



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the report submitted by Brazil under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography\***

#### **I. Introduction**

1. The Committee considered the report of Brazil<sup>1</sup> at its 2895th meeting,<sup>2</sup> held on 23 May 2025, and adopted the present concluding observations at its 2906th meeting, held on 30 May 2025.
2. The Committee welcomes the submission of the report of the State Party and the written replies to the list of issues.<sup>3</sup> The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State Party.
3. The Committee reminds the State Party that the present concluding observations should be read in conjunction with the concluding observations on the combined fifth to seventh periodic reports submitted by the State Party under the Convention,<sup>4</sup> adopted on 30 May 2025, and on the report of the State Party submitted under the Optional Protocol on the involvement of children in armed conflict,<sup>5</sup> adopted on 2 October 2015.

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the various measures taken by the State Party in areas relevant to the implementation of the Optional Protocol, including the adoption of Law No. 15.073 amending the General Tourism Law and the reestablishment of the Intersectoral Commission to Combat Sexual Violence against Children and Adolescents, in 2023.
5. The Committee further notes with appreciation the progress achieved in the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the adoption of the fourth National Plan to Combat Human Trafficking in 2024, the establishment of the “Guardians of Childhood” Prevention Programme in 2024, the National Protection Campaign for Children and Adolescents During Carnival in 2023 and

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\* Adopted by the Committee at its ninety-ninth session (12–30 May 2025).

<sup>1</sup> [CRC/C/OPSC/BRA/1](#).

<sup>2</sup> [CRC/C/SR.2895](#).

<sup>3</sup> [CRC/C/OPSC/BRA/RQ/1](#).

<sup>4</sup> [CRC/C/BRA/CO/5-7](#).

<sup>5</sup> [CRC/C/OPAC/BRA/CO/1](#).



2024, the National Pact for the Implementation of Law No. 14.431 in 2022 and the National Pact for the Implementation of Law No. 13.431, in 2022.

### **III. Data**

#### **Data collection**

6. The Committee is concerned:

(a) About the absence of a data collection system on the offences prohibited by the Optional Protocol;

(b) That the data provided by the State Party in its report and its replies to the list of issues are not disaggregated;

(c) That the data provided are limited in scope and do not cover the sale of children, sexual exploitation of children, in particular in the travel and tourism industry, the illegal adoption of children, organ transfer, or the distribution of child sexual abuse material, including online;

(d) About insufficient data on victims of offences covered under the Optional Protocol who have been provided with shelter, reintegration and compensation.

7. **The Committee recommends that the State Party:**

(a) **Develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol;**

(b) **Ensure that the data is disaggregated, inter alia, by sex, age, nationality and ethnic origin, region and socioeconomic status, rural and urban residence, including favelas, with particular attention given to children who are victims or at risk of becoming victims of crimes under the Optional Protocol, particularly Afro-Brazilian, Quilombola and Indigenous children, and lesbian, gay, trans, bisexual and intersex children;**

(c) **Establish a system of common indicators when collecting data for all states and municipalities;**

(d) **Actively utilize the information collected for policy decisions, impact assessments and the monitoring of progress on the implementation of the Optional Protocol.**

### **IV. General measures of implementation**

#### **Legislation**

8. While noting the progress in the legislation of the State Party to implement the provisions of the Optional Protocol, the Committee is concerned that there remain gaps in the legislation, especially with regard to prohibition of the sale of children, a concept similar but not identical to trafficking in children.

9. **Recalling its 2019 guidelines regarding the implementation of the Optional Protocol, the Committee recommends that the State Party ensure that all acts, activities and offences referred to in the Optional Protocol are fully covered under its legislation, in particular under its Penal Code.**

## Comprehensive policy and strategy

10. With reference to paragraph 8 of its concluding observations on the combined fifth to seventh periodic reports of the State Party,<sup>6</sup> the Committee recommends that the State Party ensure that its strategies and plans of action on children's rights, particularly in the next 10-year plan of action for the promotion of the rights of children and adolescents (2025–2035), include measures that specifically address all the issues covered by the Optional Protocol.

