



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second to fourth periodic reports of Brazil*

I. Introduction

1. The Committee considered the combined second to fourth periodic reports of Brazil (CRC/C/BRA/2-4) at its 2036th and 2037th meetings (see CRC/C/SR.2036 and 2037), held on 21 and 22 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.

2. The Committee welcomes the submission of the combined second to fourth periodic reports of the State party (CRC/C/BRA/2-4) and the written replies to the list of issues (CRC/C/BRA/Q/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, in 2010;

(b) Optional Protocol to the International Covenant on Civil and Political Rights, in 2009;

(c) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2009;

(d) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008;

(e) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2007.

* Adopted by the Committee at its seventieth session (14 September-2 October 2015).



4. The Committee notes with appreciation the adoption of the following legislative measures:
 - (a) Act No. 12.978 on sexual exploitation of children, on 21 May 2014;
 - (b) Act No. 12.594 on the National System of Social-Educational Services (SINASE), on 18 January 2012.
5. The Committee welcomes the following institutional and policy measures:
 - (a) National Human Rights Council (2014);
 - (b) National Education Plan (2014-2024);
 - (c) National Plan to End Sexual Violence against Children and Adolescents (2013);
 - (d) National Plan to Combat Human Trafficking (2013);
 - (e) National Plan for Social-Educational Assistance (2013).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

6. **The Committee recommends that the State party take all necessary measures to address its previous recommendations of 2004 (see CRC/C/15/Add.241) that have not been implemented or sufficiently implemented, and in particular, those related to data collection (para. 24), independent monitoring (para. 20) and training and dissemination (para. 26).**

Comprehensive policy and strategy

7. The Committee notes the adoption in 2012 of the Ten-Year Plan of Action for the Promotion of Children's Rights (2011-2020). However, the Committee regrets the lack of information on specific targets and timelines, particularly concerning children in street situations and children with disabilities.

8. **The Committee recommends that the State party ensure the effective implementation of the Ten-Year Plan of Action for the Promotion of Children's Rights (2011-2020) and its regular evaluation at all levels of government. In doing so, the State party should ensure the allocation of adequate human, technical and financial resources for its implementation.**

Coordination

9. The Committee notes the role of the National Secretariat for the Promotion of the Rights of Children and Adolescents (SNPDCA). However, the Committee remains concerned about the absence of a cross-sectoral mechanism responsible for the overall coordination and implementation of policies, programmes and budgets relating to children's rights between the national and subnational levels. The Committee is also concerned about current changes in the State party's administration and information, according to which the specific, existing mechanism for coordinating the implementation of the Convention may be dissolved.

10. The Committee recommends that the State party establish a mechanism at interministerial level with a clear mandate and sufficient authority to coordinate and monitor all activities related to the cross-sectoral implementation of the Convention at all federal levels. The State party should also ensure that this body is provided with adequate human, technical and financial resources for its effective operation. Furthermore, the Committee urges the State party to ensure that, notwithstanding the restructuring of its administration, the Secretariat for Children and Adolescents retains its mandate and is provided with sufficient resources to coordinate the implementation of the Convention.

Allocation of resources

11. The Committee is concerned about the lack of dedicated mechanisms at the national and subnational levels to monitor resource allocation for children's rights. Furthermore, it is concerned about recent budget cuts, which among other things have affected the budgets for the social sectors and for human rights and have had a negative impact on the implementation of programmes for the protection of children's rights.

12. **In the light of its day of general discussion in 2007 with the theme of "resources for the rights of the child — responsibility of States", the Committee recommends that the State party:**

(a) **Utilize a child rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children, throughout the budget at all federal levels;**

(b) **Conduct a comprehensive assessment of the budget needs of children and increase the budget allocated to social sectors, and address disparities through the application of indicators related to children's rights;**

(c) **Ensure that resources allocated for the protection and promotion of children's rights are proportionate to the State party's economic growth, and in that context, conduct regular assessments of the projects on children's rights that are being undertaken as part of the Growth Acceleration Programme (PAC-2);**

(d) **Define specific budgetary lines for indigenous children, and children living in marginalized urban areas, including favelas, and in rural areas in the north and northeast of the State party, as well as children with disabilities, who may require affirmative social measures, and ensure that those budgetary lines are protected in situations of economic crisis.**

Data collection

13. The Committee is concerned about the insufficient data on children in street situations, children with disabilities and indigenous children, as well as the inadequate data on violence against children, including sexual violence and trafficking in children.

14. **In the light of its general comment No. 5 (2003) on general measures of implementation, the Committee urges the State party to improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation and evaluation of policies, programmes and projects for the implementation of the Convention.**

Independent monitoring

15. While welcoming the role of the National Council for Human Rights, the Committee remains concerned that the Council does not have a specific mechanism for receiving, investigating and addressing complaints by children in a child-sensitive manner.

16. **In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Establish a specific independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner while ensuring the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims;**

(b) **Provide such mechanism with adequate human, technical and financial resources;**

(c) **As necessary, seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).**

Dissemination, awareness-raising and training

17. The Committee takes note of the awareness-raising programmes and training programmes on children's rights for several professional groups. However, the Committee is concerned that awareness of the Convention and children's rights in general among professionals working with and for children and among the general public, including children themselves, remains low.

18. **The Committee encourages the State party to promote the Convention on the broadest possible basis, particularly for children in vulnerable situations, including through child-friendly audiovisual aids and digital media, and by enlisting the support of the mass media, including social media. The Committee also recommends that the State party strengthen its efforts to provide adequate and systematic training and/or sensitization of professionals working with and for children and that it integrate the Convention into the curricula at all levels of the educational system.**

Cooperation with civil society

19. The Committee welcomes the creation of the Protection Programme for Human Rights Defenders in 2004 and the launch of the Information System on Threatened Human Rights Defenders in 2014. However, the Committee is concerned that the Protection Programme for Human Rights Defenders is not operational in all states, that resources allocated to the programme are insufficient and that the lack of coordination with State officials is hampering its mandate. Furthermore, the Committee is seriously concerned about the numerous cases of death threats, physical attacks, disappearances and killings carried out against journalists and children's rights and human rights defenders, particularly those working on issues concerning children's rights.

