



**V-VII Combined Periodic Reports Submitted by the  
Brazilian State on the Implementation of the  
Convention on the Rights of the Child**

**Brazil  
2021**

## **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
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 Programm
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

## **Introduction**

Brazil, as State party of the Convention on the Rights of the Child, presents its fifth-seventh combined Periodic Reports of the country on the implementation of the Convention. It is important to evoke the past reports presented by the Brazilian State, which detailed the elaboration process of the 1988 Brazilian Federal Constitution, and Law n.8,069, from July 13<sup>th</sup>, 1990, known as the Statute of the Child and Adolescent (ECA).

It is relevant to mention that the Statute of the Child and Adolescent (ECA, Law n. 8,069, from July 13<sup>th</sup>, 1990) was conceived during the same time of the own Convention on the Rights of the Child, incorporating its contents on the Brazilian legal framework since the legislative debates started. It should be noted that the ECA has been considered for decades a baseline legislation for the world to ensure the fundamental rights of children and adolescents.

This report, therefore, outlines and presents the actions of the Brazilian State aiming children human rights, in accordance with the treaty-specific guidelines, under the Article 44, paragraph 1(b), of the Convention on the Rights of the Child. Its preparation was based on the information collected from various actors from the three branches of government.

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.

The public consultation was carried out through a semi-structured survey comprising 8 multiple choices questions (with answers varying from “excellent”, “good”, “regular”, “bad” or “insufficient”), asking the citizens’ opinions regarding the report’s approach and adequacy of the information available on each of the sections of the present report.

There was no register of any answer marked as “insufficient”, the last option presented in the questions. From the total of 8 questions, only one of them (General principles – articles 2, 3, 6 and 12), the item “bad” was pointed out by 16.7% of the respondents about the degree of adequacy of the available information. The other answers varied from the items “excellent”, “good” and “regular”, being most of the answers marked as “regular”, followed by “excellent” and then, “good”.

An open field was available for general perception on the report, and, in it, we noted commentaries disagreeing on the definition of child and its age range until 18 years old; we also noted commentaries about health, education and the need for alternative modalities for these two aspects, with mention to homeopathy, conventional vaccines and its side effects and educational practices toward the development of a creative thinking.

The public consultation was widely promoted in the digital platforms and social media of the Ministry of Women, Family and Human Rights and the Federal Government, and we also asked for help in the promotion to UN Brazil and the National Council of Human Rights, to ensure it reaches the greatest number of citizens and interested entities.

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

1. Brazil has an advanced judicial framework serving as a benchmark for the world on the protection the rights of the children and adolescents. According to the Constitution of the Federative Republic of Brazil, in its 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.

2. We will henceforth enumerate the most prominent legal provisions approved that are in compliance with the Convention and its Optional Protocols:

- a. Law n. 13,840, of June 5<sup>th</sup>, 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 16<sup>th</sup>, 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 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent);
- c. Law n. 13,811, of March 12<sup>th</sup>, 2019 - **Ban on marriage under 16 years old.** Law renders new wording to the article 1,529 of Law n. 10,406 of January 10<sup>th</sup>, 2002 (Civil Code), to suppress the legal exceptions to child marriage;
- d. Law n. 13,798, of January 3<sup>rd</sup>, 2019 - **National Week of Teen Pregnancy Prevention.** - Adds the article 8-A to the Law n. 8,609, of July 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent), to establish the National Week of Teen Pregnancy Prevention;
- e. Law n. 13,509, of November 22<sup>nd</sup>, 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 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent), the Consolidation of Labor Laws (CLT), approved by the Decree-Law n. 5,452, of May 1<sup>st</sup>, 1943, and Law n. 10,406, of January 10<sup>th</sup>, 2002 (Civil Code);
- f. Law n. 13,441, of May 8<sup>th</sup>, 2017 - **Provides for the infiltration of police agents online** - Amends the Law n. 8,069. Of July 13<sup>th</sup>, 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 26<sup>th</sup>, 2017 - **Protocol establishing standards for evaluation of risk for the psychic development of children.** - Amends the Law n. 8,069, of July 13<sup>th</sup>, 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 12<sup>th</sup>, 2017 - **Right to follow-up and orientation to mothers concerning breastfeeding.** - Amends Law n. 8,069, of July 13<sup>th</sup>, 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 4<sup>th</sup>, 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 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent);
- j. Law n. 13,257, of March 8<sup>th</sup>, 2016 - **Public policies for early childhood.** - Set provisions over public policies for early childhood and amends the Law n. 8,069, of July 13<sup>th</sup>, 1990 (Statute of the Child and Adolescent), the Decree-Law n. 3,689, of October 3<sup>rd</sup>, 1941 (Criminal Procedure Code), the Consolidation of Labor Laws (CLT), approved by the Decree-Law n. 5,452, of May 1<sup>st</sup>, 1943, the Law n. 11,770, of September 9<sup>th</sup>, 2008, and the Law n. 12,662, of June 5<sup>th</sup>, 2012;
- k. Law n. 13,106, of March 17<sup>th</sup>, 2015 - Turn into crime selling, supplying, serving, ministering or handing alcoholic beverages to children and adolescents - Amends Law n. 8,609, of July 13<sup>th</sup>, 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 3<sup>rd</sup>, 1941 - Law of Criminal Violations;
- l. Law n. 13,046, of December 1<sup>st</sup>, 2014 - Personnel trained to recognize and report mistreating of children and adolescents - Amends Law n. 8,609, of July 13<sup>th</sup>, 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 26<sup>th</sup>, 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 13<sup>th</sup>, 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 20<sup>th</sup>, 1996;
- n. Law n. 12,962, of April 8<sup>th</sup>, 2014 - **Child and adolescent interaction with parents deprived of freedom** - Amends the Law n. 8,069, of July 13<sup>th</sup>, 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 18<sup>th</sup>, 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 9<sup>th</sup>, 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 13<sup>th</sup>, 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 3<sup>rd</sup>, 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 13<sup>th</sup>, 1990 - Statute of the Child and Adolescent, 8,560, of December 29<sup>th</sup>, 1992; revokes provisions from Law n. 10,406, of January 10<sup>th</sup>, 2002 - Brazilian Civil Code, and the Consolidation of Labor Laws - CLT, approved by the Decree-Law n. 5,452, of May 1<sup>st</sup>, 1943; and sets other provisions;
  - r. Law n. 11,829, of November 25<sup>th</sup>, 2008: **Improve the fight against production, sale and distribution of child pornography**. Amends Law n. 8,069, of July 13<sup>th</sup>, 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.
3. We may also list important Resolutions from National Council for the Rights of Children and Adolescents approved since the last report:
- 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 20<sup>th</sup>, 2018** - Provides on the strategies to facing lethal violence against children and adolescents;
  - d. **Resolution n. 210, of June 5<sup>th</sup>, 2018** - Decides on rights of children, whose mothers, adults or adolescents, are deprived of liberty;
  - e. **Resolution n. 191, of June 7<sup>th</sup>, 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 23<sup>rd</sup>, 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 10<sup>th</sup>, 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 20<sup>th</sup>, 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 15<sup>th</sup>, 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 11<sup>th</sup>, 2015** - Regulates the right of the child and adolescent not to be submitted to excessive medicalization;
- k. **Resolution n. 163, of March 13<sup>th</sup>, 2014** - Sets provisions over the abuse of targeting advertising and marketing communications to the child and adolescent;
- l. **Resolution n. 162, of January 28<sup>th</sup>, 2014** - Approves the National Action Plan to Combat Sexual Violence Against Children and Adolescents;
- m. **Resolution n. 160, of November 18<sup>th</sup>, 2013** - Approves the National Social and Educational Assistance Plan;
- n. **Resolution n. 139, of March 17<sup>th</sup>, 2010** - Sets parameters for the introduction and operation of Guardian Councils in Brazil;
- o. **Resolution n. 137, of January 21<sup>st</sup>, 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.

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

4. In Brazil, under the terms of article 2 of Statute of the Child and Adolescent (ECA), children and adolescents have the following age definitions: up to 12 uncompleted years old, the person is considered a child and between 12 and 18 years old, it is described as an adolescent, or teenager.

5. According to data from the Brazilian Institute for Geography and Statistics, Brazil has currently around 60 million children and adolescents, of which:

- 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.

6. Regarding only children (0 to 12 uncompleted years old), Brazil has 35.5 million inhabitants, representing 17% of the national population, of which 50.9% are male and 49.1% are female. Of these, 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.

7. About underage marriage, 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 get married when authorized expressly by both parents, or legal representatives. (Civil Code - article 1,520).

