basic education, as detailed further ahead.

123. The federal government transfers supplementary funds to states, municipalities and federal schools, in 10 monthly installments (from February to November) to cover 200 school days, according to the number of registered students in each education network. It is worth

noting that 30% of the funds transferred by PNAE must be invested in the direct purchase of products from family farms. This is a way of boosting the economic and sustainable development of communities (Law n. 11,947/2009).

124. It should be noted that, in indigenous communities, there is a concern of offering food that is consistent with their eating habits; therefore, specific actions are developed to this public in the PNAE.

125. Moreover, Brazil has been investing in the development of policies and initiatives concerning early childhood, which reaches around 3 million Brazilians. The Happy Child Program constitutes an important tool for families with children under six years of age to offer their children means to promote their integral development, considering their families and the context of their lives.

126. This intersectoral program was introduced by Law n. 13,257/2016, which was regulated by Decree n. 9,579/2018. It assists pregnant women; children under three years old and their families when they are beneficiaries of the Bolsa Familia program; children under six years old and their families when they are beneficiaries of the BPC; and children under six years old who are separated from their families due to protective measures provided for in the Statute of the Child and Adolescent.

127. In 2019, the program conducted more than 23 million visits, spreading information to more than 2,700 Brazilian cities. It is the world's largest program for home visits targeting early childhood. In such a short time, it supported more than 800 thousand children and pregnant women. With a network comprising more than 22 thousand professionals, the program was acknowledged by "Wise Awards" as one of the most innovative educational initiatives.

128. In Brazil, the full enjoyment of the right to culture is protected by the State, which is responsible for supporting and fostering the appreciation and diffusion of cultural expressions (Federal Constitution – article 215). This way, the State protects the expressions of popular, indigenous, and Afro-Brazilian cultures, as well as those of other groups participating in the national civilization process, ensuring, therefore, the appreciation of the value of ethnic and regional diversity.

129. Children, adolescents and young people from indigenous and traditional communities, in particular, enjoy the rights provided by the ECA, as Brazilians; therefore, their social and cultural identity, practices and traditions are respected, as well as their institutions, as long as they are not incompatible with the fundamental rights recognized in the legislation and the Federal Constitution.

130. The ECA also protects the rights to sports, leisure, information, entertainment and shows, assuring to children and adolescents the access to community spaces for recreation, and cultural and artistic activities (ECA – article 74 and on).

131. Regarding the incentive for sports, there is the "Second-Half Program", which assists children and adolescents between 6 and 17 years old, primarily those who reside in areas of social vulnerability and who are enrolled in public schools. The program offers sport activities under the guidance of trained professionals and adequate learning materials. Each beneficiary may practice up to two team sports and one individual sport before or after school, up to 6 hours a week. In order to carry out these activities, the Federal government partners with state and municipal administrations through public notices and amendments proposed by congressmen. Between 70 to 100 students are assisted in each center, with an average of 35 students per class.

132. In 2020, the program "Brazil Integrated" was launched with the purpose of promoting actions to prevent domestic and stadium violence during soccer games, and addressing human rights violations. The technical cooperation agreement involves the Ministry of Citizenship, through the National Secretariat of Soccer and Fan's Rights, the Ministry of Women, Family and Human Rights and the Brazilian Football Confederation (CBF). "Brazil Integrated" envisions a joint action between government ministries and the CBF in activities on the field and in thematic events in municipalities. 20 actions on the field and 10 thematic events are anticipated in all Brazilian regions. One of its priorities is to highlight and

disseminate hotlines services that receive complaints of violations of rights and obligations, such as “Disk 100”, “Disk 180” and “Disk 121”.

133. The main goal of the program is to offer educational activities, in order to stimulate the integral development of children and adolescents, helping them become aware of their bodies, explore their limits, value their potential, work up the spirit of solidarity, mutual cooperation and respect for the collective interests.

134. Recent data demonstrate that Brazil has been achieving in recent years better youth literacy rates. In 2018, for example, around 23.6% of 5-year-old children were already literate, while 98.7% of children under 12 years of age already knew how to read and write<sup>6</sup>.

135. In Brazil, illiteracy is directly associated to age. The older the population group, the higher the illiteracy rate. In 2019, there were almost 6 million illiterates with more than 60 years old, which represents an illiteracy rate of 18% in this age group. When younger age groups are considered, there is a decline in the illiteracy rate: 11.1% among people with more than 40 years old, 7.9% among those over 25 years old and 6.6% among those over with 15 years old.

136. These results indicate that younger generations have greater access to education, becoming literate at an early age. Illiterates, thus, are concentrated among older people. Changes in illiteracy rates in this age group are due mostly to demographic factors such as, for example, population ageing.

137. To sum up:

- Population over 15 years old: 2019 – 11 million illiterate people, which amounts to a 6.6% rate;
- Population over 60 years old: 2019 – 6 million illiterate people, which amounts to a 18% rate.

