



FEDERATIVE REPUBLIC OF BRAZIL

**SPEECH OF THE SPECIAL SECRETARY ON HUMAN RIGHTS OF THE
PRESIDENCY OF THE REPUBLIC, MINISTER NILMÁRIO MIRANDA
DURING THE 37th SESSION OF THE COMMITTEE ON THE RIGHTS OF
THE CHILD**

GENEVA

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Honorable Chairman of the Committee on the Rights of the Child,

Distinguished members of the Committee,

My fellow delegates,

Ladies and Gentleman,

In the beginning of this dialogue between Brazil and the Committee on the Rights of the Child, I would like to express, on behalf of the people and the government of Brazil, our repudiation to the recent terrorist acts in Beslan, as well as our solidarity to the victims and their families.

For Brazil, presenting a report on the situation of Brazilian children and adolescents is an act of great responsibility, but also a reason to rejoice, especially since it is the first time in 14 years such a report is presented.

The report to the Committee on the Rights of the Child is integrated within the context of the importance Brazil attaches to international cooperation with human rights bodies. Written in partnership with representatives of civil society, the report updates the fulfillment of the international obligations of our country and reaffirms Brazilian openness to international cooperation and dialogue, also manifested, for example, by the concession of a standing invitation to the Special Procedures of the Commission on Human Rights, by the active participation in the inter-American system of human rights and by the recent ratification of the two Optional Protocols to the Convention on the Rights of the Child.

Brazil regrets not being able to fulfill in due course its obligation stemming from art. 44 of the Convention and thanks the opportunity of presenting a consolidated report of its initial and first two periodic reports.

In the light of the report already submitted, as well as of the conversations that will be held today, the members of the Committee will be perceive that our country has progressed in the different areas of implementation of the Convention on the Rights of the Child, even though there are still important challenges to overcome.

First of all, it is important to mention the improvement of the legal framework, updated with a view to incorporate all the rights determined by the Convention, which, in addition to becoming internal law, had its principles enshrined in the Constitution of the Republic, especially in its article 227, and in the Statute of the Child and the Adolescent, Law nº 8.069, of July 13th, 1990. The Constitution of 1988 predates the Convention, which

demonstrates the tuning of Brazilian society and State with all the debates being held at that moment. Moreover, Brazil was the first country in the world to adapt its legislation to the principles enshrined in the Convention, in such a way that the Statute of the Child and the Adolescent served as model for other nations that intended to create their own internal laws on the matter.

Since the Constitution, the Convention and the Statute of the Child and the Adolescent, Brazilian children and adolescents, without any distinction of race, social class or else, became right bearers, considered in their particular condition of persons in development, which must be given absolute priority in policy making and budget allocation and spending.

Although important, changes in the legal framework are not a sufficient condition to change reality. It is also necessary the development of public policies that promote the rights prescribed by law and the creation of an institutional apparatus that guarantees these rights. Brazil has progressed in both areas, despite there is still much else to do.

In the institutional fields, the coordination of the public policies for children and adolescents, as well as the execution of some of these policies is attributed to the Special Secretariat on Human Rights, a body directly linked to the Presidency of the Republic. The Special Secretariat has an Under-Secretariat with specific attributions on the subject, the Under-Secretariat of the Promotion of the Rights of Children and Adolescents. The National Council on the Rights of Children and Adolescents (CONANDA) which I currently chair and which is also related to the Special Secretariat, has another a pivotal role.

CONANDA is the federal hallmark of the system of Councils of Rights and Guardianship Councils established by Brazilian law to promote and protect the rights of children and adolescents. The Council of Rights (federal, state and municipal councils) are bodies composed by members of government and civil society on an equal basis and have the power to establish the guidelines for child and adolescent policies, participate in the elaboration of the respective budgets and monitor their implementation. The Guardianship Councils, whose members are elected by the people, have the power to assure that the rights of the child and the adolescent are not violated and, when they so are, make sure these rights are restored and their violators punished. Each Municipality must have a

Council of Rights and, at least, a Guardianship Council for each group of 200 thousand inhabitants.

This institutional network represents one of the major achievements defined by the Statute on the Child and the Adolescent, although it is not fully implemented, especially in the municipal level, a question Brazil is trying to address. The Program "Pró-Conselhos Brasil" aims the implementation of Councils of Rights in all municipalities and the implementation of Guardianship Councils in at least 80% of them by 2006, as well as strengthening such Councils in order to enable them to properly exercise their functions.