8. We do not own consolidated official data on the number of children currently married. The approximate data we own are those collected by civil society organizations, that even served as grounds for the legislative change mentioned above (Law n.13,811/19)

9. Segundo estudo realizado pela organização não- governamental Promundo, publicado em 2015, o Brasil é o quarto país em números absolutos com mais casamentos

infantis no mundo. Three million women claim to have gotten married before 18 years old. More than this, the study indicates that 877 thousand Brazilian women got married with up to 15 years of age and that, presently, there are around 88 thousand boys and girls (with ages between 10 and 14 years old) in consensual unions, civil and/or religious in Brazil. Hence the need for having it explicitly forbidden by the aforementioned legislation.

### 3. General principles (arts. 2, 3, 6 and 12)

10. The Brazilian constitutional legislation is grounded on four founding principles, among them, the promotion of good for all, without prejudice of origin, race, sex, color, age and any other forms of discrimination (Federal Constitution - article 3, IV). Regarding children and adolescents, the Federal Constitution and the Statute of the Child and Adolescent prohibits this groups from being subjected to any form of violence and discrimination. (Federal Constitution - article 227 and ECA - article 5).

11. Stemming from the legal-protective framework, the integral protection doctrine is guided by three main and guiding principles: (i) the absolute priority principle, (ii) **the higher interest of the child principle**, and (iii) the assistance decentralization principle.

12. The principle of the higher interest has the practical effect of influence all state interventions which involves children and adolescents, on judicial matters (regulation of visits, establishment of alimonies, moral damages, adoption, accommodation in substitute families, shared custody, pregnancy support alimonies, statutory relations, etc), budgetary, political, among many other areas. In any case, this prerogative allows for children and adolescents not to be seen as objects and act as a subject of rights, in the center of decisions.

13. The right to life and to a full and healthy development is a fundamental right for children and adolescents in Brazil, stated specifically both in the Federal Constitution, the ECA and every other legal tools that reach this population.

14. Likewise, the social participation and relevance is secured, being them 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.*

15. To prevent discrimination, Brazil adopts, besides the law and the sanctions arising from it, continuous action on the society. In the school context, for example, such questions are debated in the classroom and other collective spaces. The matter is equally addressed on the 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 distinguish people, families, or the community they live in (ECA article 3).

16. There is no death penalty in Brazil, therefore, there is no question that children and adolescents will not be sentenced in this respect. On the contrary, children are considered not responsible. Whereas the adolescents, when committing offenses, are directed to comply with correctional measures, which aims for the recovery, professional training, and social reintegration of the adolescent.

17. In relation to child and adolescent suicide and self-mutilation, Brazil is aware of this issue, promoting the public debate alongside the civil society, through annual national promotional campaigns, such as: “Embrace life”, “Give life a *like*” and “Yellow September”, involving family as a primary community when noticing the first signs of a possible suicidal behavior.

18. In this sense, the State recently approved the National Policy of Self-mutilation and Suicide Prevention, as a permanent strategy of the public power to anticipate those events and treat conditioning factor associated to them (Law n. 13,819/2019 and Decree n. 10,225/2020), which, among other measures, established regulations related to compulsory notification of self-inflicted violence, particularly when dealing with children and adolescents.

19. Regarding deaths by death penalty during child and teenage years, it is not the case in Brazil since there is no death penalty at all in the legal framework. However, the county still faces the challenge of premature and violent deaths in this age group, resulting, mainly, from the involvement with drug trafficking and other criminal behaviors.

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

21. 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.

22. Between ages 1 to 19 years old, in the same period, 29,913 deaths were registered.

23. 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.

24. In relation to children and adolescents heard in judicial or administrative proceedings, we explain that in Brazil, any procedure that involves 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).

25. It is worth noting that in Brazil we have, regarding the development of policies destined for children and adolescents, the National Council for the Rights of Children and Adolescents - CONANDA, state and municipal Children and Adolescent Rights councils. These collegiate entities have the role of formulate the general standards for the assertion

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

policies for child and adolescent rights, overseeing enforcement actions, considering the guidelines and lines of action set up in the ECA.

26. Concerning CONANDA (Law n. 8,242/1991), the CPA - Committee for the Participation of Adolescents was established (Resolution n. 197/2017), with the intention of strengthening the participation of adolescents in decisions that reach them, case in which they are legitimized to present to CONANDA propositions for agendas, resolutions, campaigns about the rights of children and adolescent and subjects for deliberation.

27. As noted, the CPA is constituted of 47 adolescents, chosen within the adolescents participation spaces in the Regional Councils for the Rights of Children and Adolescents and from diverse social groups, as a way of including all of the country's regional and ethnical diversity. This is, so, one of the ways in which Brazil ensure youth participation in decision-making spaces.

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

28. In Brazil, birth register is secured to every child as a fundamental right. So much so that the Federal Constitution assures the gratuity of public birth registers (Federal Constitution - article 5, LXXVI), and the ECA established the regular civil register as one of the protective measures to child and adolescents (ECA - article 102)

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

*a) born in Brazil, even with foreign parents, as long as they are not in their country's service;*

*b) born abroad, with Brazilian father or Brazilian mother, as long as any of them is in service of the Federative Republic of Brazil ;*

*c) born abroad with Brazilian father or Brazilian mother, as long as the child is registered in the appropriate Brazilian department 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, demanding for countries of Portuguese language only residency for a continuous year and moral reputation;*

*e) the foreigners of any nationality residents in the Federative Republic of Brazil for more than 15 years continuously and with no criminal conviction, as long as they apply for the Brazilian nationality.*

30. Regarding preservation of privacy, the country's legislation assures to children and adolescents image protection, private life privacy and honor, as well as in relation to the various conducts that may be harmful to the person (FC - article 5, X and ECA - article 17). In this sense, information about this public is protected by legal confidentiality and shall receive differentiated treatment due to its peculiar condition of developing individual.

31. Recently, Brazil approved Law n. 13,853/2019 (General Data Protection Law) and ever since, 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 with no storage, and in any case, it may be forward to third parties without consent. Games and other online activities shall also request only strictly necessary personal data.

32. The freedom of thought, awareness, and belief, as well as the freedom of association and peaceful assembly are originating from the freedom of expression, assured to every Brazilian, without any distinction (FC - article 5).

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

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

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

34. Through the National Human Rights Ombudsman, **an expansion and reinforcement of the Report Channels against human rights took place, especially on violence against children and adolescents**. The Ministry of Women, Family and Human Rights (MMFDH) implemented various action 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 by the web page [ouvidoria.mdh.gov.br](http://ouvidoria.mdh.gov.br), by the smartphone app “Human Rights Brazil” and by messaging apps *Telegram* and *WhatsApp*. It should also be noted the signing of cooperation agreements with state prosecution offices with the goal of providing the mention entities with the possibility of using and accessing complaint directly from the system.

35. 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 inaugurated in October 2020 and two courses were already released, with more than 10,000 enrolled students. For 2021, many other courses are already in production and all of them will have 60 hours

of length with certificate granting. Also for 2021, it will be offered 01 (one) specialization course and 01 (one) master's degree course.

36. National Forums were launched, aiming at mobilizing, training and make arrangements with the 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, occasion on which, in 2020, gathered more than 9,000 applicants and reached more than 220,000 people through the Ministry of Women, Family and Human Rights' official channels. During 2020, three forums were carried out on the subject of sexual exploitation online, youth lethality and drugs in the childhood and adolescence. In 2021, four National Forums will take place, and they must reach thousands of people. All events will result in books in digital format including the lectures and best practices presented in events, besides reports with specialist contributions to public policies formulation.

37. It is worth to note 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, 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 by holding a specialized listening, when the corresponding partnerships are established. This is an initiative that 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.

38. Another prominent initiative is the Safe Child Program, conducted in partnership with the Organization of Ibero-American States (OEI). In this sense, 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 in order to train professionals working on programs/projects of children and adolescents social participation and leadership.

39. 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*". It deems fundamental, likewise, the concern for the family as the basic cell of society, be it biological or acquired, since the quality of established family relations will have a direct influence over the assistance towards children in this context. A healthy domestic environment favors the proper monitoring the minors' routine and prevents the occurrence of abusive treatment, be it physical, mental, or sexual.

40. Within this theme, we highlight that the Family Relation Strengthening National Strategy plans for, among its 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 particular stages in the development, of recognizing and supporting 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 centrality of the family” (article 4, VI). With the goal of implementing efficient public policies on the subject, it should be stressed the important role of parents and legal guardians to the adequate development of children and adolescents, positively impacting their adult lives.

41. Paragraph 3 of article 24 of the Convention anticipates 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*”. Worldwide, unfortunately, international reports demonstrate considerable rates of child marriage taking place. The United Nation’s Children Fund (UNICEF) still points to the possible incidence of 10 million more child marriages until the end the present decade, partly due to the Covid-19 pandemic.