20. **The Committee urges the State party to ensure that death threats, physical attacks, disappearances and killings carried out against journalists, human rights defenders and civil society activists are promptly and independently investigated, and that those responsible for such abuses are held accountable and subject to commensurate sanctions. The Committee further recommends that the State party:**

(a) **Expand the Protection Programme for Human Rights Defenders to all states to improve the protection of indigenous human rights defenders, and allocate adequate human, technical and financial resources to the programme;**

(b) **Systematically involve non-governmental organizations (NGOs) working in the field of children's rights in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children.**

Children's rights and the business sector

21. The Committee takes note of Act No. 11.265 of 2006, which regulates food industry advertising and marketing practices as regards children. However, the Committee is deeply concerned that activities of the mining and construction sectors, as well as of agribusinesses, food corporations and large-scale sporting and/or entertainment events, frequently results in the resettlement of communities without compensation or appropriate services, the contamination of water resources and food, unhealthy diets due to misleading advertisements, and environmental degradation. The Committee is also concerned about the lack of regulatory frameworks covering the social and environmental responsibility of business corporations and industries.

22. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) **Establish a regulatory framework to deal with the impact of the business sector on children's rights, particularly that of the mining and construction sectors, agribusinesses and food enterprises, and that of large-scale sporting or entertainment events, operating in the State party, to ensure that their activities do not negatively affect human rights or endanger environmental or other standards, especially those relating to children's rights;**

(b) **Ensure effective implementation by companies of international and national environmental and health standards, effective monitoring of the implementation of those standards, and appropriate sanctions and/or remedies when violations occur;**

(c) **Require companies to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts.**

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

Non-discrimination

23. The Committee is concerned about the structural discrimination against indigenous and Afro-Brazilian children, children with disabilities, lesbian, gay, bisexual, transsexual and intersex children, children in street situations, and children living in rural, remote, and marginalized urban areas, including favelas. The Committee is also seriously concerned that strategies aimed at eliminating discrimination based on gender, sexual orientation and race have been removed from the education plans of several states. Furthermore, it is concerned about the patriarchal attitudes and gender stereotypes that underpin discrimination against girls and women.

24. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to combat discrimination against and stigmatization and social exclusion of children living in poverty in marginalized urban**

areas, such as favelas, as well as children in street situations, and Afro-Brazilian and indigenous children and girls;

(b) **Enact legislation to prohibit discrimination or the incitement of violence on the basis of sexual orientation and gender identity and continue the Schools without Homophobia project;**

(c) **Prioritize the elimination of patriarchal attitudes and gender stereotypes, including through educational and awareness-raising programmes.**

Right to life, survival and development

25. The Committee takes note of the initiatives aimed at addressing deadly violence against children, such as the Programme for the Protection of Children and Teenagers Threatened with Death. However, the Committee remains seriously concerned that the State party has one of the highest rates of child homicide in the world, with the majority of victims being adolescent Afro-Brazilian boys.

26. **The Committee urges the State party to take all necessary measures to address the root causes of child homicide and to expand and strengthen its programmes and policies for addressing deadly violence, including by increasing the human, technical and financial resources allocated to existing programmes.**

27. The Committee welcomes the adoption in 2015 of Act No. 13.104 on femicide. However, the Committee is concerned that gender-based violence remains widespread.

28. **The Committee recommends that the State party:**

(a) **Provide systematic training to judges, prosecutors and lawyers on girls' rights and violence against girls as well as on Act No. 13.104 on femicide;**

(b) **Strengthen its judiciary to ensure that girls, particularly those from disadvantaged groups, have effective access to justice, by increasing the number of courts dealing with cases of domestic and family violence, and the number of judges with expertise in this area;**

(c) **Collect disaggregated data on child homicide, including femicide, as well as on parents and guardians who have been killed and the number of children that they have left behind.**

Respect for the views of the child

29. The Committee takes note of efforts made to promote the right of the child to be heard and to participate in councils for the rights of children and adolescents. However, it is concerned that children's participation in school councils is still low, that children do not regularly participate in decisions that affect them and that their views are seldom taken into account.

30. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Develop toolkits for public consultation on national policy development in order to standardize such consultation with a high level of inclusiveness and participation, including consultation with children on issues that affect them;**

(b) **Conduct programmes and awareness-raising activities to promote permanent, meaningful and empowered participation of all children within the family, the community and schools, including within student council bodies, with particular attention to girls and to children in vulnerable situations;**

(c) **Strengthen consultation with and the participation of children in foster care centres and juvenile offenders' institutions, to ensure that their views are taken into account;**

(d) **Improve training activities for professionals working with or for children and raise awareness of the importance of child participation, including, as appropriate, consulting with children on the formulation of such activities.**

C. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

31. The Committee welcomes the measures taken to increase birth registration in general. However, the Committee remains particularly concerned at the persistence of low levels of birth registration among indigenous children.

32. **The Committee calls on the State party to continue taking the necessary measures to ensure registration of all children and recommends that the State party:**

(a) **Further raise awareness about the benefits of birth registration and the availability of birth certificates for free, and improve the accessibility of registration services in the Amazon area, including by establishing additional mobile registration units;**

(b) **Ensure that registration issued by the National Indian Foundation (FUNAI) has the same legal effects with regard to obtaining social benefits and other documentation as birth registration issued by civil notaries.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Children involved in gangs

33. The Committee is deeply concerned about the high number of children involved in gangs and about the widespread use of violence by or against child members of these gangs. It is particularly concerned about the targeted recruitment of children by gangs and the use of children in organized crime.