138. In Brazil, in 2019, 56.4 million people attended school or daycare centers. Among children from 0 to 3 years old, the school attendance rate was of 35.6%, which amounts to 3.6 million students. Among children from 4 to 5 years old, the rate was of 92.9% in 2019, an increase compared to the rate of 92.4% observed in 2018, amounting to just over 5 million children.

139. In the age group of children from 6 to 14 years old, there has been, since 2016, a nearly universal access to school, with 99.7% of people in school in 2019, that is a total of 25.8 million students in the Brazilian education system. The school attendance rate among young people from 15 to 17 years old was of 89.2% in 2019.

140. Comparing to the 2018 results, school attendance in Brazil improved in all age groups up to 17 years old, remained stable for the age group from 18 to 24 years old, and declined slightly in the age group over 25 years old.

141. Most of the students since daycare to high school have been attending public schools. In 2019, public schools were responsible for 74.7% of the students in daycare and preschool, 82.0% of the regular elementary school students and 87.4% of the regular high school students. The predominance of public school in these levels of education has been ongoing, with little fluctuation over the years.

142. In 2019, 95.8% of children from 6 to 10 years old were attending the early years of elementary education, as ideally established for this age group. It should be stressed that the indicator for this age group may present discrepancies. That is so because the timing for a child’s introduction to school may vary, even though there is a current normative that determines that the entrance in the first year of elementary school be when the child reaches the age of 6 years old until the last day of March.

143. At the final stage of elementary school, ideally established for the age group of 11 to 14 years old, the net adjusted rate of school attendance in Brazil was of 87.5%.

<sup>6</sup> <https://educa.ibge.gov.br/criancas/brasil/2697-ie-ibge-educ/jovens/materias-especiais/20786-perfil-das-criancas-brasileiras.html> (in Portuguese).

144. In 2019, 71.4% of young people from 15 to 17 years old were attending high school or had concluded this level of education. This amounted to 2.1% more than 2018, even though there was a difference of 13.6% regarding the final goal.

**People from 15 to 17 years old, by school attendance, according to the Great Regions (%)**

<i>School attendance rate (%)</i>				<i>Net Adjusted Attendance Rate (%)</i>			
<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
87.2	87.2	88.2	(1) 89.2	68.2	68.5	69.3	(1) 71.4
87.6	86.6	88.2	88.7	58.2	59.7	61.9	(1) 62.2
86	86.1	86.9	(1) 88	59.2	60.7	61.3	(1) 63.3
88.2	88.7	88.9	89.1	76.9	76.5	76.4	(1) 79.5
86.2	85.8	88.2	(1) 91.6	69.4	69.6	71.5	(1) 72.9
88.5	87	89.4	(1) 90.7	70.1	70.4	71.6	(1) 74.3

**People from 18 to 24 years old, by educational indicators, according to the Great Regions, sex and color or race (%)**

<i>School Attendance Rate (1)</i>	<i>Net Adjusted Attendance Rate (2)</i>	<i>Adequate Attendance Rate</i>	<i>Student School Delay</i>	<i>Does not attend school and already concluded the stage</i>	<i>Does not attend school and did not conclude the stage</i>
32.4	25.5	21.4	11	4.1	63.5
33.3	21	18	15.2	3	63.7
32	19.5	17	15	2.5	65.5
31.2	28.1	23.2	8	4.9	63.8
34.6	30.6	25.9	8.8	4.8	60.6
35	31.1	25.4	9.6	5.7	59.3
30.7	21.5	18.4	12.3	3.1	66.3
34.2	29.7	24.5	9.7	5.1	60.7
37.9	35.7	29.7	8.2	6	56.1
28.8	18.9	16.1	12.7	2.8	68.3

145. In relation to indigenous children's enrollments, we are able to present the data collected and made available by the National Institute for Educational Studies and Research (INEP) with statistics from the school census, as follows:

146. Of the total of 321,175 indigenous enrollments in the Brazilian education system in 2019, 313,562 were carried out in the regular federal, state, and municipal system, and 252,516 in the differentiated education system, as shown in the history below.

**Total of enrolments in free Basic Education – Native people**

<i>Year</i>	<i>Total of enrollments</i>	<i>Childhood Education</i>	<i>Primary Education</i>	<i>Secondary Education</i>
2019	252 516	35 570	183 974	32 972
2018	233 718	32 418	174 422	26 878
2017	228 195	30 268	171 748	26 179
2016	229 526	27 673	175 019	26 834
2015	226 340	25 649	175 354	25 337
2014	212 162	25 117	171 254	15 791
2013	210 131	22 018	174 014	14 099
2012	202 619	21 704	164 630	16 285

147. Of the total of 302,222 quilombola enrollments in the Brazilian educational system in 2019, 243,110 enrollments were carried out in public institutions for basic education.