## Coordination and evaluation

11. While noting the information provided by the State Party on the role of the National Council for the Rights of Children and Adolescents as the central coordinating system for the implementation of the Optional Protocol and with reference to paragraph 9 of its concluding observations on the combined fifth to seventh periodic reports of the State Party,<sup>7</sup> the Committee recommends that the State Party:

(a) Ensure better coordination among various agencies and committees working on developing and implementing child rights policies, including the National Council for the Rights of Children;

(b) Ensure that the coordinating body has the mandate and sufficient authority to coordinate activities under the Optional Protocol.

## Dissemination and awareness-raising

12. The Committee recommends that the State Party strengthen, including through allocation of adequate resources to all local authorities, awareness-raising campaigns and develop awareness-raising programmes, including campaigns, on issues covered by the Optional Protocol, in close cooperation with civil society organizations, media, including social media, the private sector, communities and children.

## Training

13. The Committee recommends that the State Party take measures to strengthen its training activities in all of its states and municipalities. In that regard, the State Party should ensure that such activities are systematic and multidisciplinary, cover all areas under the Optional Protocol and are provided to all relevant professionals working with and for children, including judges, law enforcement officers, prosecutors, social workers, investigators and immigration officials, and also to employees of the travel and tourism industry.

## Allocation of resources

14. The Committee is concerned about the absence of information regarding the funds allocated to combating the sale of children, child sexual exploitation and child sexual abuse material, including for preventing the offences under the Optional Protocol and caring for, rehabilitating and reintegrating child victims.

15. The Committee recommends that the State Party allocate resources adequate for combating and preventing offences under the Optional Protocol and for providing appropriate care, recovery and reintegration for child victims of such offences.

<sup>6</sup> CRC/C/BRA/CO/5-7.

<sup>7</sup> Ibid.

## V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

### Measures adopted to prevent offences prohibited under the Protocol

16. The Committee welcomes the Bolsa Familia programme on cash transfer to families in need and the National Strategy to Protect Children from Violence, Crime and Drugs of 2025, aimed at safeguarding children from various forms of exploitation, including sexual exploitation and trafficking. However, it is deeply concerned that the measures taken to address the social and economic situation of children who are at risk of becoming victims of such crimes, including Afro-Brazilian, Quilombola and Indigenous children, children with disabilities, children in street situations, and unaccompanied and undocumented migrant children, remain insufficient.

17. **The Committee urges the State Party:**

(a) **To adopt a comprehensive strategy tackling the root causes and risk factors of the offences prohibited under the Optional Protocol and ensuring the social inclusion of children in vulnerable situations, and allocate sufficient resources for the implementation of the strategy;**

(b) **To ensure that the strategy target children in the most vulnerable situations who are likely to become victims of offences prohibited under the Optional Protocol, in particular Afro-Brazilian, Quilombola and Indigenous children, children with disabilities, children in street situations, and unaccompanied and undocumented migrant children;**

(c) **To further strengthen its efforts to identify and detect children at risk of falling victim to offences under the Optional Protocol.**

### Adoption

18. The Committee is seriously concerned about the reports of a rise in cases of children who are trafficked for illegal adoption, which is often facilitated through digital platforms, as well as reports that trafficking networks exploit vulnerable populations, especially mothers living in poverty, to facilitate illegal adoptions.

19. **The Committee reminds the State of its obligations under article 3 (5) of the Optional Protocol to take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments, and its obligation to ensure that any adoption is in the best interests of the child. With reference to paragraphs 24 (c) and 35 of its concluding observations on the combined fifth to seventh periodic reports of the State Party,<sup>8</sup> the Committee urges the State Party:**

(a) **To develop and implement strict criteria for the adoption of children and ensure that exhaustion of all means to prevent termination of parental responsibility and/or separation of the child is set as a clear criterion in all cases involving adoption;**

(b) **To take all measures necessary to ensure that there is no remuneration or any other consideration received in relation to adoption;**

(c) **To investigate all cases of irregular adoption, sale or trafficking of children and improper inducement of consent of parents to give up their parental responsibilities of their child for the purpose of his or her future adoption, and carry out awareness-raising programmes at the community level.**

<sup>8</sup> Ibid.