Various factors influence the development of policies for children and adolescents, among which the geographical dimensions of the country and its cultural diversity, as well as social, cultural and economical disparities. Brazil is a Federative Republic, in which the entities of the Federation, States and Municipalities have political and administrative autonomy. The implementation of national policies depends on the cooperation of these entities. Despite it is one of the core elements of the political and administrative organization of Brazil, especially for the preservation of democracy, this characteristic makes more complex the implementation of public policies in a national level.

Such complexity, for example, is reflected in matter as data collection, as in the Information System for Childhood and Adolescence (SIPIA), the data of which depend on greater training and structural advancement of the Guardianship Councils, and in the cases of adoption, of the State Judiciary branches.

Taking into account the complexities of the federative system, the Government has been striving to improve the quality of public expenditure, avoiding overlapping of actions and promoting partnerships among the different levels of government. At the same time, the Government is investing in systems of monitoring and evaluation of public policies.

In this context, the federal government elaborated in 2003, according to a commitment made during the Special Session on Children of General-Assembly, the "Presidente Amigo da Criança e do Adolescente" Plan (President, Friend of the Child and the Adolescent), which seeks to integrate all the actions aimed at promoting and protecting the rights of children and adolescents. A Managing Committee of the Plan, composed by various organs of the federal government in charge of actions for children and adolescents

and by National Council on the Rights of Children and Adolescents, and a Monitoring Network, composed by NGOs, were established with a view to assure the full implementation of the Plan. The plan includes around 200 actions that involve, from 2004 to 2007, US\$ 17,5 billions in funds.

In the area of health, it is important to remark progress in the eradication of polio, since 1994; in the process of eradicating measles, which does not have cases in the country since 2000, as well as the expressive reduction of infant mortality, which decreased from 44.80 to 26.50 deaths per thousand of children born alive from 1990 to 2002. The reduction by 75,35% of the deaths by diarrhea and of 52,76% the deaths by pneumonia of children below 5 years, according to data of 2003, is also remarkable, as well as the reduction of neonatal mortality rate, which decreased from 48.0 to 17.4 per thousand of children born alive, also from 1990 to 2002. Brazil also progresses towards widening the immunization coverage and implementing programs to control HIV, especially to reduce vertical transmission, which was reduced by 50% since 1990, and to promote that quality of life of children living with HIV/AIDS.

In the field of education, it is remarkable the effort to enroll all the children in schooling age, which led the country to achieve, in recent years, levels very similar to those internationally recommended. The percentage of children from 7 to 14 years old outside school dropped from 13,4 to 3,1 between 1992 and 2002. The Brazilian Government acknowledges that some problems must be addressed, such as the insufficient supply of infant education and high school education, as well as the quality of education. Greater investment will be necessary, mainly in the training of teachers, as it has been under way for the last two years, as well as greater allocation of financial resources. To do so the Government is seeking to create a Fund for the Development of Basic Education, that will encompass from infant to high school education and substantially increase resources invested in the area. A national minimum value of investment for student will be defined, with a view to increase equality by taking into special account the different schooling levels, the urban or rural setting, the students with special needs and the indigenous students. It is also important to mention the efforts of the different governmental levels to develop policies to improve schooling and to assist the student, such as the distribution of school books and school meals, programs with national reach and universal access.

Recently, the Federal Government signed a contract to provide that the third cover of all school books of the public network of schools, around 150 million books, display the Universal Declaration on the Rights of the Child. The respective teachers books will contain a manual to train teachers to use the declaration in their classes, with a language and a methodology accessible to the children.

In the field of social development, the federal Government unified the different income transfer programs into the Family Grant Program, which uses a single registry. The program was created in 2003 with the goal of reaching 11,2 million families by 2006. The payment of the grant, of US\$ 24,30, is subject to the use of the public health system, especially vaccination, and the attendance of children to schools. By doing so, the Brazil seeks to increase the autonomy of families, reduce poverty and improve the living conditions of children. The amount of resources allocated to this program more than doubled in 2003, compared to the isolated programs in 2002. In 2003, US\$ 1,3 billion were applied in the program, whereas in 2004 US\$ 1,9 billion more will be applied, reaching 14 million children until 15 years.

O federal government also launched the First Job Program, which aims to integrated the adolescent and youth into the labor market, by assuring their first job. The target public of this program is young people from 16 to 24 years, without previous experience in the formal labor market, whose family income *per capita* is up to half the minimum wage, who are attending or have finished fundamental or high school, with special emphasis on four of the main reasons of discrimination: gender, race/color, people with special needs and young people in conflict with the law.