#### Total of enrolments in Basic Education – Public school network

<i>Year</i>	<i>Total of enrollments</i>	<i>Childhood Education</i>	<i>Primary Education</i>	<i>Secondary Education</i>
2019	243 110	46 054	175 587	21 469
2018	223 235	43 217	164 873	15 145
2017	221 504	41 290	164 344	15 870
2016	199 094	36 575	146 741	15 778
2015	206 643	33 413	156 966	16 264
2014	193 983	34 494	145 956	13 533
2013	193 992	31 052	150 610	12 330
2012	179 544	27 990	141 971	9 583

148. It is also considered that, as of 2019, there were a total of 5,925 schools inside these peoples' territories, including urban and rural, indigenous and quilombola schools in differentiated locations, as shown in the table below.

#### Total of schools serving exclusively indigenous and quilombola people in differentiated territory

<i>Year</i>	<i>Urban</i>			<i>Rural</i>			
	<i>Grand Total</i>	<i>Indigenous land</i>	<i>Remaining quilombo area</i>	<i>Total Urban</i>	<i>Indigenous land</i>	<i>Remaining quilombo area</i>	<i>Total Rural</i>
2019	5 925	53	205	258	3 318	2 349	5 667
2018	5 726	44	190	234	3 212	2 280	5 492
2017	5 688	42	180	222	3 176	2 290	5 466
2016	5 484	58	160	218	3 057	2 209	5 266
2015	5 435	53	160	213	3 019	2 203	5 222
2014	5 459	51	145	196	2 986	2 277	5 263
2013	5 272	46	135	181	2 991	2 100	5 091
2012	4 869	41	135	176	2 831	1 862	4 693
2011	4 808	39	136	175	2 780	1 853	4 633
2010	4 676	35	136	171	2 729	1 776	4 505

#### Total of schools serving exclusively indigenous and quilombola people in differentiated territory

149. The data in Portuguese, both for quilombola communities and for indigenous communities, updated until 2019, can be verified on the website of the Ethnic-Racial Policies Monitoring System (SIMOPE) in <https://seppirhomologa.c3sl.ufpr.br/> or on the website of the National Institute for Educational Studies and Research (INEP) in <https://www.gov.br/inep/pt-br/acesso-a-informacao/dados-abertos/inep-data>.

150. With regard to the resources of the main programs designed to support basic education students, we highlight the following:

#### National School Food Program (PNAE)

151. It is a supplementary program to education, provided for in the Constitution, as a strategy to combat child malnutrition and obesity and to promote health, which aims to meet the nutritional needs of basic education students, including early childhood students, during their stay at school.

152. With respect to the target audience, the PNAE serves, through the transfer of supplementary financial resources, students from Kindergarten, Primary and Secondary Education, indigenous people and quilombolas from full-time schools, Youth and Adult Education (EJA), and those who attend Specialized Educational Assistance (AEE) in the counter-shift, enrolled in public schools, philanthropic, and community agencies (partnered with government).

153. As an implementation strategy, the federal government sends financial resources that can only be used for buying food, and at least 30% of the transferred amount must be destined to the purchase of products from family farming. The amounts, in turn, are set based on the School Census from the year prior to the service. The amount sent by the Union to states, the Federal District and municipalities, per school day, for each student, is set according to the school stage and modality.

154. It is worth noting that the per capita figures for students enrolled in daycare and pre-school are R\$ 1,07 (one real and seven cents) and R\$ 0,53 (fifty-three cents), respectively.

155. For 2021, the PNAE budget for the provision of the entire basic education system is R\$ 4,059,564,405.00 (four billion, fifty-nine million, five hundred and sixty-four thousand, four hundred and five reais).

156. Specifically regarding students enrolled in kindergarten (daycare and pre-school), the estimated budget for 2021 is R\$ 1,258,137,551.00 (one billion, two hundred and fifty-eight million one hundred thirty-seven thousand, five hundred and fifty-one reais).

157. The table below shows the amount of resources already transferred by the FNDE, in the financial year of 2021, to the State Secretariats of Education (SEDUCs), City Halls (PMs) and Federal Education Institutions (IFEs), referring to the payment of three installments.

<i>Stage/Type</i>	<i>*Amount paid 2021 (R\$)</i>
PNAE – School Food – AEE	14 313 720.89
PNAE – School Food – Daycare	187 723 947.75
PNAE – School Food – EJA	49 878 157.31
PNAE – School Food – High School	162 784 563.90
PNAE – School Food – Indigenous	9 399 323.60
PNAE – School Food – Preschool	143 859 886.00
PNAE – School Food – Quilombola	10 305 987.60
PNAE – School Food – Primary School	533 762 311.98
PNAE – School Food – Integral High School	17 487 297.00
<b>Grand Total</b>	<b>1 129 515 196.03</b>

\* The amount refers to 3 payments

#### **National School Transport Support Program – PNATE**

158. The program was introduced by Law n. 10,880, of June 9, 2004, with the goal of ensuring access and permanence in school facilities for students of public basic education, residing in rural areas, who rely on school transportation. The financial support of this program consists of the automatic transfer of financial resources, on a supplementary basis, to states, the Federal District and municipalities, to defray expenses with vehicles maintenance and the outsourcing of school transportation services.

159. In 2020, the PNATE transferred resources to the 5,174 Executing Agencies nationwide, releasing R\$ 720 million to City Halls, State and Federal District Education Secretariats, benefiting 4,375,912 basic education students.