42. In Brazil, though the practice still takes place, specially, in vulnerability contexts, the Executive Branch has been encouraging strongly the awareness to the fight against teen pregnancy since the beginning of the current administration, with results like the approval, in 2019, of the law that established the National Week of Teen Pregnancy Prevention (Law n. 13,798, of January 3rd, 2019), which takes place on the week of February 1st of each each year, as well as the approval of Law n. 13,811, also in 2019, that increases the minimum age of civil marriage, banning it for those under 16 years old. In 2020, the promotional campaign to prevent teen pregnancy “Everything has its proper time” brought the innovation of trying to offer a more scientific information, including affectivity, involving the family, and helping young people to reflect on the professional and future project.

43. With the emergence of the Covid-19 pandemic, the complaints of violation against children and adolescents increased, through reports in the citizen service channels (Disk 100 and disk 180) and joint actions with the investigative and judicial bodies, such as, for example, the Federal Police, which has initiated operations against child sexual exploitation and networks that promote pedophilia.

44. Specifically in relation to violence against girls, it is worth noting that the Law n. 11,340/06 (Maria da Penha Law) seeks to work in an integral way, and, thus, its text includes the implementation of social educative activities as tools to combat domestic and family violence. Such regulations are found specifically in its article 8, item V, and in the article 35, item IV, below:

Article 8

(...)

V- the promotion and execution of educational campaigns for preventing domestic and family violence against women, aimed at the school public and general society, and dissemination of this Law and its protection tools to women’s human rights;

Article 35 The State, Federal District, states and municipalities may create and promote, within its respective competences:

(...)

#### IV - programs and campaigns of fight against domestic and family violence;

45. This way, and with Maria da Penha Law as a guiding element, a series of actions has been developed by the Brazilian State aiming at the prevention of violence against teenage women and girls.

46. In August 2020, a booklet was published aiming to raise awareness of teenage women and girls over online violence, including orientations for the prevention of violence in digital media, such as web pages, apps and social media.

47. Called “Facing *online* violence against adolescents in the context of the Covid-19 pandemic”, the mentioned booklet was conceived as a response to the social isolation measures imposed to control the health crisis caused by Covid-19. The booklet “Protective Family” was also published, a guide to parents and legal guardians on how to identify risk of sexual abuse, child exploitation and pedophilia, as well as the Campaign “Surfing Safely”, to raise awareness of the parents over the technological content received by the children.

48. Brazil will, in 2022, host the WePROTECT Global Alliance (WPGA). As a result from 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 the “WePROTECT”, founded in 2014 by the then prime minister of the United Kingdom, the WePROTECT Global Alliance (WPGA) was established in 2016 with the goal of building a strong global voice against abuse and sexual exploitation of children and adolescents online, becoming, in 2020, an independent non-profit institution, funded by private philanthropic foundations. Currently, there are as members of the WePROTECT Global Alliance 98 (ninety-eight) Governments, 45 (forty-five) private sector companies, 46 (forty-six) Civil society organizations and 09 (nine) International Institutions.

49. In this context, in articulation with Federal Government, the next Global Summit will be hosted in Brazil, in the city of Brasilia - Federal District, on March 09<sup>th</sup> and 10<sup>th</sup> of 2022. The Global Summit will bring life to the networks and relationships that support the Alliance. The 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.

50. The Summit will include plenary sessions and simultaneous additional themed sessions. The event will be held in-person, depending on the health conditions arising from the global pandemic, and will last for two days. The participants who are not able to attend locally may participate virtually. The event will gather high-level representatives of all members of the Alliance, including Government, Private Sector, Civil society organizations, Regional Entities and United Nations Agencies.

51. Especially considering that, during this time of quarantine, the virtual environment has become the primary space for social interactions and communication between people, and the girls and teenage women are particularly vulnerable to abuse,



exploitation and virtual violence, its purpose is to be a tool for preventing *online* violence against teenage women and girls in the pandemic context.

52. The booklet brings countless information on the subject of *online* violence, its definition, kinds and forms of prevention. It also lists sites where they are able to find more information on the subject, thus seeking to orient teenage women and girls for the safest possible internet browsing. Besides that, there is a chapter orienting step-by-step those girls that, during the reading, identify themselves as target of violence on the digital environment, so that they learn how to seek help.

53. Also, in the context of this project, there is the campaign promotion #girlsbygirls, which aims at building solidarity among teenage women and girls on the virtual environment, so that they take care of each other and are not online violence agents among themselves.

54. On the other hand, the Executive Branch established partnership with the Judiciary Branch of Federal District to promote the project called “Maria da Penha goes to school: educating to prevent and inhibit violence against women”, whose central goal is to train and raise awareness of the education professionals about domestic and family violence against women.

55. This is due to the acknowledgment of the school environment as one of the main community interaction spaces of girls and teenage women, being a useful environment either for prevention actions, as for the learning, by the school staff, about domestic and family violence situations experienced by the students. Therefore, it is of paramount importance the sensitization and training the various education professionals about the subject, as well as the awareness-raising of all school community on the matter.

56. Among the actions developed by the Maria da Penha goes to school project, we point out the series of lectures and courses with guidance counselors, administrators, support staff and educational coordinator to raise awareness and train about domestic and family violence, means for activating the local protection network, promotion of women’s rights to the school community, among others.

57. The project also raises awareness and train teachers of all grades about women’s rights and domestic and family violence, so that they become promotion agents of Maria da Penha Law in the schools. There are also discussions with the goal of sensitize teacher for the possible identification of cases in their classrooms and for the promotion of debates with boys and girls students about women’s rights, domestic and family violence and healthy affection relationships.

58. The publication of the National Plan for Fighting against Femicide (PNEF) is expected for the first half of 2021, with the purpose of fighting against femicide, through the implementation of integrated and structured public policies throughout the national territory, besides the expansion of the project to various Brazilian states, which will represent a great advance in terms of protecting teenage women and girls and preventing domestic violence.

59. The PNEF stems from understanding that violence against women and femicide are occurrences with many dimensions and aspects, which relate directly with the condition of female sex, and it must be comprehended as violation of women's human rights and, therefore, its prevention and confrontation require ample and structures actions from various sectors.

60. The Plan is structured in five axes, each one of them contemplating a group of specific actions to reach its goals. They are as following: coordination, prevention, data and information, confrontation and guarantee of rights and assistance.

61. Numerous actions planned in each of the PNEF axes will result in direct impact on the protection of teenage women and girls, especially in the prevention axis, which plans for activities in rural areas, schools, besides national campaigns, training of professionals and promoting informative material, among others.

62. It is also worth highlighting that the documents which regulate the operation of the House of Brazilian Women<sup>2</sup> guide the technical team of this public equipment on the assistance of the children who accompany their mothers during the offered assistance. Besides the well-being during the stay in its facilities, there is orientation in terms of identifying violence and vulnerability signs by the children and the responsibility of referring those to the protection services provided in the Statute of the Child and Adolescent, as well as, according to the need identified, to the services of the social assistance network services closer to the residency of the woman.

63. Brazil administers important information systems about children and adolescents, among which we highlight the complaints panel of the National Ombudsman of the Ministry of Women, Family and Human Rights - Disk 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.

64. From these databases, it was found that, over 2019, 86,837 violence reports took place against children and adolescents, thus distributed: 38% due to negligence, 23% to psychological violence, 21% to physical violence, 11% to sexual violence, 3% to institutional violence, 3% to work exploitation and 1% others.

65. The State provides public access to citizen service channels for complaints of human rights violation, in particular Disk 100 and Disk 180, besides the online service channels and other direct channels.

66. As an example, in the year of 2019, the Disk 100 registered 17 thousand incidents of violence specifically against children and adolescents. Operating 24-hours a day, including Saturdays, Sundays and holidays, the service receives, examines, and forwards

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<sup>2</sup> Public equipment created to provide humane assistance to women, integrating in the same space different specialized services to answer to the most diverse kind of violence against women: reception and screening, psychosocial support, police station, Special Court of Domestic and Family Violence against Women, Public Prosecution Office, Public Defender's Office, promotion of economic independence, space for childcare, temporary shelter and transportation center.

reports of human rights violations to the appropriate agencies. It fulfills, thus, a fundamental role in the verification of these complaints of usurpation of the minors' rights.

67. Nevertheless, it is worth noting that Brazil, through the Ministry of Justice and Public Security, coordinates operations to fight off child sexual abuse and exploitation on the internet. Up to the present moment, seven operations, called “**Light in Childhood**”, were carried out in the country, and relies on the participation of Civil Police of various states, as well as a technical cooperation with other countries, such as Argentina, United States, Panama and Paraguay. The operations resulted in more than seven hundred people arrested and more than one thousand five hundred search and seizure warrants of computers and digital files executed.