The Brazilian Government also carries out specific policies for children and adolescents that need special protection. The Program for the Eradication of Child Labor gives grants to families that maintain their children and adolescents at school, guaranteeing, moreover, and extended school journey, during which complementary activities to regular school are developed. This program has been internationally praised. The policy of eradicating child labor integrates efforts of the government, the civil society and international organizations and has already contributed to reduce, from 1995 to 2002, the number of children below 16 years old working in Brazil by 43%.

The policy of the present Government puts emphasis on the fight against sexual abuse and exploitation of children and adolescents, through a joint effort by the government, civil society and international organizations in order to articulate actions of

legislative improvement, assistance to victims and punishment of violators. Among these actions, it is useful to mention, among others, the Reference Centers of Mandatory Notification of Ill-Treatment, the "Sentinela" Program, that benefited 18 thousand children in 2003, the hotline against sexual violence and abuse, and the campaign against child sex tourism.

It is worth of special emphasis the recently concluded Parliamentary Commission of Investigation on sexual violence against children and adolescents. The works of this Commission generated an important debate within Brazilian society and its findings led to the presentation of criminal evidence against around 250 people, among which politicians, businessmen and religious leaders, as well as a series of proposals to improve the Criminal Code on the matter.

The improvement of social and educational care of adolescents in conflict with the law is also strived for. Although the Statute of the Child and the Adolescent sets the priority of the social and educational activities over repressive actions, in practice repressive actions still prevail, especially in the internment units. The Government, however, has not stood idle before this problem and has assumed two commitments directed to this special situation. In partnership with the National Council on the Rights of the Child and the Adolescent, the state bodies in charge of adolescents in conflict with the law, the Judiciary Branch, the Public Prosecution Service and NGOs, the government is concluding the elaboration of a national system of social and educational care that will seek to implement the provisions of the Statute of the Child and the Adolescent. Since 2003, the elaboration of state plans of social and educational care was defined as a necessary condition for the transfer of federal funds. In 2004, six states were selected to implement the National System of Social and Educational Care, whose main lines are the priority to the application of measures without deprivation of liberty, the decentralization in the application of such measures, the integrated action of bodies in charge of investigating the facts and of applying the corresponding measures and the adaptation of the architectonic models of the internment units to the guidelines of the national plan, as well as the guarantee of the rights to leisure, health, education and professional training during the periods of deprivation of liberty.

In addition, cooperation among the Ministry of Health and the Special Secretariats on Human Rights and Policies for Women allocates around R\$ 5,1 million by year to provide health care to adolescents deprived of their liberty.

Another challenge is that of street boys and girls. Brazil still does not entirely know the figures of this population. The Government is preparing a census of the street population, which will serve as an important tool to better guide public policies to this population. Taking into account that one of the main reasons that lead children to a street situation is poverty, governmental programs such as the Family Grant, the Hunger Zero, the Program for the Eradication of Child Labor and the programs aimed at keeping children and adolescents for longer journeys at school are having an important role in addressing this question.

In this context, it is important to mention the recent research that revealed that 86% of the children and adolescents in shelters funded by the federal government have families and came to live in these shelters due to poverty. Based on this information, the Government intends to elaborate a national plan to re-organize the shelters, with emphasis on the re-establishment of family and community life of those children and adolescents, whenever possible.

The Brazilian Government has been adopting important initiatives to reduce violence rates in the country, such as the Disarmament Law, in favor of which some activities of juvenile protagonism are being carried out, and the National Plan of Public Safety. As a means to give protection to adolescents at risk, the federal government has recently established a Program of Protection of Children and Adolescents Threatened by Death, that has three service centers, in Minas Gerais, Espírito Santo and São Paulo. Until 2006, the establishment of at least four more centers in other states is expected.

Finally it is worthy mentioning the question of under-registration of births, a large scale problem, which Brazil has been systematically trying to solve. In 2003, the National Plan to Eradicate Under-Registration of Births was launched, seeking for total eradication by 2006. In addition to constant action, periodic mass campaigns are being carried out to raise the awareness of the population to the problem. Birth registration is free of charge in Brazil, but its procedures need still greater simplification in order to grant access to all families.

Mister Chairman,

Members of the Committee,

We hope today and whenever the Committee so desires, deepen our dialogue aimed at improving the situation of the children and adolescents in Brazil, in order to which we attach great importance to the Concluding Observations to be issued by the Committee. I am sure that the Committee will be also able to enrich its knowledge on the implementation of the Convention on the Rights of the Child by a in situ visit, to which we extend our invitation. The Committee may want to use this occasion to verify, in practice, the future implementation of its Concluding Observations.

Thank you very much.