## **Sexual exploitation of children in travel and tourism**

20. The Committee welcomes Law No. 15.073 of 2024, which amends the General Tourism Law, establishing sanctions for tourism service providers who commit infractions related to the facilitation of sexual exploitation of children in tourism, and the Sustainable Tourism and Childhood Programme aimed at preventing and fighting sexual exploitation of children and adolescents at all levels of tourism, as well as the Federal Highway Police mapping exercise. However, it is seriously concerned about the reports that child sexual exploitation continues to prevail in tourist areas and on highways and involve children coming from abroad. The Committee is also concerned about the reports that Brazilian children are taken abroad for the purposes of sexual exploitation.

21. **The Committee urges the State Party to further engage with the tourism industry to address the sexual exploitation of children in travel and tourism, to widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies and to encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. The Committee further recommends that the State Party:**

- (a) **Adopt measures necessary for the effective application of the Law No. 15.073 of 2024;**
- (b) **Strengthen measures to identify child victims of sexual exploitation in travel and tourism, including among children coming from abroad;**
- (c) **Strengthen monitoring of touristic places and highways in order to eliminate and prevent child sexual exploitation in such places.**

## **Measures to prevent and address online child sexual exploitation and abuse**

22. The Committee welcomes the efforts made by the State Party, including its ban on the use of personal data of Brazil-based users to train artificial intelligence systems, as well as the Operation “Aliados por la Infancia” aimed at combating child sexual abuse and exploitation crimes online and the Operation “Bad Vibes”, which investigated criminal activities in Viber groups and other platforms, where videos and photos of child sexual abuse were traded and consumed. The Committee is however concerned about:

- (a) The reported increase in cases of online child sexual exploitation and abuse and child sexual abuse material in recent years;
- (b) The lack of efforts to prevent and combat dissemination of sexually explicit images of young girls through artificial intelligence.

23. **With reference to Human Rights Council resolution 31/7 on the rights of the child, which addresses information and communications technologies and child sexual exploitation, the Committee recommends that the State Party adopt a national response for preventing and addressing online child sexual exploitation and abuse, in close collaboration with relevant industries and organizations, consisting at a minimum of:**

- (a) **Adoption of bill No. 2338 of 2023, which aims to protect child rights in the case of misuse of artificial intelligence, including by curbing risks such as the creation of nude images of children;**
- (b) **A national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework, a dedicated coordination and oversight entity, and specific analysis, research and monitoring capabilities;**
- (c) **A public education programme to raise awareness, mandatory school education on online behaviour and safety, and knowledge and reporting of online child sexual exploitation and abuse offences;**

(d) **Industry engagement to block and remove online child sexual exploitation and abuse content, to report incidents to law enforcement authorities and to develop innovative solutions in close cooperation with organizations working to end child sexual exploitation online, and ethical and informed media reporting;**

(e) **Appropriate support services for child victims of online child sexual exploitation and abuse, including integrated services during investigation, prosecution and aftercare, trained professionals working with and for children, and accessible procedures for complaints, compensation and remedies;**

(f) **A dedicated, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary; management of offenders to prevent reoffending, nationally and internationally; and a national database linked to the International Criminal Police Organization (INTERPOL) database.**

## **VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)**

### **Criminal or penal laws and regulations in force**

24. The Committee is concerned that criminal law in the State Party does not define and criminalize all forms of offences covered by the Optional Protocol. In particular, it is concerned that the State Party's legislation criminalizes the sale or delivery of children for adoption only and does not define and criminalize other forms of sale of children as defined under the Optional Protocol.

25. **The Committee recommends that the State Party define and criminalize the sale of children, including for transfer of organs of the child for profit and for engagement of the child in forced labour, in conformity with articles 2 and 3 of the Optional Protocol, including those offences occurring online.**

### **Impunity**

26. The Committee is concerned about the reports of significant underreporting of crimes under the Optional Protocol and the limited data on cases of investigation, prosecution and conviction of perpetrators of offences under the Optional Protocol.

27. **The Committee recommends that the State Party take all measures necessary to ensure that all cases of sale of children, child sexual exploitation and child sexual abuse material are investigated effectively and that perpetrators are prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes. The Committee also recommends that the State Party collect data on such cases and make the data available to the public.**

### **Liability of legal persons**

28. The Committee is concerned that the liability of legal persons, including corporations, has not been established for the offences under the Optional Protocol.