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

68. Brazil presents a robust protection system for children and adolescents and their families separate from parental care. In relation to family support, the welfare policy offers various services, programs, and projects, such as Welfare Reference Centers (CRAS), which acts in the prevention of rights violations and the strengthening of family bonds.

69. According to the report SUAS Census <sup>3</sup>(Census of the Unified System of Social Assistance -2019), the protection services for the family and the individual has a 100% coverage of the national territory; the Welfare Specialized Reference Centers (CREAS), which acts in the assistance of children victim of violence and in the assistance of the family or individuals violating the rights of children and adolescents, currently has a 96.4% coverage in cities with more than 20 thousand inhabitants.

70. Regarding host institutions (shelters), the openings offered<sup>4</sup> Host Units - Children and Adolescents: 2,801, being 2,000 in Institutional Shelters; 79 in Host Families: 79 and 42 other arrangements.

71. In relation to family accommodation, the welfare policy offers 333 services of family hosting, with 1625 hosting families.

72. Over 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 the year 2020.

73. Brazil has a total of 4,766 institutions, being 24.4% of these institutions of Family Hosting Service in Host Family (temporary). These institutions are divided among the country's regions in the following way:

- Central-west Region: 388;
- Northeast: 627;
- North: 281;

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

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

- Southeast: 1910;
- South: 1,100.

74. As for the number of openings available in the institutions, according to Resolution 01 of CONANDA/CNAS the institutional hosting services may host up to 20 children and adolescents; in the case of family hosting service, each family must foster on child/adolescent, except in groups of siblings.

75. The total number of children and adolescents living in institutions of temporary homes in Brazil in March 2021 is 30,964, thus distributed, according to the country's regions:

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

76. With respect to the length of accommodation, the Statute of the Child and Adolescent determines that the child and adolescent permanence in an institutional host program will not extend for more than 18 (eighteen) months, except for proven need that it serves their higher interest, properly grounded by the judicial authority<sup>5</sup>.

77. However, during the period from January 2020 to March 2021, the length of accommodation to around 10% of the children and adolescents sheltered has surpassed the 18 months proposed by the ECA, as detailed below:

- Up to 06 months: 9,938;
- From 06 months to 01 year: 4,780;
- From 01 to 02 years: 7,103;
- From 02 to 03 years: 3,285;
- Over 03 years: 6,298.

78. We are working alongside the National Congress, CNJ and civil society to improve the speed of the adoption proceedings and the promotion of the host families to avoid the institutionalization of the child.

79. According to the legislation in effect in Brazil, every child or adolescent allocated in a hosting family program or institution will have its situation reviewed, at most, every 3 (three) months, occasion which the appropriate judicial authority will give a reasoned decision, based on report produced by a interprofessional or multidisciplinary team, on the possibility of family reintegration or accommodation in a substitute family, in any of the arrangements set forward by article 28 of this Law. During the period from 2020 to March 2021, 10,632 children and adolescents were reintegrated.

80. With respect to the number of domestic adoptions, we report that in the period from 2014 to March 2019 5,546 children and adolescents adoptions were registered, being:

- Up to 3 years old: 1,514;

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

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

81. Various Federal Government programs and actions focus on the formation of parents and legal guardian to the care with the children, for example, “Happy Child Program”, which has a special emphasis on the early childhood.

82. Besides that, we mention the project “Strong Families”, through which parental skills are taught to parents and legal guardians of children from 10 to 14 years old, currently being implemented in many states of the country; and the “Family-Job Balance Program”, with various actions that encourage parental care in balance with the professional activities and equity and coresponsibility at home.

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

84. 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.

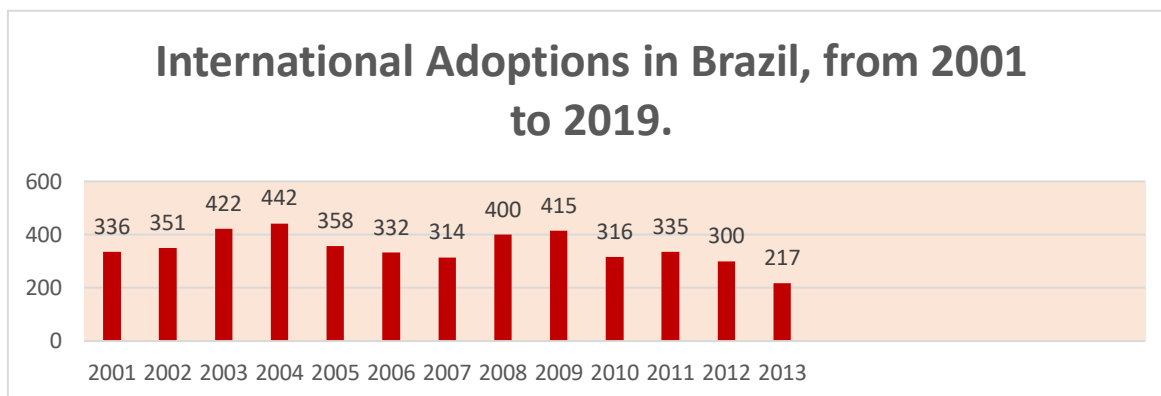
85. A Federal Central Authority (ACAF) was established to oversee the intercountry adoption receive and transmit requests of international cooperation and comply with all the duties imposed to Central Authorities included on the treaty. Its duties include fulfilling the administrative procedures pertaining to international legal cooperation and compliance with the 1993 Hague Convention and 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.

86. Brazil regulated intercountry adoptions and the actions of foreign and national organizations 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, within the periodicity provided in 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.

87. In 2019, the Council of Brazilian Central Authorities regulated Article 48 of the Brazilian Statute of Children (ECA), which provides for the adopted the right to access his/her adoption file, when 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 been already been positively answered.

88. The following chart illustrates the number of intercountry adoptions of children and adolescents with habitual residence in Brazil to other States-Parties of the 1993 Hague Convention over the years:



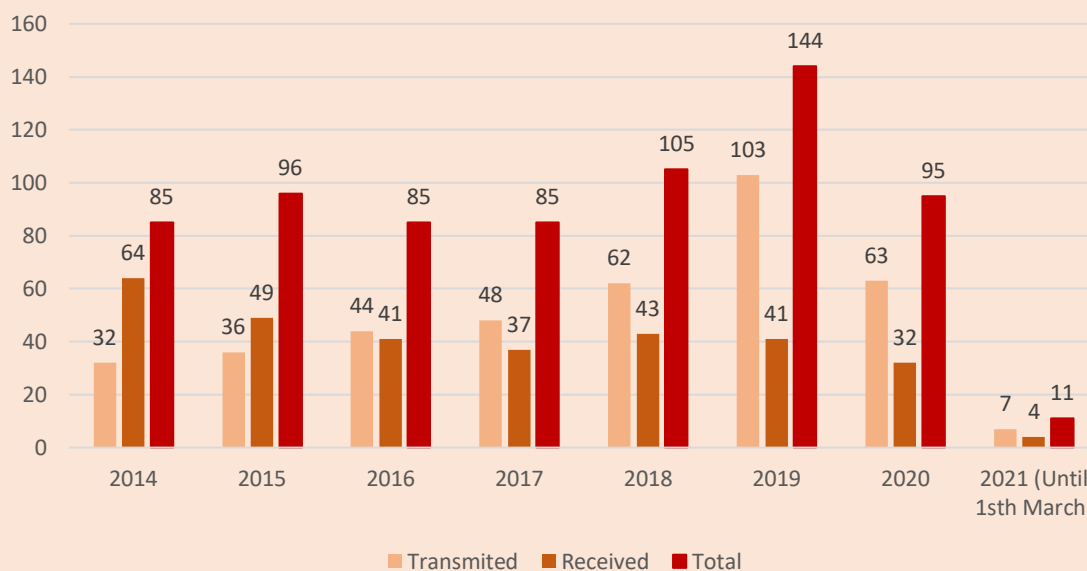
89. As for illicit transfer and non-return, the Federal Central Authority for International (ACAF) deals, concurrently, with the subjects of Intercountry Adoptions and International Child Abduction and is in the Ministry of Justice and Public Security. The Hague Convention of 1980 (on the civil aspects of international child abduction) was enacted by Decree 3,413/00.

90. In cases of abduction of children, the ACAF works in partnership with the Brazilian Office of the Attorney General (OAG), which oversees the judicial representation of the ACAF 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 the efforts of locating children brought to Brazil and do not have their addresses confirmed by the requesting country. Such activities may also involve when needed, the participation of the Ministry of Foreign Affairs, Brazilian consulates, the central authority of the foreign country concerned, federal judges, and technical assistants for the Federative Republic of Brazil and for Courts of Justice in Brazil.