34. **The Committee recommends that the State party:**

(a) **Develop a comprehensive strategy aimed at preventing children from joining gangs and providing rehabilitation and reintegration services for these children and, in doing so, collaborate with civil society organizations working with child gang members and children in street situations;**

(b) **Take into account the root causes of child recruitment and violent acts, such as poverty, marginalization and dropping out of school, when designing the strategy, and provide adequate human, technical and financial resources for its implementation;**

(c) **Conduct large-scale awareness-raising programmes, inter alia in the mass media and on social media, on the dangers of joining a gang, including with the involvement of children and by demonstrating positive examples of the successful rehabilitation and reintegration of former gang members;**

(d) **Expediently adopt Senate Bill No. 219/2013, which increases the penalties on those who procure or induce child involvement in criminal activities and armed gangs.**

Police violence

35. The Committee is seriously concerned about widespread violence at the hands of the military police, the Pacifying Police Unit and the Special Police Operations Battalion, notably against children in street situations and children living in favelas, inter alia during “pacification” operations, the military operations in Maré in Rio de Janeiro, and the “shock of order” operation. With reference to paragraph 25 above, the Committee is gravely concerned about the very high number of extrajudicial executions of children by the military police, “militias”, and the civilian police, and by the widespread impunity for these grave violations of children’s rights. It is, furthermore, deeply concerned about:

- (a) Reports of torture and enforced disappearances of children during military and other operations by security forces, particularly in favelas;
- (b) Physical violence against children, including the disproportionate use of tear gas and pepper spray during forced evictions for urban infrastructure projects and the construction of stadiums prior to the 2014 World Cup and the 2016 Olympic Games;
- (c) Arbitrary arrests of children on the basis of laws to combat organized crime, physical violence in police cars, and the denial of access to legal assistance and medical care;
- (d) Physical violence during body searching as well as sexual harassment of girls by the security forces, inter alia during “pacification” operations.

36. **The Committee urges the State party to take all necessary measures, including by enacting or amending legislation and establishing corresponding mechanisms, to ensure the prompt and effective investigation of all deaths and injuries of children, including those that are considered so-called “acts of resistance”, resulting from the use of force by State agents. In doing so, the State party should consider the use of increased penalties for perpetrators with experience in law enforcement or security. The Committee also recommends that law enforcement and other State security personnel who are under investigation for crimes constituting extrajudicial execution, torture and/or enforced disappearance be removed from active duty. Moreover, the Committee recommends that the State party take into consideration recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/14/24/Add.4, Appendix) and:**

- (a) Ensure proper investigation into cases of police violence during forced evictions and public protests, and ensure that perpetrators are brought to justice. The State party should also regularly conduct comprehensive training courses on children’s rights as well as on de-escalation strategies, including for situations such as forced evictions and demonstrations, for all security forces;**
- (b) Ensure that children participating in demonstrations are not arbitrarily detained;**
- (c) Establish an independent assessment system for military and police operations in favelas, including by involving children, with a view to incentivizing non-violent and constructive interaction with communities and children;**
- (d) Collaborate with civil society organizations in setting up an independent network of accessible child-friendly complaint mechanisms in favelas, promote this network among children, and deploy social workers who regularly visit families, particularly those living in areas where military and police forces are present, in order to monitor and register cases of violence.**

Torture and other cruel, inhuman or degrading treatment or punishment

37. While noting the National System to Fight and Prevent Torture, the Committee regrets that it has not been fully implemented. Furthermore, it is deeply concerned about reports of widespread torture and ill-treatment of children in police stations and juvenile detention facilities.

38. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

(a) **Ensure that all allegations of torture, ill-treatment and/or abuse committed by law enforcement officials are thoroughly investigated and that the perpetrators are brought to justice;**

(b) **Provide care, recovery, reintegration and compensation for child victims;**

(c) **Conduct regular training courses on children's rights for personnel working with juvenile offenders;**

(d) **Provide, in its next report, detailed information on the number of cases of torture or other cruel, inhuman or degrading treatment or punishment of children reported to the authorities or relevant agencies, and on the number of prosecutions of perpetrators and the punishments served upon them.**

Corporal punishment

39. The Committee welcomes Act No. 13.010 (the "Boy Bernardo Act"), which was adopted in 2014 and prohibits corporal punishment in all settings. However, the Committee is concerned that the law is not effectively enforced and that corporal punishment remains widely practised and tolerated as a method of disciplining children.

40. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party strengthen its efforts to enforce Act No. 13.010. It furthermore recommends that the State party promote positive, non-violent and participatory forms of child-rearing and discipline.**

Sexual exploitation and abuse

41. The Committee welcomes Act No. 12.978 of 2014 which defines the sexual exploitation of children as a heinous crime. The Committee takes note of initiatives to curb child sex tourism, such as the Convergence Agenda for the Integral Protection of Children in the Context of Major Events as well as awareness-raising programmes in the context of the 2014 World Cup and 2016 Olympic Games. However, the Committee remains seriously concerned about:

(a) The high levels of sexual abuse of, and sexual violence against, children in schools, institutions, and the family, as well as reports of this occurring in police stations and places of detention;

(b) The high and increasing numbers of children involved in prostitution or trafficked for that purpose, as well as the involvement of tourism agencies, hotels and taxi drivers in child sex tourism, particularly in areas where large development projects are being implemented, in the north and north-east of the State party, and in connection with the 2014 World Cup and 2016 Olympic Games;

(c) Reports that there have been no investigations, prosecutions or convictions of child sex tourists, despite the fact that child sex tourism increased significantly during the 2014 World Cup;

(d) Reports of police officers and government officials being involved in trafficking of children for commercial sexual exploitation;

(e) The short-term approach towards the problem of child prostitution, evidenced by the expulsion of child sex workers from tourist areas, their temporary placement in shelters during the Confederations Cup in 2013 and the abrupt cessation of support for these shelters after the event;

(f) The lack of shelters for child victims of sexual exploitation and abuse.