### **School Path Program**

160. Designed in 2007, it was regulated by Decree n. 6,768, of 2009, with the intent of renewing and standardizing school transportation vehicles and vessels fleet, ensuring safety and quality and contributing to the access and permanence of students in public schools of the basic education system.

161. In 2020, the School Path Program transferred an amount of R\$ 403,996 million to 916 Municipal City Halls and 13 State Secretariats of Education, enabling the acquisition of 1,655 school buses, of which 1,427 rural buses and 228 accessible urban buses, and 20,078 school bicycles and school helmets.

### **Direct Money to School Program (PDDE)**

162. Created in 1995, the PDDE, an educational public policy implemented by the National Fund for Educational Development (FNDE), aims at providing supplementary financial assistance to the municipal, state and district public schools of basic education and to private special education schools.

163. The program aims to contribute to the operation and improvement of the physical and pedagogical infrastructure of educational facilities and the reinforcement of schools self-management in the financial, administrative and didactic areas, as well as to the improvement of basic education performance indicators. Among other purposes, it is possible to apply its resources to purchase consumable and permanent goods, hire services, carry out repairs in the school building and develop educational projects.

164. In 2020, the Direct Money to School Program reached 118,877 schools and 33,660,674 students, with a total transfer of R\$ 1,795,252,453.57.

### **National Book and Didactic Material Program (PNLD)**

165. The PNLD is a public policy implemented by the National Fund for Educational Development/FNDE, aimed at assessing and providing didactic, pedagogical and literary books, among other materials to support educational activities, in a systematic, regular and freeway, to public schools of basic education at the federal, state, municipal and district levels and to community, confessional or philanthropic non-profit institutions in partnership with government.

166. The target audience of the program is students, teachers, and managers of the school networks that are registered in the School Census and have formally joined the PNLD.

167. The PNLD is implemented in a centralized way, in which the FNDE uses its structure to buy and distribute to the more than 140 thousand served schools the books selected by the Ministry of Education in the pedagogical assessment and chosen by the school system. This logic reveals the mutual-cooperation regime that the Program has consolidated over its more than 80 years of existence, the instruments of which have been continuously enhanced in order to improve and strengthen the entire chain so that all students from the participant schools have their textbooks in their hands at the beginning of each school year.

168. It should be pointed out that, regarding efficiency, from an economic viewpoint, the average price of books purchased by the Program is about one tenth of those sold to the regular consumer, with a quality standard at least equivalent, due to editorial requirements. These requirements aim at ensuring that the material has a lifetime compatible with the duration of each cycle, which is four years.

169. For 2021, the table below demonstrates the amount of investment expected for the purchase of material for each educational stage.

<i>Educational Stage</i>	<i>Amount invested (R\$)</i>
Childhood Education	6 701 689.00
Early years of Primary School	604 074 410.17
Late years of Primary School	240 205 897.81
High School	285 242 278.24
<b>Grand Total</b>	<b>1 136 224 275.22</b>

#### **Support Program for New Kindergarten Classes**

170. Its purpose is to support the maintenance of new classes in public or private non-profit kindergarten establishments (daycare and pre-school) associated to the government.

#### **Support Program for New Kindergarten Facilities**

171. It supports the maintenance of new classes in new public establishments (daycare and pre-school) built with resources from the National Program for Restructuring and Equipment Acquisition for the Kindergarten Public School System (Proinfância).

#### **Support Program for Full-Time High School (EMTI)**

172. It supports the states and Federal District education secretariats in expanding the school day of public high school.

#### **Training Scholarship of the National Program for Access to Technical Education and Employment (Pronatec)**

173. It aims to expand the offer of free openings in courses of professional and technological education.

174. In 2020, the following transfers were made within the programs mentioned above, at the request of the managing secretariats:

<i>Program</i>	<i>Category</i>	<i>Amount transferred (R\$)</i>
Program of support to new kindergarten classes	-	6 370 635.00
Program of support to new kindergarten facilities	-	20 839 833.15
EMTI	-	156 311 095.43
Training scholarship of pronatec	PRONATEC Managers – Simultaneous	93 626.10
	PRONATEC Mediotec	7 658 183.75
<b>Total</b>		<b>191 273 373.43</b>

#### **Articulated Actions Plan (PAR)**

175. It is a tool of management and organization, consisting of offering federated entities an instrument of diagnosis and multi-annual planning for educational policy, designed to structure and manage goals, contributing to the development of a national school system. The table below shows the amount of budgetary resources committed to the Educational States Secretariats and City Halls, in 2020, through the PAR, for each stage/modality, with a total amount of R\$ 1,197,496,264.27.