91. The Brazilian Prosecution Office may be engaged, at its discretion, for the submission of complaints in cases where there was evidence of a crime or situation of vulnerability related to the child, while he/she is in the Brazilian territory. The judicial authority in charge of deciding the abduction case can issue protection and urgent measures on behalf of the child under his/her jurisdiction.

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

## Number of international child abduction cases received and transmitted by the Federal Central Authority since 2014



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

93. Brazil, in compliance with its duties to protect children and adolescents' life and health, in order to prevent communicable diseases, provides, within the National Immunization Program, the children and adolescents vaccination schedule, offering freely and continuously, vaccines against serious diseases, such as: measles, meningitis, poliomyelitis, diphtheria, tetanus, whooping cough, tuberculosis, hepatitis B, rotavirus, pneumonia, otitis, yellow fever, mumps, rubella, chickenpox, HPV.

94. In 2019, the Provisional Measure n. 894 established special pension destined to children with Congenital Zika Virus Syndrome, born between January 1<sup>st</sup>, 2015 and December 31<sup>st</sup>, 2019, recipients of the Continuous Benefits Provision (BPC).

95. There is still, freely, and continuously, the support to the pregnant woman health and newborn, with medical exams and consultations before and post-birth, specialized medical assistance whenever necessary, supply of vitamins and food supplements, orientation over breastfeeding, nutrition and child development.

96. To worker mothers the maternity leave is secure of, at least, 120 days, with paid leave. To worker father, the leave is of 5 days. Both leaves seek to offer the newborn all assistance and care essential in the first days of life, as well as enable the development of parental bonds, so essential to the child's development.

97. Regarding the primary health care services, the newborn is offered a range of medical exams, in order to diagnose early metabolic diseases, whose therapeutic intervention proves determinant to the health and life quality of the child and the family, if initiated early.

98. Just as health services are offered to children, they are offered to adolescents, within the SUS - Single Health System, medical consultations, exams and orientation about reproductive health and family planning, providing contraceptive methods for free.

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

100. About juvenile pregnancy, in 2019 the country registered 419,255 live births from children or adolescent mothers, given it discloses an extensive social, economic and of national public health problem. The greater incidence of cases is in the Northeast Region, responsible for 143,568 of the registered cases.

101. In this sense, with the intention of disseminating information about preventive and educational measures that contribute to the decrease of pregnancy during adolescence, National Week of Teen Pregnancy Prevention (ECA - article 8 -A), encouraging the public power and civil society to carry out joint actions on the matter.

102. Every year, Brazil performs the National Research of Student Health - PeNSE, aimed at adolescents from basic education, between the 7<sup>th</sup> years of primary school and the 3<sup>rd</sup> year of high school. According to the research results in 2019, of the participant students, 12.2% already performs some professional activity. Among the questioned, 60% stated to watch more than 2 hour of TV a day, 18.3% of the male students consider themselves fat or very fat. 25.6% of the male students report desire to lose weight, a among girls, 21.8% of them consider themselves fat or very fat, and 30.3% reported desire to lose weight. 7.4% of the students reported that most of the time or always they feel humiliated by provocation (bullying), during the 30 days prior to the research.

103. As for substances such as cigarettes or alcohol, the research revealed that 18,4% of the student said they have already tied cigarettes, 55.5% of them have already tried alcoholic beverages and 23.8% of the student have ingested any alcoholic beverage in the 30 days prior to the research.

104. To Brazilian families with children and adolescents in situation of socioeconomic vulnerability, it is offered welfare benefits of income transfer such as: Bolsa Família and the Continued Benefits Provision (BPC), whose purpose is to assure the minimum necessary for the subsistence of families.

105. At the same time, these families are offered services of basic and special social protection, in order to strengthen families and develop their empowerment, supporting them so that they are able to overcome occasional problems and have access to social rights, avoiding the breaking of bonds. There is also the strengthening of the community, the incentives to mobilization and, still, the offer of benefits and shelters, ensuring survival in critical times.

106. Brazil guarantees the integral health assistance to children and adolescent with disabilities through the Single Health System, ensuring the universal and egalitarian access to actions and services for health promotion, protection, and recovery.



107. In this context, the ECA guarantees that the child and adolescent with disabilities are assisted, without discrimination or segregation, on their general health needs, on the specific needs of habilitation and rehabilitation and on the education, ensuring specialized educational services, preferably within the regular educational network (ECA - article 11 and 54).

108. Likewise, protected work is secured to the adolescent with disabilities (ECA - article 66), from 14 years old, as apprentice, according to article 7, XXXIII of the Federal Constitution.

109. The Brazilian legislation also provides for the implementation of campaigns to encourage hosting under temporary guardianship children and adolescents separated from family interaction, and adoption, specifically interracial, of older children or adolescents, children with special health needs or disabilities (ECA - article 87, VII).

110. Information on the number and percentage of children with disabilities, disaggregated as described in paragraph 1, article 23 of the Convention, and by the nature of their disabilities are available as follows:

	0 to 4 years old	5 to 9 years old	10 to 14 years old
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%

111. About the number of children with disabilities in regular or special schools, 789,466 children with disabilities were registered attending regular schools, from 0 to 14 years old, and 54,660 attending exclusively special schools.

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

112. In Brazil, the right to education is legally assured. It is laid down in the Federal Constitution, as a right to everyone, a duty of the State and family, striving for the full development of the person, its preparation to exercise citizenship and its qualification for the labor market (Federal Constitution - article 205).

113. Basic education is ensured to children and adolescents, divided in three stages: childhood education, primary education and secondary education or high school, being the parents or legal guardians' obligation the enrollment in educational institution starting from 4 years old (ECA - article 55 and Law n. 9,393/1996 - article 30)

114. Still in the educational context, Brazil offers food to students from the public education network, through the National School Food Program (PNAE), which, besides food, offers food and nutritional education to students of all stages of public basic education, as detailed further ahead.

115. The federal government forwards to states, municipalities and federal schools, supplemental financial amounts made in 10 monthly payments (from February to November) to cover 200 school days, according to the number of registered students in

each school network. It is worth noting that 30% of the amount forwarded by PNAE must be invested in direct purchase of family farming, measure that encourages economic and sustainable development of the communities (Law n. 11,947/2009).

116. It can be noted that, regarding indigenous communities, there is the concern of offering food compatible to their dietary habits, therefore, specific actions are developed to this public in PNAE.

117. Regarding early childhood, the country has been investing in policies developments and other initiatives to target this public, which reaches a total of around 3 million Brazilians. The Happy Child Program constitutes an important tool for families with children from zero to six years old to offer their children means to promote their integral development, considering their families and their life context.

118. It is strategy introduced by Law n. 13,257/2016, regulated by Decree n. 9,579/2018 and is of intersectoral nature. The program assists pregnant women, children of up to 3 (three) years old and their families when recipient of Bolsa Familia; children of up to 6 (six) years old and their families when recipient of BPC and children of up to 6 (six) years old separated from family interaction due to protective measures set up by the Statute of the Child and Adolescent.

119. In 2019, the program surpassed the barrier of 23 million visits, taking information to more than 2,700 cities in the country, being the world's largest domestic visitation program for the early childhood. In such a short time, more than 800 thousand children and pregnant women were already followed. With a network comprising more than 22 thousand professionals, the program was acknowledged by "Wise Awards" as one of the most innovative educational initiatives.

120. In Brazil, the enjoyment of the right to culture is full and protected by the State, which is responsible for the support, encouragement, and promotion of cultural manifestations (Federal Constitution - article 215). In this context, the Brazilian State preserves popular, indigenous, and afro-Brazilian cultural manifestations, and those from groups participating in the national civilizing process, ensuring, therefore, the appreciation of the regional and ethnical diversity.

121. In particular, children, adolescents and young people from indigenous and traditional communities, as Brazilians, have their rights assured by the ECA, so that their social and cultural identity, practices and traditions are respected, as well as their institutions, unless if they are not compatible with fundamental rights recognized in the legislation and the Federal Constitution.

122. The right to sports, leisure, information, entertainment and shows, is also establish in the ECA, assuring to children and adolescents, the access to recreational, and cultural and artistic community spaces (ECA - article 74 and on).

123. Regarding the incentive to sports, the "Second Half Program", which serves children and adolescents between 6 and 17 years old, primarily from social vulnerability areas and enrolled in the public school system. The program offers sport activities oriented by trained professionals and adequate learning material. Each recipient may practice up to two team sports and one individual in day shift different than the school, with a total of up to 6 hours a week. In order to execute the activities, the Federal government partners with state and municipal administrations by public notices and

congressmen amendments. Between 70 to 100 students are served in each center, with an average of 35 students per class.