42. **The Committee urges the State party to:**

(a) **Ensure prompt and timely investigation of cases of child sexual abuse, particularly in the family, schools, institutions, police stations and places of detention, and ensure the enforcement of commensurate sanctions against perpetrators;**

(b) **Expediently undertake effective measures to combat child sex tourism, particularly in conjunction with the 2016 Olympic Games and other large-scale development projects, and strictly enforce the legislation enacted to combat sexual exploitation of children; furthermore, collaborate with civil society organizations and NGOs to improve the coordination of programmes and initiatives, and enhance the presence of law enforcement personnel and social workers in areas known for child prostitution, including in large development projects and tourist areas in the north and north-east of the State party; and in doing so, prioritize the prosecution of cases arising from the 2014 World Cup;**

(c) **Strengthen efforts to investigate, prosecute and convict perpetrators and facilitators of sexual exploitation of children, including by regular spot checks of tourist agencies and owners of so-called “love motels”;**

(d) **Ensure accessible and effective reporting channels, with adequate witness protection programmes, for cases where police officers and/or government officials are involved in trafficking of children for commercial sexual exploitation; in addition, consider this to be an aggravating factor in the sentencing of such perpetrators;**

(e) **Conduct a comprehensive study on root causes contributing to the vulnerability of children to child prostitution and child sex tourism, and apply the findings for the development of a long-term strategy to prevent child prostitution;**

(f) **Take immediate steps to establish, for child victims of sexual abuse and commercial sexual exploitation, shelters to provide rehabilitation and social reintegration services;**

(g) **Take into account the outcome document adopted at the 2008 World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro.**

Harmful practices

43. The Committee is concerned that the Civil Code contains exceptions to the minimum age for marriage of 18 and allows children below the age of 16 to marry in the case of a pregnancy; or in order to avoid a criminal sentence, specifically in cases of statutory rape. Furthermore, the Committee is seriously concerned about the high prevalence of child marriage.

44. The Committee urges the State party to revise its Civil Code to abolish all exceptions to the minimum age of marriage. In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee also recommends that the State party:

(a) Undertake comprehensive awareness-raising programmes on the negative implications of child marriage on girls' rights, including in the media, and targeting in particular parents and teachers;

(b) Conduct a comprehensive study on the causes of child marriage and its consequences on girls' rights to education, health and development, in order to design a strategy to eradicate this practice.

E. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20, 21, 25 and 27 (4))

Children deprived of a family environment

45. The Committee takes note of the progress made with regard to the adoption of minimum standards for alternative care. However, the Committee remains concerned about the continued placement of children in institutions on the basis of their families' socioeconomic vulnerability. The Committee is also concerned about:

(a) The lack of foster care programmes in many states, as well as the fact that foster care represents a very low percentage of the alternative care services;

(b) The high levels of violence against and abuse of children living in institutions;

(c) The lack of government oversight of private institutions, which often do not comply with the minimum standards, as well as the inadequately qualified personnel.

46. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:

(a) Expedite the implementation of foster care programmes in all states, including by providing adequate human, technical and financial resources for these programmes, with a view to prioritizing family-type care settings, including foster families, over institutionalized placement, and ensuring the provision of adequate and timely support for foster families;

(b) Investigate and prosecute those responsible for child abuse in alternative care settings and ensure that victims of abuse have access to complaints procedures, counselling, medical care and other recovery assistance;

(c) Establish a systematic monitoring mechanism for private care institutions, with a view to ensuring compliance with minimum quality standards;

(d) Implement competency-based criteria for the selection, training, support and evaluation of childcare workers.

Adoption

47. The Committee takes note of the creation of national registries for children available for adoption and for people interested in adopting. However, it is concerned about reports of irregular adoptions due to corruption among officials administering adoptions. The Committee is also concerned about the lack of statistical data on domestic and inter-country adoption and about information indicating that most adoptions are international adoptions.

48. **The Committee recommends that the State party:**

(a) **Investigate all cases of irregular adoption and review the current mechanisms and procedures for domestic and inter-country adoption with a view to ensuring that professionals responsible for adoption cases are fully equipped with the technical expertise needed to review and process cases in accordance with the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;**

(b) **Establish monitoring and data collection mechanisms on domestic and inter-country adoption to complement the existing national registries.**

Children in prison with their mothers

49. The Committee takes note of Act No. 11.942 of 2009 governing minimum assistance services for incarcerated mothers and their children. However, it is concerned that this legislation has not been implemented effectively. The Committee is seriously concerned about overcrowding and poor sanitation facilities in prisons, as well as about limited access to health services, education and recreational activities for incarcerated mothers and their children.

50. **The Committee urges the State party to take all necessary measures to implement Act No. 11.942 of 2009 effectively and to improve the conditions for children incarcerated with their mothers, including by increasing the human, technical and financial resources allocated to female prisons, with a view to expeditiously ending overcrowding and guaranteeing access to adequate sanitation and to health services, and to education and recreational activities for the children.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)**Children with disabilities**

51. The Committee welcomes the adoption in 2008 of the National Policy on Special Education from the Perspective of Inclusive Education. However, the Committee is concerned about the continuation of segregated special education for children with disabilities in several states, including São Paulo, Minas Gerais and Paraná, as well as the establishment of additional special schools, pursuant to goal 4 of the State party's National Education Plan, which perpetuate segregated education for children with disabilities. Furthermore, the Committee is concerned about:

(a) The widespread sexual violence, abuse and exploitation carried out against children with disabilities, particularly girls, inter alia in institutional settings, the insufficient support services accessible to children with disabilities who are victims of violence, and the difficulties that they have in accessing recourse as their statements are often disregarded due to widespread presumptions that they lack credibility;

(b) Act No. 9263/1996, which permits the sterilization of children with disabilities without their free and informed consent, as noted by the Committee on the Rights of Persons with Disabilities (see CRPD/C/BRA/CO/1, para. 34);

(c) The difficulties in obtaining medical examinations for children with disabilities, which are often a prerequisite for access to medical care or support measures;

(d) Social isolation of children with disabilities, particularly in rural and remote areas;

(e) The lack of disaggregated data on the abuse and neglect of children with disabilities.