<i>PAR</i>	
<i>Stage/Type</i>	<i>2020 Committed Resources (R\$)</i>
Kindergarten	38 349 697.61
Primary and Secondary School	1 256 131 285.01
Professional training	2 948 864.30
Special Education	66 417.35
<b>Grand Total</b>	<b>1 297 496 264.27</b>

<i>Committed values in 2020</i>	
<i>Type</i>	<i>Amount invested</i>
Daycares and Preschools (building and furniture/equipment)	R\$ 75 000 000.00
Schools (building, renovating and expanding)	R\$ 576 813 247.41
<b>Total Amount</b>	<b>R\$ 651 813 247.41</b>

## **IX. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)**

### **Children under economic exploitation**

176. Brazil has a well-developed regulatory framework with regard to the eradication of child labor and the protection of adolescent workers. Such regulations enshrine four basic fundamental rights:

- (a) The right not to work for children and adolescents under the age of 16 years;
- (b) The right to protected work for adolescents aged 16 and 17;
- (c) The right to job training for adolescents, from the age of 14 years;
- (d) The guarantee of labor rights.

177. The Federal Constitution is at the top of the pyramid of this structure, through the provisions laid down in article 7, item XXXIII, which states the following:

*“Prohibition of night, dangerous, or unhealthy work for those under eighteen years of age, and of any work for those under sixteen years of age, except as an apprentice, for those above fourteen years of age;”*

178. Another important provision is article 227, which confirms the principle of integral protection of children and adolescents in Brazil, under the following terms:

*“Article 227. It is the duty of the family, society, and the State to ensure children, adolescents, and young people, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom, and family and community life, as well as to guard them from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression. (...)”.*

179. Internationally, in addition to the 1989 Convention on the Rights of the Child, Brazil is a signatory to International Labor Organization Conventions n. 138, on the minimum age for work, and 182, on the worst forms of child labor.

180. With regard to the minimum age for work in Brazil, it is worth noting that the country complies with the provisions of ILO Recommendation n. 146, which establishes, in its article 7(1), that “Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work (...)”.

181. Regarding the worst forms of child labor, in compliance with the provisions of Articles 3(d) and 4, of ILO Convention n. 182, Brazil maintains a list (Decree n. 6,481/2008)

of 89 jobs considered harmful to health and safety and 4 jobs harmful to morality, and therefore banned for those under the age of 18 years.

182. At the infraconstitutional level, it is worth mentioning the following norms related to the protection of children and adolescents:

(a) Child and Adolescent Statute – which enshrines, in its set of provisions, the Doctrine of Integral Protection; and the

(b) Consolidation of Labor Laws – which contains a set of norms (articles 402 to 411) aimed at protecting children and adolescents in the workplace.

183. Finally, it is worth mentioning Decree n. 9,579/2018, which consolidates normative acts enacted by the federal executive branch that deal with infants, children and adolescents and apprentices, as well as with the National Council for the Rights of Children and Adolescents, the National Fund for Children and Adolescents, and federal programs for children and adolescents, and other provisions.

184. The mentioned norms include, among other provisions, the standards for the institution of apprenticeship, which enshrine the right to professional qualification for the adolescent, starting from the age of 14 years.

185. The apprenticeship aims to ensure the apprentice, enrolled in an apprenticeship program, methodical technical and professional training compatible with his or her physical, moral and psychological development.

#### **National Commission for the Eradication of Child Labor – CONAETI**

186. To manage the National Prevention and Eradication of Child Labor Policy in Brazil, the Brazilian government established, with the Decree n. 10,574/2020, the National Commission for the Eradication of Child Labor – CONAETI.

187. Among its main goals, we highlight: to elaborate a proposal of the National Prevention and Eradication of Child Labor and Protection of the Adolescent Worker Plan; to verify compliance between the Conventions n. 138 and 182 of the International Labour Organization (ILO) and the national legislation in effect, in order to provide the necessary legislative adaptations; to prepare proposals for regulating and adapting the nation legislation according to the Conventions n. 138 and n. 182; to suggest the List of the Worst Forms of Child Labour (List TIP); and to propose monitoring mechanisms of implementation of the Convention n. 182.

188. The CONAETI operates within the CNT – National Work Council framework, being one of its thematic commissions.

189. The CONAETI composition, in line with the CNT the International Labour Organization, is tripartite, with the participation of 6 (six) Federal Government representatives, 6 (six) employers representatives and 6 (six) workers representatives (article 8, paragraph 1, of Decree n. 9,944/2010, as amended by Decree n. 10,574/2020).

190. The CONAETI includes in its government composition, for example, the Ministry of Economy, responsible for inspections to combat child labor and protect the adolescent worker; the Ministry of Education, which deals with school inclusion and policies to prevent children and adolescents dropping out; the Ministry of Citizenship, responsible for the Programme to Eradicate Child Labor (PETI); and the Ministry of Health, which oversees protocols and the communicable diseases notification system, that includes actions to identify and to refer child labor cases.

191. Besides government, workers and employers representatives, according to the established in article 8, paragraph 7, of Decree n. 9,944/2019, as amended by Decree n. 10,574/2020, “Up to six experts may be invited representing other agencies, entities or international bodies to participate in the thematic commissions meetings, without the right to vote”.