124. In 2020, the program “Brazil Integrated” was initiated with the purpose of promoting actions of domestic and stadium violence, during soccer games, and address human rights violations. The technical cooperation agreement got together the Ministry of Citizenship, through the National Secretariat of Soccer and Supporters’ Rights, besides the Ministry of Women, Family and Human Rights and Brazilian Soccer Confederation (CBF). Brazil Integrated envisions a joint action from ministries with CBF in activities inside the field and in thematic events in municipalities. 20 actions inside the field are anticipated in 2020 and 10 thematic events in all Brazilian regions. One of the priorities is to bring visibility and promotion of the service centrals for complaints of violations of rights and duties, like Disk 100, Disk 180 and Disk 121.

125. The main goal of the program is to offer educational activities, in order to encourage the integral development of children and adolescents, helping them becoming aware of their bodies, explore their limits, value their capabilities, work up on the spirits of solidarity, mutual cooperation and respect for the collective.

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

127. We notice that, 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 or more, which represent a 18% illiteracy rate to this age group. By including, gradually, the younger age groups, a decline in the illiteracy is noted: to 11.1% among people with 40 years old or older, 7.9% among those over 25 years old and 6.6% among the population with 15 years old or more.

128. These results indicate that the younger generations have more access to education and are being schooled while they are still children. On the other hand, the illiterates are still concentrated among the older people and changes in illiteracy rates to this group are, in most part, due to demographic issues such as, for example, population aging.

To sum up:

- 15 years old or more: In 2019 - 11 million illiterate people, which represents a 6.6% rate;
- 60 years old or more: In 2019 - 6 million illiterate people, which represent a 18% rate.

129. In Brazil, in 2019, 56.4 million people attended school or daycare. Among children from 0 to 3 years old, the school attendance rate was 35.6%, which is equivalent to 3.6 million students. For children from 4 to 5 years old, the rate was 92.9% in 2019, before the 92.4% in 2018, amounting a little more than 5 million children.

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

130. In case of the age group from 6 to 14 years old children, the universalization, since 2016, was almost reached, with 99.7% of people in school in 2019, which bring about a total of 25.8 million student in the Brazilian school system. The school attendance rate among the young people from 15 to 17 years old in 2019 was 89.2%.

131. Comparing to the 2018 results, school attendance in Brazil improved in all age groups until 17 years old, remained statistically stable for the range from 18 to 24 years old and declined slightly in the 25 years old or more age group.

132. The public school systems has been serving most of the students since the daycare until high school, being, in 2019, responsible for 74.7% of the students in daycare and preschool, 82.0% of the primary education students and 87.4% of the regular high school. This predominance of public school in these courses is continued and with little fluctuation between years.

133. In 2019, 95.8% of children from 6 to 10 years old were attending the early years of primary education, stage ideally set for this age group. It is relevant to stress that this indicator for the age group from 6 to 10 years old may be a slight divergence in the estimation, seeing that the timing for the children's introduction to school may vary, even if currently there is a regulation so that the entrance in the first year of primary school be when the child completes 6 years old until the last day of March.

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

135. In 2019, 71.4% of young people from 15 to 17 years old were attending high school or had concluded this level, 2.1% more than 2018, but still with a difference of 13.6% until the final goal.

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

Great Regions	School attendance rate (%)				Net Adjusted Attendance Rate (%)			
	2016	2017	2018	2019	2016	2017	2018	2019
<b>Brazil</b>	<b>87,2</b>	<b>87,2</b>	<b>88,2</b>	<b>(1) 89,2</b>	<b>68,2</b>	<b>68,5</b>	<b>69,3</b>	<b>(1) 71,4</b>
North	87,6	86,6	88,2	88,7	58,2	59,7	61,9	(1) 62,2
Northeast	86	86,1	86,9	(1) 88	59,2	60,7	61,3	(1) 63,3
Southeast	88,2	88,7	88,9	89,1	76,9	76,5	76,4	(1) 79,5
South	86,2	85,8	88,2	(1) 91,6	69,4	69,6	71,5	(1) 72,9
Central-West	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 (%)**

School Attendance Rate (1)	Net Adjusted Attendance Rate (2)	Adequate Attendance Rate	Student School Delay	Does not attend school and already concluded the stage	Does not attend school and did not conclude the stage
<b>32,4</b>	<b>25,5</b>	<b>21,4</b>	<b>11</b>	<b>4,1</b>	<b>63,5</b>

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

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

137. From a total of 321,175 indigenous enrollments in the Brazilian school networks in the year 2019, 313,562 were in the regular Federal, State or Municipal networks and 252,516 in the differentiated education school networks, historically advancing as seen below.

<b>Total of enrollments in free Basic Education - Native people</b>				
<b>Year</b>	<b>Total of enrollments</b>	<b>Childhood Education</b>	<b>Primary Education</b>	<b>Secondary Education</b>
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

138. From a total of 302,222 quilombola enrollments in the Brazilians education networks in the year 2019, 243,110 enrollments were made in public networks of basic education.

<b>Total of enrollments in Basic Education - Public school network</b>				
<b>Year</b>	<b>Total of enrollments</b>	<b>Childhood Education</b>	<b>Primary Education</b>	<b>Secondary Education</b>
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

139. It is also considered that, in relation to year 2019, that among urban and rural, indigenous and quilombolas schools in differentiated location, inside these people territories, there was a total of 5,925 schools, as shown in the table below.

<b>Total of schools serving exclusively indigenous and quilombola people in differentiated territory</b>							
<b>Year</b>	<b>GRAND TOTAL</b>	<b>Urban</b>			<b>Rural</b>		
		<b>Indigenous land</b>	<b>Area remainder from quilombos</b>	<b>Total Urban</b>	<b>Indigenous land</b>	<b>Area remainder from quilombos</b>	<b>Total Rural</b>
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

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

141. In reference to the main programs working to support the students in Basic Education and resources to fund them, we highlight the following:

#### **National School Food Program (PNAE)**

142. It is an accessory program to education, ensuring by the constitutionally, as a strategy to combat child malnutrition and obesity and health promotion, which aims to service the nutritional need of basic education students, including the early childhood students, during their stay at the school.

143. In relation to the target-group, being serviced by the PNAE, through financial resources forwarding, in a supplemental nature, the students from Childhood Education,

Primary and Secondary Education, indigenous and quilombola schools, 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 (associated to the Public Power).

144. As an implementation strategy, the Federal government forwards financial resources that may only be used for acquiring foodstuffs and, at least, 30% of the forwarded money must be destined to the acquisition of products originating from family farming. The values, on the other hand, are set based on the School Census from the previous year to the service. The value forwarded by the Federal Union to the states, Federal District and municipalities, per school day, per student, is defined by the school stage and modality.

145. It is worth noting that, the per capita values pertaining students enrolled in daycare and preschool are of R\$ 1,07 (one real and seven cents) and R\$ 0,53 (fifty-three cents), respectively.

146. For 2021, the PNAE budget for servicing the entire basic education is of R\$ 4.059.564.405 (four billion, fifty-nine million, five hundred and sixty-four, four hundred and five reais).

147. Specifically regarding students enrolled in childhood education (daycare and preschool), in 2021 the amount of 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).

148. The following table demonstrate the amount of resources already transferred by the FNDE, in the financial year of 2021, to the State Secretariats of Education (SEDUCs), Municipal City Halls and Federal Education Institutions (IFEs), regarding the payment of three payments.

Stage/Type	*Amount paid 2021 (R\$)
<b>PNAE - School Food - AEE</b>	<b>14,313,720.89</b>
<b>PNAE - School Food - Daycare</b>	<b>187,723,947.75</b>
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
<b>PNAE - School Food - Preschool</b>	<b>143,859,886.00</b>
PNAE - School Food - Quilombola	10,305,987.60
PNAE - School Food - Primary School	533,762,311.98
PNAE - School Food - Integral High School Integral High School	17,487,297.00
<b>Grand Total</b>	<b>1,129,515,196.03</b>

\* the amount refers to 3 payments

#### **Nation Program of Support to the School Transportation - PNATE**

149. Introduced by Law n. 10,880, of June 9<sup>th</sup>, 2004, with the goal of ensure access and permanence in school facilities of public basic education students, rural area

residents, which relies on school transportation. The financial support of this program consists of automatic transfer of financial resources, of supplemental nature, to the states, Federal District and municipalities, to afford expenses with vehicles maintenance and third party school transportation services hiring.

150. The PNATE transferred in 2020 resources to the 5,174 Executing Agencies nationally, releasing R\$ 720 million reais to City Halls, State and Federal District Education Secretariats, helping 4,375,912 basic education network students.

### **School Way Program**

151. Designed in 2007, it was designed by Decree n. 6,768, of 2009, with the intent of renovating and standardize school transportation vehicle and vessels fleet, ensuring safety and quality and contributing to the access and permanence of student of the basic public school network schools.