52. In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and take all measures to end special education systems in all states and conduct awareness-raising initiatives targeting politicians, teachers and parents on the benefits of inclusive education. In that regard, the Committee recommends that the State party train and employ sufficient specialized teachers and professionals in integrated classes providing individual support and all necessary attention to children with learning difficulties. The Committee also recommends that the State party:

(a) Promptly investigate cases of violence against children and abuse of children, inter alia in institutions, and ensure support services for the victims;

(b) Establish a child-friendly complaint mechanism that is accessible to children with different types of disabilities and guarantee that the police and other law enforcement agencies duly take into account complaints filed by children with disabilities;

(c) Immediately revise Act No. 9263/1996 and explicitly prohibit the sterilization of children with disabilities;

(d) Ensure access to medical care and to support measures for all children with disabilities and facilitate the obtaining of medical examinations;

(e) Undertake awareness-raising campaigns targeting government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of these children;

(f) Review the data collection system on children's rights violations (SIPIA-CT) with a view to ensuring the gathering of comprehensive data on the abuse and neglect of children with disabilities.

Health and health services

53. The Committee takes note of the Health Information System. It also welcomes the Stork Network Programme and the More Doctors Programme, which are aimed at improving the reach and quality of health services. However, the Committee remains concerned about the lack of disaggregated data on health, as well as about the insufficient health services in rural and marginalized urban areas which disproportionately affect indigenous children, children in socioeconomically disadvantaged situations and Afro-Brazilian children.

54. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party increase investment in existing programmes aimed at improving the reach and quality of health services with a view

to ensuring access to quality health services for indigenous children, Afro-Brazilian children, children living in rural areas and children living in marginalized urban areas.

55. The Committee welcomes the decrease in child mortality in line with Millennium Development Goal 4 and takes note of the measures taken to address infant and child mortality as well as malnutrition among indigenous children. However, the Committee is concerned that indigenous children, particularly Guaraní children, continue to have inadequate access to medical services and sanitation, in overcrowded settlements, and continue to be subjected to contaminated water and food.

56. **The Committee urges the State party to:**

(a) **Provide the Special Secretariat for Indigenous Health (SESAI) with adequate human, technical and financial resources to guarantee access to quality health services for all indigenous women and children, including those living in informal settlements;**

(b) **Strengthen its efforts to ensure that family health support units (NASF) are accessible to indigenous children;**

(c) **Allocate adequate human, technical and financial resources to the Nutritional Supervision System (SISVAN) in order to ensure that children affected by malnutrition receive adequate food and safe drinking water.**

57. The Committee is concerned about the high level of obesity among children. With reference to paragraph 21 above, it is also concerned about the vulnerability of children to unregulated advertising promoting unhealthy food.

58. **The Committee recommends that the State party take all necessary measures to address obesity among children, including by promoting healthy lifestyles and raising awareness of healthy nutrition. The Committee also recommends that the State party establish a regulatory framework for advertisements, with a view to protecting children from misleading advertising.**

Adolescent health

59. The Committee welcomes the creation of the *Adolescent Book*, which includes information on sexual health. However, it regrets that the book has not been distributed in many schools and that education on sexual and reproductive health in schools remains inadequate. The Committee is concerned about the high and increasing rates of pregnancy, particularly among girls aged 10 to 14 years who are in socioeconomically vulnerable situations. The Committee is also concerned that the criminalization of abortion, except in cases of rape, threat to the life of the mother, or anencephalic foetus, results in many girls resorting to clandestine and unsafe abortions that put their lives and health at risk.

60. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, placing special attention on the prevention of early pregnancies and sexually transmitted infections. The Committee also recommends that the State party:**

(a) **Conduct awareness-raising programmes, targeting adolescents, on the negative consequences of early pregnancies, including with the involvement of teenage parents, and guarantee access to adolescent-friendly information on contraception;**

(b) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and to combat discrimination against them;**

(c) **Decriminalize abortions in all circumstances and review its legislation with a view to ensuring access to safe abortion and post-abortion care services;**

(d) **Ensure that the views of the child are heard and respected in abortion decisions.**

HIV/AIDS

61. The Committee welcomes initiatives on the prevention of HIV/AIDS and other sexually transmitted diseases. However, it is concerned about the increase in new HIV infections among adolescents, particularly boys.

62. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Improve access to quality, age-appropriate HIV/AIDS, sexual and reproductive health services;**

(b) **Develop a strategy targeted at children involved in prostitution and children addicted to drugs, with a view to increasing awareness about the prevention of HIV/AIDS and to guaranteeing access to free antiretroviral therapy for these children;**

(c) **Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.**

Drug and substance abuse

63. The Committee takes note of the State party's initiatives for combatting drug abuse among children. However, it is deeply concerned about:

(a) The insufficient number of specialized rehabilitation facilities for children who are addicted to drugs;

(b) The high prevalence of drug and substance abuse among children in street situations, particularly those living in so-called crack lands (cracolândias) in large cities;

(c) The high rates of marijuana and alcohol abuse among children.

64. **The Committee urges the State party to:**

(a) **Establish accessible and youth-friendly drug dependence treatment and harm reduction services, including by setting up specialized long-term rehabilitation facilities and allocating adequate human, technical and financial resources for them;**

(b) **Closely collaborate with civil society in its provision of support for child drug addicts, with a view to developing a comprehensive long-term strategy to address the root causes of drug abuse, prevent drug addiction and rehabilitate children addicted to drugs, and ensure that this strategy is based on research findings regarding voluntary rehabilitation;**

(c) **Conduct large-scale awareness-raising initiatives and programmes on the dangers of drug and substance abuse, in particular addressing children, parents and teachers.**

Environmental health

65. With reference to paragraph 22 above, the Committee is concerned about the negative effects of polluted air, water and soil, and of food contamination, on children's health. It is particularly concerned about:

(a) The excessive use of agrochemicals, the detrimental effect of this on children's health, and incidents of crop dusters spraying pesticides and/or other toxic chemicals close to villages and schools, which has led to the poisoning of children;

(b) The contamination of water resources, inter alia in the area between the Tapajós and Xingu rivers in the state of Pará, caused by mining activities and industrial projects, which is particularly affecting the health of indigenous children;

(c) The decreased availability of drinking water, the deterioration in its quality and the increase in the incidence of water-related disease outbreaks such as malaria, caused by the construction of the Belo Monte dam and similar projects, which particularly affects indigenous children's health.