192. The following agencies and entities were invited to participate as specialists:

- Public Labor Prosecution Office – MPT;

- National Forum of Prevention and Eradication of Child Labor – FNPETI;
- National Council for the Rights of Children and Adolescents – CONANDA;
- International Labour Organization – ILO;
- United Nation’s Children Fund – UNICEF.

### **National Plan for the Prevention and Eradication of Child Labor**

193. Another very important management tool in the combat of child labor in Brazil is the National Plan for the Prevention and Eradication of Child Labor.

194. The plan has the purpose of coordinating interventions carried out by various social actors, as well as setting parameters and taking actions towards the prevention and eradication of child labor and the protection of the adolescent worker.

195. The plan endorses the execution of transversal and intersectoral policies and actions, and is structured as follows:

- Child labor definition;
- Diagnosis: situational assessment of Child Labor in Brazil;
- Balance of the Second National Plan for the Prevention and Eradication of Child Labor and Protection to the Adolescent Worker;
- Target-situation;
- Strategic Axes;
- Strategic and Operational Matrix;
- Monitoring and Assessment;
- New Method for the Plan Review Process; and
- Instruments of Monitoring and Assessing the Plan.

196. Among these topics, we highlight the Strategic Axes, which indicate the grouping of action that must be implemented in order to prevent and eradicate child labor. The axes are structured in the following way:

- Prioritization of the prevention and eradication of child labor and the protection for adolescent workers in the social and political agendas;
- Promotion of communication and social awareness actions;
- Creation, enhancement and implementation of mechanisms to prevent and eradicate child labor and to protect adolescent workers, emphasizing the worst forms of labor;
- Promotion and strengthening the notion of family in its emancipation and social inclusion perspective;
- Guarantee of quality public education to every child and adolescent;
- Protection for the health of children and adolescents against exposure to the risks of work;
- Encouragement the knowledge creation on the reality of child labor in Brazil, with emphasis on its worst forms.

197. The inspection of labor in Brazil is a Federal Government responsibility. Its implementation is decentralized, in each of the 26 states and in the Federal District.

198. The Labor Inspectors’ competence to inspect child labor is based mainly on the 1988 Federal Constitution, the Regulation of Work Inspection (Decree n. 4,552/2002), and the Convention n. 81 of ILO, about labor inspection. There is an own unit in each federate unit to conduct the actions of combating child labor.

199. Regarding labor inspection operations, the combat of child labor complies with actions related to Decent Work and these inspections are part of the Priority Axes of the

responsible government agency for 2020/2021, with the purpose of implementing, among others, the following measures:

- Focus on extreme violations, among which child labor;
- Promote the enhancement of inspection in production chains;
- Developing, aiming at prevention, a system of social responsibility and one that all the production chain is engaged to avoid situations of child labor exploitation;
- Creating mechanisms to include adolescents leaving child labor in educational programs;
- Promote the integration of agencies and other entities involved in the matter, by developing and/or enhancing policies that reflect on the prevention of child labor exploitation;
- Promote policies that reflect on the prevention;
- Build work and communication methodologies with partners in order to enhance information sharing, by creating mechanisms that reflect in a “fiscal intelligence”, with mapping of regions and/or activities with greater incidence of situations requiring inspection, as well as with the development of strategic actions to effectively deal with situations where rights are violated;
- Promoting integration of public agencies and other partners involved in the subject, with the development and/or enhancement of accommodation, support, qualification, training and job market inclusion policies for those leaving child labor and in slave-like conditions of work.

200. In this context, the activity of combating child labor, according to the inspection guidelines, is mandatory throughout all the national territory and must comply with goals of effective fiscal actions against child labor previously set, according to technical criteria. The compliance of these goals is monitored monthly and quarterly.

201. The fiscal actions to combat child labor observe an action protocol which involves, in short, the following actions:

- Filling a data collection form of each child or adolescent found in child labor situation;
- Demanding the employer to let go all children and adolescents in child labor situation, as well as to pay all of their due work rights;
- Whenever it is possible, determining the change of function of adolescents with 16 and 17 years old;
- Registering infraction files about the found irregularities;
- Referring the inspection report to the Public Labor Prosecution Office, as well as other agencies, if necessary; and
- Forwarding the Child Labor Communication Statement and the Request for Provisions to the Guardianship Council, the State Public Prosecution Office and the Municipal Welfare Service, among other agencies deemed necessary, in order to include those leaving child labor in public social protection policies.

202. During the Covid-19 pandemic, according to guidelines issued to the inspection activities, inspections involving relevant evidences of child labor are considered urgent.

203. Regarding inspections motivated by the Covid-19 pandemic, the labor inspection performed, in 2020, an extensive national operation of exceptional nature with the purpose to protect adolescent workers, with ages from 16 to 17 years old, in the face of the pandemic.