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

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

153. Introduced in 1995, the PDDE, educational public police implemented by the National Fund for Educational Development (FNDE), aims at providing financial assistance, of supplemental nature, to the municipal, state and district basic public schools and to private special education schools.

154. The program has the purpose of helping the operation and improvement of the physical and pedagogic infrastructure of the education facilities and reinforcement of the school self-managing in the financial, administrative and didactic areas, as well as the improvement of the basic education performance indicators. Among other purposes, it is possible to apply its resources to acquire consumable and permanent goods, hire services, carry out repairs in the school building and develop educational projects.

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

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

156. The PNLD is a public policy, implemented by the National Fund for Educational Development/FNDE, destined to assess and make available school, teaching and literary books, among other support materials to the educational activities, systematically, regularly and for free, to basic education public of federal, state, municipal and district networks and the non-profit community, confessionals or philanthropic institutions associated to the Public Power.

157. The target audience of the program are students, teachers and managers of the school networks registered in the School Census and which joins formally the PNLD.



158. The PNLD is implemented centrally, making the FNDE use its structure to acquire and distribute to the more than 140 thousand services schools the books chosen by the Ministry of Education on the teaching assessment and chosen by the school networks. This logic reveals the mutual cooperation regime that the Program consolidated in its more than 80 of existence and which has its instruments enhanced continuously in order to improve and strengthen all the network so that the students from the participant networks have the school book in their hands at the beginning of each school year.

159. It should be pointed out that, regarding effectiveness, seen under the economy aspect, the average price of the purchased books from the Program is around one tenth of those sold to the customer and with a quality standard at least equivalent due to editorial demands. These demands aim at ensuring that the material has a useful life compatible with the duration of each cycle, which is of four years.

160. For 2021, the table below demonstrate the amount of investment expected for the acquisition of material for each educational stage.

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

#### **Program of Support to New Childhood Education Classes**

161. Has the purpose of supporting maintenance of new classes in public or non-profit private childhood education school facilities (daycare and preschool) associated to the public power.

#### **Program of Support to New Childhood Education Facilities**

162. Supports the maintenance of new classes in new public facilities (daycare and preschool) built with resources from the National Program from Restructuring and Equipment Acquisition to the Childhood Education Public School Network (Proinfância)

#### **Program of Support to Integral Time High School (EMTI)**

163. Supports the states and Federal District education secretariats in expanding the school day of the public high school.

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

164. Has the purpose of expanding the offer of free openings in courses of professional and technological education.

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

<b>Program</b>	<b>Category</b>	<b>Amount transferred (R\$)</b>
PROGRAM OF SUPPORT TO NEW CHILDHOOD EDUCATION CLASSES	-	6,370,635.00
PROGRAM OF SUPPORT TO NEW CHILDHOOD EDUCATION 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>

#### **Integrated Actions Plan (PAR)**

166. It is a tool of management and organization, consisting in offering to the federative entities an instrument of diagnosis and multiannual planning of the educational policy, designed structure and manage goals, contributing to the development of a national school system. At the table below, the amount of budgetary resources committed to the Educational States Secretariats and City Halls are presented, in the financial year of 2020, through the PAR, for each stage/Modality, with a total amount of R\$ 1,197,496,264.27.

<b>PAR</b>	
<b>Stage/Type</b>	<b>2020 Committed Resources (R\$)</b>
Childhood Education	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>

<b>Committed values in 2020</b>	
<b>Type</b>	<b>Amount invested</b>
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>

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

**Children under economic exploitation**

167. Brazil counts on a legislative structure considerably developed in relation to child labor eradication and the protection of the worker adolescent. Such regulations highlight four basic fundamental rights:

- a) The right of not working for children and adolescents with age under 16 years old;
- b) The right of protected work for adolescents with ages from 16 to 17 years old;
- c) The right of job training of the adolescent, from 14 years old on;
- d) The right to labor rights.

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

*“prohibition of night, dangerous or unhealthy work for those under eighteen years old and of any work for those under sixteen years old, unless in the condition of apprentice, starting from fourteen years old;”*

169. Another provision that deserves emphasis is the article 227, which confirms the principle of integral protection of the child and adolescent in Brazil, under the following terms:

*“Article 227 It is duty of the family, society and State to assure to the child, adolescent and the young people, with absolute priority, right to life, health, nourishment, education, leisure, job training, culture, dignity, respect, freedom and family and community interaction, besides keeping them safe from any form of negligence, discrimination, exploitation, violence, cruelty and oppression.*

(...)

170. Internationally, besides the 1989 Convention on the Rights of the Child, Brazil is signatory to the International Labour Organization Conventions n. 138, over the minimum age for work, and 182, over the worst forms of child labor.

171. In relation to the minimum age for working in Brazil, it is worth noting that the country is in compliance with the set out by the ILO Recommendation n. 146, which establishes, in its article 7(1): *“Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work (...)”*.

172. Regarding the worst forms of child labor, in attendance with the provisioned by article 3, d and 4, of Convention n. 182 of ILO, Brazil has kept a list (See Decree n. 6,481/2008) of 89 jobs considered damaging to health and safety and 4 jobs damaging to morality and, therefore, banned for those under the age of 18 years old.

173. Regarding infraconstitutional norms, it is appropriate to mention the following norms related to the protection of the child and adolescent:

a) Statute of the Child and Adolescent - which consecrates, in the group of its dispositions, the Integral Protection Doctrine; and the

b) Consolidation of Labor Laws - which bring a collection of norms (article 402 to 411) targeted to the protection of children and adolescents in the workplace.

174. Finally, the Decree n. 9,579/2018 should be mentioned, which consolidates normative acts published by the Federal Executive Branch about breastfeeding women, child, adolescent, apprentice, and about the National Council for the Rights of Children and Adolescents, the National Fund for Children and Adolescents, and the federal program of child and adolescents, and brings other provisions.

175. The mentioned ruling brings, among other provision, the standards for the institution of apprenticeship, which is in compliance with the right of professional qualification of the adolescent, starting from 14 years old.

176. The apprenticeship has as purpose assure the apprentice, enrolled in an apprenticeship program, methodical technical-professional formation compatible with their physical, moral and psychological development.

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

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

178. Among its main goals, we highlight: the preparation of the proposal for the National Prevention and Eradication of Child Labor and Protection of the Adolescent Worker Plan; the verification of compliance with Conventions n. 138 and 182 of the International Labour Organization (ILO) with the national legislation in effect, in order to make the eventually necessary legislative adaptations; the preparation of proposals for regulating and adapting the nation legislation according to the set out by Conventions n. 138 and n. 182; the preparation of the proposal for the List of the Worst Forms of Child Labour (List TIP); and proposing monitoring mechanisms of implementation of Convention n. 182.

179. Its operation takes place within the CNT - National Work Council, being one of its thematic commissions.

180. The CONAETI composition, within the CNT line of work and 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).

181. The CONAETI includes in its government composition, for example, the Ministry of Economy, responsible for actions of inspection to combat child labor and protect the adolescent worker; the Ministry of Education, which deals with school inclusion and permanence policies for children and adolescents; the Ministry of Citizenship,

responsible for the Programme to Eradicate Child Labor (PETI); and the Ministry of Health, which keeps protocols and the communicable diseases system, including actions of identification and referral of child labor cases.

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

183. In the case, 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**

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

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

186. 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.*

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

- *Prioritizing prevention and eradication of child labor and protection to the adolescent workers in the social and political agendas;*
- *Promotion of communication and social awareness actions;*

- *Creation, enhancement and implementation of child labor prevention and eradication mechanisms and protection to the adolescent worker, with emphasis to the worst forms;*
- *Promotion and strengthening of family in its emancipation and social inclusion perspective;*
- *Guarantee of quality public education to every children and adolescents;*
- *Protection of children and adolescents health against exposure to the the risks of work;*
- *Encouraging knowledge creation over the reality of child labor in Brazil, with emphasis on its worst forms.*

188. The inspection of work in Brazil is a Federal Government responsibility and its implementation is decentralized, in each of the 26 states and in the Federal District.

189. The Labor Inspectors' jurisdiction of inspecting child labor is based mainly in the 1988 Federal Constitution, the Regulation of Work Inspection (Decree n. 4,552/2002), and Convention n. 81 of ILO, about labor inspection. In each of the federative units, the actions of combating child labor relies on their own acting unit.