66. **The Committee recommends that the State party:**

(a) **Ensure that existing laws and regulations concerning the use of agrochemicals are strictly enforced, particularly with regard to the use of crop dusters in proximity to villages and schools, expedite the evaluation of agrochemicals by allocating the necessary human, technical and financial resources to the National Health Surveillance Agency and expeditiously ban agrochemicals that have been widely banned in other countries;**

(b) **Improve water supply infrastructure and guarantee access to safe drinking water, particularly for communities living adjacent to contaminated water canals used for the irrigation of farms;**

(c) **Expediently end illegal mining activities, particularly in the Tapajós-Xingu area, and design and implement measures to mitigate the negative effects of these activities and those related to the construction of the Belo Monte dam on the rights of indigenous children and their families;**

(d) **Undertake awareness-raising programmes for communities living in affected areas to minimize the risks of being exposed to contaminated water and food, and for users of such agrochemicals;**

(e) **Conduct a comprehensive assessment of the effects of polluted air, water and soil on children's health and use it as a basis for developing and implementing a strategy to remedy the situation, and monitor the levels of air, water and soil pollutants and of pesticide residues in the food chain.**

Breastfeeding

67. The Committee is concerned at the low rates of exclusive breastfeeding of infants for the first six months of their lives and at the prevalence of the practice of providing them with complementary foods. The Committee is also concerned at the widespread marketing of formula for infants and at the inadequacies in monitoring compliance with the legislation on the marketing of breast milk substitutes.

68. **The Committee recommends that the State party take action to improve the practice of exclusive breastfeeding for the first six months, through awareness-raising measures, including campaigns, and training for relevant officials, particularly staff working in maternity units, as well as parents. The Committee also recommends that**

the State party strengthen the monitoring of existing marketing regulations relating to breast milk substitutes.

Standard of living

69. While welcoming the success of the *Brasil sem Miséria* and *Bolsa Família* programmes in poverty reduction, the Committee is concerned that the proportion of children living in poverty remains high, particularly in the north and north-east of the State party. It is particularly concerned about the high number of indigenous children affected by poverty, and the high vulnerability of Afro-Brazilian children as well as children living in marginalized urban areas, including favelas, and in rural areas, to poverty. The Committee also notes with concern the lack of access to adequate housing, safe drinking water and sanitation, for children living in these areas.

70. The Committee urges the State party to further strengthen its efforts to reduce poverty among children in vulnerable situations, including indigenous children and children living in rural areas. It also recommends that the State party take into consideration recommendations made by the Special Rapporteur on the human right to safe drinking water and sanitation (see A/HRC/27/55/Add.1) and increase investment in water supply and sanitation infrastructure in marginalized urban areas, including favelas, and in rural areas. In doing so, the State party should:

(a) **Consider amending its Constitution to include the right to water and sanitation;**

(b) **Establish a mandatory fair affordability standard for water and sanitation services and regulate subsidy policy by law, with clear criteria and responsibilities for granting subsidies to low-income individuals.**

71. The Committee is deeply concerned about the forced eviction of over 250,000 people, including children, in the implementation of urban infrastructure projects and in the construction of stadiums for the 2014 World Cup and 2016 Olympic Games. It is particularly concerned about:

(a) The worsening living conditions for evicted families, due, among other things, to insufficient compensation, as well as cases where demolitions took place before resettlement, resulting in the deprivation of housing for families;

(b) The severe disruption and hindrance to access to health services and education for children who are victims of forced evictions;

(c) Threats and intimidation of families to leave their homes, by government authorities;

(d) The lack of independent and effective mechanisms for investigations and redress for cases of forced evictions.

72. The Committee urges the State party to:

(a) **Guarantee timely, fair and adequate compensation for families that are evicted in the course of urban infrastructure projects and/or the construction of stadiums prior to the 2016 Olympic Games;**

(b) **Ensure that the rights of the child to an adequate standard of living, access to education and health care are guaranteed in cases of forced eviction;**

(c) **Ensure transparency, consultation, dialogue, fair negotiation and the participation of communities affected by evictions, especially in connection with the 2016 Olympic Games;**

- (d) **Establish an independent complaints mechanism for communities and children affected by forced evictions.**

G. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

73. The Committee welcomes Constitutional Amendment No. 59 of 2009 making education compulsory for children between 4 and 17 years of age. However, the Committee is concerned about:

- (a) The disparities in the access to and quality of education between urban and rural or remote areas, with the latter having significantly lower enrolment rates, particularly at the secondary level, as well as lower completion and literacy rates among Afro-Brazilian and indigenous children;

- (b) The very high dropout rates of teenage mothers, pregnant girls and girl child domestic workers;

- (c) Budget cuts in the education sector and their negative effects on the implementation of the National Education Plan;

- (d) The increasing number of public schools that are managed by the military police and employ non-civilian teachers who are not adequately trained and use authoritarian teaching and disciplinary methods.

74. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

- (a) **Invest in improving the school infrastructure, including the access to water and sanitation, particularly in rural and remote areas; set up new schools in those areas; allocate adequate human, technical and financial resources to those schools; and provide quality training for teachers, with a view to guaranteeing accessibility and quality of education for indigenous children and children living in rural and remote areas;**

- (b) **Address the root causes of children living in marginalized urban areas, particularly Afro-Brazilian children, dropping out of school, including poverty, family violence, child labour and teenage pregnancy, and develop a comprehensive strategy to address the problem; inter alia, the measures adopted should include support for pregnant teenagers and adolescent mothers to continue their education;**

- (c) **Increase funds to the education sector in order to strengthen public education and to prioritize the implementation of the National Education Plan, and in doing so, ensure that in instances of resource scarcity, allocations to public education institutions are prioritized;**

- (d) **Ensure that all schools are operated by civilian authorities that apply child-friendly disciplinary rules and teaching methods; and expeditiously phase out public schools run by the military.**

75. The Committee is concerned about the increased involvement of the private sector in education, in particular:

- (a) The high fees for private schools, which exacerbate existing structural discrimination in access to education and reinforce educational inequalities;

- (b) The increase in public funding for the private education sector, including for profit-oriented educational institutions, as well as in the form of tax incentives for

enrolment in private education and funding for nurseries, preschools and special education institutions through public-private partnerships (conveniamientos);

(c) The increasing purchase by municipalities of standardized teaching and school management systems from private companies, which include teaching and teacher training materials and school management packages that may not be adequately customized for effective use.