204. Brazil has various ongoing projects related to the subject of combating child labor in the period 2020/2021; Among them, we highlight the following:

- Training of Labor Inspectors in combating child labor. The training was implemented in 4 (four) courses, with a total of 160 school hours. More the 400 (four hundred)

Labor Inspectors already attended the training, considering the three courses already offered;

- Preparation of a new internal regulation for the Fight against Child Labor, with the purpose of establishing protocols to combat different forms of child labor;
- Development of a monitoring system of children and adolescents rescued from child labor, in order to monitor their inclusion on social programs or in work training;
- Training regional coordinators responsible for the Actions to Combat Child Labor in the subjects of “special sectoral actions”, “intersectoral articulation” and “social debate”;
- Publishing a FAQ handbook to inform the external public about the most important aspects related to Child Labor;
- Offer of a course focused on the aspects related to child labor;
- Promotion of an awareness campaign on the matters related to child labor, specially in reference to the National Day against Child Labor (June 12th), and the Children’s Day(October 12th). Among the already produced material, we highlight 14 videos about the different aspects of child labor. They can be accessed through YouTube at (in Portuguese only): <https://www.youtube.com/channel/UCII0hpg3zsILGJSFQJTx7A>);
- Development of digital systems aimed towards the inspection to the combat of child labor. At this stage, it is important to mention the project for a fiscal network system to identify hired children and adolescents, in order to face cases of child labor, mainly, in its worst forms;
- Availability of data regarding labor audit actions in combating child labor to the general public through a system called RADAR – SIT. This system has the purpose of increasing transparency of labor audit actions and assisting the planning of actions for child labor eradication.

205. Regarding data, Brazil relies on an important database for establishing and planning actions and policies to combat child labor. It comprises data made available by the Brazilian Institute for Geography and Statistics – IBGE, specially, gathered from the demographic Census, the Rural Census and the National Household Sample Survey (PNAD).

206. According to the IBGE data, in 1992 Brazil had little more than 8,4 million children and adolescents in child labor situation. Today, according to the last data from PNAD 2019, there are fewer than 1,8 million children and adolescents with ages from 5 to 17 in situations regarded as child labor, which correspond to 4.6% of the total population of this age group.

207. Within the total of children and adolescents in child labor situation, 819 thousand are not old enough to be working. The remainder, 950 thousand, are adolescents legally old enough to be working, but the IBGE considered them to be performing prohibited activities, or in prohibited conditions, as stated in the current legislation, including informal work (not registered in the Work and Social Security Card).

208. Comparing the IBGE data from 2016 and 2019, a decline is observed, in absolute numbers, of 357 thousand children and adolescents in child labor situation.

209. Between January 2011 and June 2019, “Disk 100” – a service kept by the Federal Government, to disseminate information on the rights of vulnerable groups and to receive complaints of human rights violations – received 683 complaints of human trafficking in which the victims were children or adolescents in Brazil.

210. The complaints are registered, analyzed and referred to the appropriate agencies, among them, the Federal Police.

211. As an example of recent successful initiatives, it is worthy to mention the “Operation Turquoise II” from Interpol – in which the Brazilian Federal Police was invited to host and coordinate, in the end of 2020, the operational center in Brazil of this joint action comprised of more than 20 countries against human trafficking and immigrants smuggling – with the United Nations Office on Drugs and Crime – UNODC support, that within a multinational

project to fight against transnational criminal organizations dedicated to this illegal activity, led to more than 200 arrests among criminal networks involved in smuggling around 3,500 migrants in the Americas, Africa, Europe and Asia.

212. In the same manner, the “Operation Rescue”, initiated in 2021 and coordinated by the Federal Police, to combating forced labor, with the participation of other agencies, resulted, until January 28th, 2021, in the rescue of more than 100 people found in conditions equivalent to slavery. This was a joint effort, arising from complaints received mostly from the “Disk 100” and “Disk 180” channels, not rarely with indication of allegedly situations of children and adolescents exploitation.

213. In reference to the actions to protect minorities or indigenous groups, it can be highlighted that this right is secured by the Statute of the Child and Adolescent (Law n. 8,069/90) and, aiming to comply with the Statute and in light of the pandemic situation caused by the new coronavirus, the Joint Recommendation n. 1 of June 23rd, 2020, was published, as presented in: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2020-2/agosto/covid-19-conselhos-tutelares-recebem-recomendacao-sobre-o-atendimento-a-criancas-e-jovens-indigenas>. Its objective is the protection of indigenous children in vulnerable situations.

214. It is also worth noting that the Brazilian government funded the acquisition and distribution of more than 400 thousand basic food kits to indigenous and quilombola families between 2020 and 2021. This action was directed to families of ethnical minorities in situation of nutritional vulnerability and secured adequate feeding to various indigenous and quilombola children.

#### **Children involved in sexual exploitation, including prostitution, pornography and trafficking**

215. According to the Disk 100 Annual Report, in 2019 17,029 sexual violence cases against children and adolescents were reported; and for traffic, there were 31 reports.

216. According to a 2017 survey made by the Computer Information Department of the Unified Health System (Datusus), part of the Ministry of Health, from a total of 307,367 victims of violence in Brazil in 2017, 126,230 (41%) were children or adolescents. Among these, 10% are children under four years old. However, in 2019, there were 19,356 reports about raping of children and adolescents filed; 919 reports of sexual exploitation and 773 reports of juvenile pornography.