190. Regarding labor inspection operation, the combat of child labor is included in the actions related to Decent Work and are part of the Priority Axes of that 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 that all the production chain is engaged in avoiding the establishment of situations of child labor exploitation;*
- *Creating mechanisms for introduction of adolescents leaving child labor in educational programs;*
- *Promote the integration of agencies and other entities involved in these subjects, with the development and/or enhancement of 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, creating mechanisms that reflect in a "fiscal intelligence", with region mapping and/or activities of more incidence of situations to be faced by the inspection, as well as strategic development of effective action in rights' violation situations;*
- *Promoting integration of public agencies and other partners involved in the subjects, with the development and/or enhancement of accommodation, support, qualification, training and job market inclusion policies for those leaving child labor and work in slave-like conditions.*

191. In this context, the activity of combating child labor, according to the inspection guidelines, is mandatory throughout the national territory and must comply with effective

fiscal actions goals of child labor previously set, according to technical criteria. The compliance of these goals is monitored monthly and quarterly.

192.

193. The fiscal actions of combating child labor observe an action protocol which involves, in short, the following actions:

- Filling a data collection form of each children or adolescent found in child labor situation.
- Determining to the employer work leave of all children and adolescents in child labor situation, as well as payment of due work rights;
- Whenever possible, determine change of function of adolescents with 16 and 17 years old;
- Register of infraction files facing the found irregularities;
- Referral of inspection report to the Public Labor Prosecution Office, as well as other agencies considered necessities; and
- Forwarding Child Labor Communication Statement and Request for Provisions to the Guardianship Council, the State Public Prosecution Office and to the Municipal Welfare Service, and other agencies deemed necessary, to the inclusion of those leaving child labor in social protection public policies.

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

195. Regarding fiscal actions execution arising from the Covid-19 pandemic, the work inspection performed in 2020 an extensive national operation, of exceptional nature, with the purpose of protecting the adolescent worker with ages from 16 to 17 years old in the face of the pandemic.

196. 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 of combating different forms of child labor.
- Development of a monitoring system of children and adolescents taken from child labor, in order to verify their inclusion on social programs or in work training.
- Training regional coordinators of the Actions to Combat Child Labor towards the subjects “special sectoral actions”, “intersectoral articulation” and “social debate”.
- Publishing a handbook of question and and answers about the most important aspects related to Child Labor to inform the external public.
- Offer of a course focused on the aspects related to child labor.
- Execution of an awareness campaign on the matters related to child labor,

specially in reference to the 06.12<sup>th</sup>, National Day against Child Labor, and 10.12<sup>th</sup>, Children's Day. Among the already produced material, we highlight the recording of 14 videos about the different aspects of child labor. They can be accessed through YouTube, in Portuguese only at:

<https://www.youtube.com/channel/UCII0hpg3zsILGJSFQJTxy7A>).

- Development of information systems guided towards inspection on the combat of child labor. At this stage, the project for a system of work audition of children and adolescents hired aimed at identifying cases of child labor, particularly, in its worst forms.
- Availability of data of work audit action in combating child labor to the general public through a system called RADAR - SIT. This system has the purpose of increasing transparency of work audit actions and assist in planning actions for child labor eradications.

197. Regarding data, Brazil relies on an important database for the definition and planning of actions and policies from fighting child labor. It is comprised of data made available by the Brazilian Institute for Geography and Statistics - IBGE, resulting, specially, from the demographic Census, Rural Census and the National Household Sample Survey (PNAD).

198. According to the IBGE data, in 1992, Brazil had a little more than 8 million and 4 hundred thousand children and adolescents in child labor situation. Today, according to the last data from PNAD 2019, there are 1 (one) million 766 (seven hundred and sixty-eight) thousand children and adolescents with ages from 5 to 17 years old in situations regarded as child labor, which correspond a percentage of 4.6% of occupation in relation to the total population of this age group.

199. From the total of children and adolescents in child labor situation, 819 (eight hundred and nineteen) thousand are not old enough to be working. The remainder, 950 (nine hundred fifty) thousand, are from adolescents old enough to be working, but were considered by the IBGE as 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).

200. Comparing with the IBGE data from 2016 and 2019, a decline is observed, in absolute numbers, of 357 (three hundred and fifty-nine) thousand children and adolescents in child labor situation.

201. Between January 2011 and June 2019, "Disk 100" - service kept by the Federal Government, to the dissemination of information on the rights of vulnerable groups and reports of human rights violations - got 683 reports of human trafficking in which the victims were children and adolescents in Brazil.

202. The reports are welcomed, screened and forwarded to the appropriate agencies, among them, the Federal Police.

203. As an example of recent successful initiatives, the Operation Turquoise II, from Interpol, in which the Federal Police was invited to host and coordinate in Brazil, in the end of 2020, the operational center of this joint action with more than 20 countries against human trafficking and immigrants smuggling, with United Nations Office on Drugs and Crime - UNODC support, within a multinational project of fighting against transnational



criminal organizations dedicated to this illegal activity, leading to more than 200 imprisonments among the criminal networks involved in smuggling around 3,500 migrants in the Americas, Africa, Europe and Asia.

204. In the same sense, Rescue operation, initiated in 2021 and coordinated by the Federal Police, for combating forced work, and that relied with the participation of other agencies, resulting in the rescue of more than 100 people until January 28<sup>th</sup> this year, found in conditions equivalent to slavery. This was a joint effort, arising from the reports received mostly from channels “Disk 100” and “Disk 180”, not rarely pointing to probable children and adolescents exploitation situations.

205. In reference to the actions of protection of 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 the compliance with what is set by the Statute, in light of the situation of the pandemic caused by the new coronavirus, there was preparation and publishing the the Joint Recommendation n. 1 of June 23<sup>rd</sup>, 2020, 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>, aimed for the protection of indigenous children in vulnerable situations.

206. 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**

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

208. According to 2017 survey, the Computer Information Department of the Single 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 and adolescents. Among these, 10% are children under four years old. However, in 2019 19,356 reports of children and adolescents rape were filed; 919 reports of sexual exploitation and 773 reports of juvenile pornography.

209. In June 26<sup>th</sup>, 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 the establish in the items that deal with “abuse and negligence, sexual exploitation and abuse”, children in exploitation situation, including measures to their physical and psychological recovery and social reintegration: I. economic exploitation, including child labor (article 32), with specific references to the minimum applicable ages; II. the use of children in the 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).

210. The Protocol was introduced as a result of the need for an uniform approach of the police and expertise agencies in the elucidation of infractions involving children and adolescents victims, considering their condition of developing subjects. The State actions must prioritize standard and adequate procedures, planned and executed in strict accordance to technical and scientific bases, enabling assistance from specialized and qualified professionals, always ensuring the priority of exams, diligences and hearings that involve children and adolescents victims or witnesses of violence.

211. The execution of diligences and technical expertises must be guided by the protection of dignity, privacy and intimacy of children and adolescents victims or witnesses of violence, with the reduction of exposure to non-essential people and procedures and the number of times they report the facts (be it through listening, hearings, interviews, special testimonies), alleviating risks of revictimization.

212. The criminal investigation in all its stages must observe the personal conditions of children and adolescents, in order to allow, since the register of the incident until the completion of the police investigation, the efficient and timely adoption of necessary diligences and actions, as well as gathering, holding and processing physical and/or psychological evidences of the assessed infraction, favoring the most adequate dynamic comprehension of the facts, the concreteness, motivation and author of the crime, as well as its possible developments.

213. The document preparation counted on the active contribution of the workgroup members and the intense collaboration of the representatives com the National Civil Police Commanders Council - CONPC, National Council of Scientific Police Commanders - CONDPC, National Council of Public Prosecution - CNMP, National Council of Justice - CNJ, National Secretariat of Justice - SENAJUS and Public Labor Prosecution Office. The document is currently under analysis of Ministry of Justice and Public Security for approval and implementation.

214. 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 reserver due to the sensible nature of the information.

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

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

216. 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.

217. With the verification of the infraction, the appropriate authority may apply to the adolescent the following measures:

- Warning
- Obligation of damage repair
- Community service execution
- Assisted Freedom
- Introduction in Semi-confinement Regime

- Internment in educational facilities

218. It should be noted that the internment measure, before sentencing, can only be determined in a reasoned way and for a maximum term of 45 days, for the maximum length of 3 years of the socio-educational measure or compulsory dismissal to the 21 years old for young people in conflict with the law.

219. The National Council of Public Prosecution as published in 2019 material called “Overview of the Implementation of Socio-educational Programs of Internment and Semi-confinement in the Brazilian States”, with a thorough diagnosis of the service rendered in Brazil, concerning the offer, demand and vacancy management for the execution of socio-educational measures of internment and semi-confinement all over Brazil. 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).

#### **10. 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**

220. 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, according to the obligation of the Brazilian State of presenting to the United Nations Committee on the Rights of the Child periodic reports on the implementation of the CRC and its protocols.

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

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

222. 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 through 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=CRC%2fC%2fOPAC%2fBRA%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fOPAC%2fBRA%2f1&Lang=en).