76. The Committee reminds the State party of its primary responsibility for guaranteeing and regulating education and reiterates the importance of public investment in education. In this regard, the Committee recommends that the State party take into consideration the recommendations made by the Special Rapporteur on the right to education (see A/HRC/29/30) and establish a comprehensive framework of regulations for private education providers. The Committee also recommends that the State party:

(a) **Establish a clear regulatory framework, under which all private education providers are obliged to report regularly to designated public authorities on their financial operations, in line with prescriptive regulations, covering matters such as school fees and salaries, and to declare, in a fully transparent manner, that they are not engaged in for-profit education as recommended by the Special Rapporteur on the right to education (see A/HRC/29/30, para. 125);**

(b) **Phase out the transfer of public funds to the private education sector and review its policies with regard to tax incentives for enrolment in private educational institutions in order to ensure access to free high-quality education at all levels, in particular nurseries and preschools, for all children, by strictly prioritizing the public education sector in the distribution of public funds;**

(c) **Stop the purchase of standardized teaching and school management systems by municipalities from private companies.**

H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking and refugee children

77. The Committee notes as positive the efforts of the State party to accept refugees, including from the Syrian Arab Republic. However, the Committee is concerned about the absence of a prioritized registration procedure for asylum cases involving children, which results in cases of unaccompanied children remaining undocumented for long periods of time. The Committee is also concerned about the lack of an overall policy for addressing the rights of migrants, including irregular migrants.

78. The Committee recommends that the State party adopt special procedures to register unaccompanied children and ensure that the refugee status determination procedures comply with international protection standards for unaccompanied children. In this regard, the Committee recommends that the State party provide unaccompanied children with legal representation and assistance through all stages of this process. The Committee also recommends that the State party expeditiously adopt the Statelessness Bill that it has pending at its legislature and establish a human rights-compliant overall framework for ensuring the rights of migrants, including irregular migrants.

Children belonging to minority or indigenous groups

79. The Committee is deeply concerned about the structural discrimination against children belonging to indigenous groups, including as regards their access to education, health and an adequate standard of living. It is particularly concerned about:

(a) The high levels of violence against indigenous children and communities, including murder and sexual and physical violence, perpetrated by, among others, local ranchers and illegal loggers, and the lack of protection from these attacks and widespread impunity for these crimes;

(b) Indigenous communities' forced eviction from their land as a result of land grabbing by ranchers, the development of extractive industries, illegal logging or other industrial projects, which severely undermines indigenous children's right to an adequate standard of living, health and a healthy environment;

(c) The high rate of suicide among indigenous children, particularly Guaraní children;

(d) The delay in the demarcation of indigenous peoples' lands, notwithstanding the constitutional rights to property and self-determination, as well as the enactment of legislation to facilitate the demarcation of land, which has negatively impacted indigenous children;

(e) Pending legislation, among other measures, that is aimed at subjecting indigenous territories to mining, industrial projects, and the construction of dams and military bases.

80. **In light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to:**

(a) **Take immediate measures to guarantee the safety of indigenous children and their families, including by providing special units of protection personnel especially trained in the specificities of the respective indigenous communities, in order to prevent killings and raids by local ranchers or illegal loggers;**

(b) **Promptly investigate all cases of killings of and violent attacks against indigenous children and their families and bring the perpetrators to justice;**

(c) **Immediately cease forced evictions of indigenous communities from their lands, and guarantee their right to free, prior and informed consent and consultation as established in the Constitution;**

(d) **Expediently complete the demarcation and allocation of indigenous land in accordance with the Constitution and existing laws, as previously recommended by the Committee on Economic, Social and Cultural Rights (see E/C.12/BRA/CO/2, para. 9);**

(e) **Ensure that, in addition to the consultations mentioned above, industrial projects and the development of extractive industries are subject to independent and comprehensive environmental and human rights impact assessments that pay particular attention to the rights of indigenous children and their families.**

Economic exploitation, including child labour

81. The Committee takes note of the Programme for the Eradication of Child Labour and welcomes the overall reduction in the child labour rate. However, it remains deeply concerned about the large number of children, including children aged 5-9 years, engaged in child labour, particularly in its worst forms. It is also concerned about the absence of

specific programmes or measures targeting working children in the 10-15 year old age bracket. In particular, the Committee is concerned about:

- (a) The high prevalence of child labour in the informal and agricultural sectors, including unregulated work, street vending, garbage collecting and forced labour under slavery-like conditions on farms;
- (b) Reports that judges in numerous cases have authorized children under the age of 16 to work and in some cases have authorized children to engage in hazardous work.

82. **The Committee urges the State party to:**

- (a) **Take all necessary measures to expeditiously remove children of all ages from hazardous work situations; in doing so, it should pay particular attention to child domestic workers and children in the agricultural and mining sectors; and ensure that the persons responsible for such exploitation are promptly prosecuted with commensurate sanctions;**
- (b) **Ensure, including by means of clear instructions to the judiciary, that authorizations are not issued for children under 18 years of age to be employed in hazardous work;**
- (c) **Further strengthen programmes to address child labour, in particular through inspection, investigation, and preventative measures such as improving socioeconomic conditions for children and ensuring access to education.**

Children in street situations

83. The Committee is deeply concerned about the large number of children in street situations who are highly vulnerable to extrajudicial killing, torture, enforced disappearance, recruitment by gangs, drug and substance abuse, and sexual exploitation. In that regard, the Committee also notes with concern:

- (a) The reports of children in street situations being taken to police stations, under unfounded suspicions, and being arbitrarily placed in young offenders' institutions without the required judicial authorizations pursuant to the Statute of the Child and Adolescent;
- (b) Police operations, including the "shock of order" operation, resulting in the eviction of children in street situations as well as the confiscation of their belongings;
- (c) Increased police repression and physical violence against child street vendors in the course of "street clean-ups".