29. **In the light of article 3 (4) of the Optional Protocol, the Committee recommends that the State Party, without delay, establish criminal, civil or administrative liability of legal persons for the offences covered by the Optional Protocol.**

## **Extraterritorial jurisdiction and extradition**

30. The Committee notes that extraterritorial jurisdiction is applied only in exceptional circumstances and that extradition for offences prohibited under the Optional Protocol is subject to the criterion of double criminality.

31. **The Committee recommends that the State Party:**

(a) **Take all measures necessary to ensure that its national legislation enables it to establish and exercise extraterritorial jurisdiction for all offences under the Optional Protocol;**

(b) **Remove the requirement of double criminality and include offences under the Optional Protocol in all future extradition treaties and consider using the Optional Protocol as a basis for extradition in the absence of any extradition treaty.**

## **VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))**

### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

32. The Committee welcomes the state and federal protection programmes aimed at measures to protect and provide shelter, psychological support and legal assistance to child victims. However, it remains concerned that:

(a) The law enforcement, border and immigration authorities do not have specific procedures to systematically identify child victims or children at risk of becoming victims of the offences prohibited by the Optional Protocol;

(b) There are no safeguards to ensure that child victims are exempt from sanctions for offences under the Optional Protocol;

(c) Child victims of offences under the Optional Protocol have limited access to protection and psychological support and are often referred to multiple, ineffective services, or go in and out of services, perpetuating a cycle of violence and neglect.

33. **In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State Party:**

(a) **Establish mechanisms and procedures for the early identification of child victims or children at risk of becoming victims of offences under the Optional Protocol and ensure that these mechanisms and procedures are comprehensive and victim-centred, notably by ensuring that those responsible for such identification, including law enforcement officers, border and immigration officials, judges, prosecutors, social workers and medical staff, are trained in children's rights, child protection and child-friendly interviewing skills;**

(b) **Ensure that children who are victims of offences under the Optional Protocol are not subject to treatment or sanctions for offences related to their situation and are given appropriate support;**

(c) **Ensure that the investigation of offences under the Optional Protocol is child-friendly and multisectoral and avoid retraumatization from multiple interviews;**

(d) **Ensure that all child victims have access to free specialized legal aid, including legal representation in all administrative and judicial proceedings, and to child- and gender-sensitive complaints mechanisms and appropriate procedures for seeking, without discrimination, compensation and redress.**

## **Recovery and reintegration of victims**

34. The Committee notes the efforts aimed at expanding the integrated care centres. However, it remains concerned that these centres are not in all states and municipalities. It is also concerned about the limited implementation of recommendation No. 33 issued by the National Council of Justice to protect victims and the 2022 National Pact for the Implementation of Law No. 13.431 to protect child victims or witnesses of violence.

35. The Committee recommends that the State Party adopt all the measures necessary for the effective implementation of Law No. 13.431 of 2017 and ensure the creation of child-friendly integrated care centres in all states and municipalities equipped with sufficient human, technical and financial resources to provide for trauma-focused therapy and reintegration that includes the support of child psychologists and social workers.

## **VIII. International assistance and cooperation (art. 10)**

### **Multilateral, bilateral and regional agreements**

36. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State Party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered under the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

## **IX. Implementation and reporting**

### **A. Follow-up and dissemination**

37. The Committee recommends that the State Party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Council of Justice, the Ministry of Human Rights and Citizenship, the National Council for the Rights of Children and Adolescents, the State and Municipal Children and Adolescent Rights Council, the Intersectoral Commission to Combat Sexual Violence against Children and Adolescents, and the states and municipalities for appropriate consideration and further action.

38. The Committee recommends that the report and the written replies to the list of issues submitted by the State Party and the present concluding observations be made widely available, including through the Internet, to states and municipalities, private sectors, the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and raise awareness of the Optional Protocol and its implementation and monitoring.

### **B. Next periodic report**

39. In accordance with article 12 (2) of the Optional Protocol, the Committee requests that the State Party include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.