217. In June 26th, 2020, the Workgroup for preparing the National Protocol of Investigation and Forensics for Violations Perpetrated against Children and Adolescents was created, by Ordinance n. 354/2020 – MJSP. This is a public policy planned to comply with items that deal with “abuse and negligence, sexual exploitation and sexual abuse”, with children in situation of exploitation, including measures regarding their physical and psychological recovery and social reintegration. It aims to deal with: I. economic exploitation, including child labor (article 32), with specific references to the minimum applicable ages; II. the use of children in illicit drug and psychotropic substances manufacturing and trafficking (article 33); III. Sexual exploitation and abuse (article 34); IV. Sale, traffic and abduction (article 35); V. other forms of exploitation (article 36).

218. The Protocol was introduced to convey the need for an uniform approach by the police and forensics bodies in elucidating infractions involving children and adolescents victims, considering their condition of developing subjects. The State actions must prioritize standardized and adequate procedures, planned and executed in strict accordance to technical and scientific basis, enabling assistance from specialized and qualified professionals, while always ensuring the priority to exams, diligences and hearings that involve children and adolescents victims or witnesses of violence.

219. Investigation diligences and forensics analysis must be guided by the principles of protection of dignity, privacy and intimacy of children and adolescents victims or witnesses of violence, they must reduce exposure to non-essential people and procedures and must limit the number of times minors have to report the facts (be it through listening, hearings, interviews, special testimonies), preventing the risk of revictimization.



220. The criminal investigation, in all its stages, must observe the personal condition of children and adolescents, from the filing of the incident to the conclusion of the police investigation, in order to allow efficient and timely adoption of necessary diligences and actions, as well as to gather, hold and process physical and/or psychological evidences of the assessed infraction, always favoring the most adequate form to promote comprehension of the facts, the materiality, the motivation and of who committed the crime, as well as its possible developments.

221. During the elaboration, the document counted on active contribution of the workgroup members and intense collaboration from representatives of the National Civil Police Commanders Council – CONCPC, the National Council of Scientific Police Commanders – CONDPC, the National Council of Public Prosecution – CNMP, the National Council of Justice – CNJ, the National Secretariat of Justice – SENAJUS and the Public Labor Prosecution Office. The document is currently under analysis of Ministry of Justice and Public Security for approval and implementation.

222. It is noteworthy the actions of the Brazilian Federal Police with the purpose of combating online crimes of abuse or child pornography, whose details remain classified due to the sensible nature of the information.

### **Children in conflict with the law, juvenile justice and deprivation of liberty**

223. According to the last Annual SINASE survey, the total of adolescents subjects to socio-educational measures due to trafficking and association to drug trafficking is of 3,438.

224. In the last SINASE survey the total of young people in conflict with the law is 46,193 and young people and adolescents deprived of freedom (internment and semi-freedom regimes) is 19,796.

225. Once the infraction is confirmed, the appropriate authority may apply to the adolescent the following measures:

- Warning;
- Obligation to repair the damage;
- Community service;
- Assisted Freedom;
- Semi-confinement Regime;
- Internment in educational facilities

226. It should be noted that internment measures, if before sentencing, can only be determined in a reasoned way and for a maximum term of 45 days, and that the maximum length of socio-educational measures is 3 years. When the young person in conflict with the law turns 21 years old, he or she must be compulsorily released from the socio-educational system.

227. The National Council of Public Prosecution published in 2019 a document called “Overview of the Implementation of Socio-educational Programs of Internment and Semi-confinement in the Brazilian States”, with a thorough diagnosis of the subject in Brazil, dealing with offer, demand and vacancy management in the execution of socio-educational measures of internment and semi-confinement all over the country. The document is available in its entirety in Portuguese in: [https://www.cnmp.mp.br/portal/images/Publicacoes/documentos/2019/programas-socioeducativos\\_nos-estados-brasileiros.pdf](https://www.cnmp.mp.br/portal/images/Publicacoes/documentos/2019/programas-socioeducativos_nos-estados-brasileiros.pdf).

## **X. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

228. In 2020, Brazil presented the I Report of the Brazilian Government on the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, relative to the period from 2004 to 2018 in compliance with item 1 of article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography, in accordance to the obligation of the Brazilian State to presents to the United Nations Committee on the Rights of the Child periodic reports on the implementation of the CRC and its protocols.

229. Its content can be accessed in its entirety here: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CR C%2fOPSC%2fC%2fBRA%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CR C%2fOPSC%2fC%2fBRA%2f1&Lang=en).

## **XI. Follow-up to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

230. Although Brazil is recognized as a State which has historically not been involved in armed conflicts, the Optional Protocol related to the participation of children in armed conflicts was enacted in 2004 by the Decree n. 5,006. Since then, the State published the first Report in 2012, and its entire contents can be consulted here: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CR C%2fC%2fOPAC%2fBRA%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CR C%2fC%2fOPAC%2fBRA%2f1&Lang=en).

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