84. **The Committee urges the State party to:**

- (a) **Expediently enforce, including through legislation, monitoring, and the punishment of perpetrators, a prohibition on the arbitrary arrest of children in street situations and their institutionalization without judicial authorization;**
- (b) **Increase the availability of appropriate shelters for children in street situations and ensure that their belongings are not arbitrarily confiscated by law enforcement or security personnel;**
- (c) **Establish a system of specialized social workers, particularly in tourist areas, to provide support to child street vendors and monitor police violence;**
- (d) **Develop a comprehensive strategy to protect children in street situations and reduce their number, including identifying the underlying causes, such as poverty, family violence and the lack of access to education, with the aim of**

preventing and reducing this phenomenon; and, as appropriate, facilitate the reunification of such children with their families when it is in their best interests;

(e) Collaborate with civil society organizations and NGOs working with children in street situations when developing this strategy.

Sale, trafficking and abduction

85. The Committee takes note of the Second National Plan to Combat Human Trafficking and the PAIR MERCOSUL initiative with Argentina, Paraguay and Uruguay for combatting human trafficking. However, it is deeply concerned about the trafficking in children, particularly girls, for the purposes of sexual exploitation and forced labour. It is particularly concerned about the high vulnerability of indigenous children to trafficking for the purposes of domestic labour, slave labour and sexual exploitation. It is also concerned about the lack of specialized shelters for victims of child sex trafficking.

86. **In line with the recommendation of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (see A/HRC/15/20/Add.4, para. 118), the Committee recommends that the State party amend its Penal Code with a view to criminalizing all forms of trafficking, including for the purpose of economic exploitation. The Committee also recommends that the State party:**

(a) **Strengthen prevention, including through regional cooperation, recovery programmes, social reintegration programmes and witness protection programmes for child trafficking victims;**

(b) **Establish specialized shelters with adequate human, technical and financial resources;**

(c) **Provide adequate and systematic training to all professional groups concerned, in particular law enforcement personnel;**

(d) **Launch awareness-raising and prevention campaigns targeting, in particular, indigenous children;**

(e) **Provide detailed information on the number of cases of trafficking in children reported to the authorities or relevant agencies as well as on the number of prosecutions, including of law enforcement officials involved in this crime, in its next report to the Committee.**

Administration of juvenile justice

87. While taking note of Act No. 12.594 on SINASE, the Committee remains concerned that alternative measures to detention are not applied effectively, resulting, inter alia, in large numbers of children, particularly Afro-Brazilians, serving prison sentences. The Committee shares the concern of the Working Group on Arbitrary Detention (see A/HRC/27/48/Add.3, para. 124) regarding the many cases of children being placed in detention for minor offences that do not justify deprivation of liberty. The Committee is concerned about the recent passing by the Chamber of Deputies of Bill No. 171/1993 lowering the age of criminal responsibility from 18 to 16 years and about its pending further consideration at the legislature, as well as about the passage by the Senate of Bill No. 333/15 increasing the maximum length of prison sentences for children from 3 to 10 years. Furthermore, it is particularly concerned about:

(a) Reports of violence, including gang violence, in prisons, which has led to the deaths of children;

(b) The very poor health and sanitary conditions and severe overcrowding in many of the facilities where children are detained;

- (c) Cases where children are detained with adults and the increase in sexual violence against and abuse of children in detention, particularly girls;
- (d) Long periods of pretrial detention and the lack of access to legal assistance prior to the trial;
- (e) Reports of children in conflict with the law being transferred to the Experimental Health Unit in São Paulo, where they were institutionalized without due legal process;
- (f) The misuse of measures for children in conflict with the law for the compulsory confinement of child drug addicts, particularly of children in street situations as part of street “clean-ups” connected with the 2014 World Cup and 2016 Olympic Games, and their placement in facilities that are often unknown to their families or lawyers, that are inadequate to provide for their psychological needs and that lack a long-term approach;
- (g) The inadequate number of juvenile courts and specialized juvenile judges.

88. **In the light of its general comment No. 10 (2007) on children’s rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party to promote alternatives to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible, and to ensure that detention is used as a last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to withdrawing it. The Committee also recommends that the State party:**

- (a) **Promptly and thoroughly investigate all cases of child deaths in custody and develop a strategy to combat gang violence in prisons;**
- (b) **Expediently take measures, including a review of all current cases of child detention, to allow the release or diversion of children in detention;**
- (c) **Take measures to resolve overcrowding in juvenile detention facilities, including through spot inspections and audits, in order to ensure that conditions are compliant with international standards;**
- (d) **Ensure that children are not detained with adults;**
- (e) **Expedite legal proceedings and strictly adhere to regulations regarding the maximum period of pretrial detention, while ensuring the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure, including prior to trial, and throughout the legal proceedings;**
- (f) **Ensure that all cases, particularly in the context of the Experimental Health Unit in São Paulo, of children being subjected to institutionalization are subject to strict safeguards, are used as a measure of last resort and are subject to regular and transparent review;**
- (g) **Expediently implement the recommendations made by the Working Group on Arbitrary Detention regarding the confinement of child drug addicts (see A/HRC/27/48/Add.3, para. 148 (d) and (i));**
- (h) **Increase the number of specialized juvenile court facilities and procedures that have adequate human, technical and financial resources, designate specialized judges for children, and ensure that such specialized judges receive appropriate education and training.**

I. Ratification of the Optional Protocol on a communications procedure

89. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

J. Ratification of international human rights instruments

90. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

91. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the report of which is overdue as of 27 February 2006.

K. Cooperation with regional bodies

92. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

IV. Implementation and reporting

A. Follow-up and dissemination

93. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second to fourth periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

94. The Committee invites the State party to submit its combined fifth to seventh periodic reports by 23 April 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

95. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).
