



# **Children's Rights in Brazil**

**Alternative Report  
to the  
United Nations Committee on the Rights of the Child**

**98<sup>th</sup> Pre-Session**

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## **INTRODUCTION**

This report aims to provide additional information to the UN Committee on the rights of the Child. The main source of this report is based on the Associazione Comunità Papa Giovanni XXIII's experience in Brazil. This alternative report underlines some issues concerning violence against children and alternative care. The case studies cited in the report are not exhaustive. They are indicative of the patterns of violations of children's rights in Brazil.

The report highlights three clusters of the Convention:

- General Measures of implementation
- Violence against children
- Family environment and alternative care

## **ASSOCIAZIONE COMUNITÀ PAPA GIOVANNI XXIII**

Associazione Comunità Papa Giovanni XXIII (APG23)<sup>1</sup> is an International Lay Association of Pontifical Right with legal status accredited with Special Consultative Status to the Economic and Social Council (ECOSOC) since 2006. The Association is present in 40 countries on five continents. Its members, of different ages and states of life, share life directly with the poor and disadvantaged and are committed to removing the root causes of poverty and exclusion and to being voice of the voiceless through nonviolent actions and means.

## **OUR PRESENCE IN BRAZIL**

Since 1991, APG23 has been present in Brazil across the states of Minas Gerais, Parà and Bahia, with actions and activities aimed at the protection of the most vulnerable groups, including children and adolescents. Currently, APG23 is able to reach about 1000 beneficiaries, with different reception facilities: six family homes and welcoming families, six therapeutic communities, three operating in the states of Minas Gerais and three in Pará, with 170 adults hosted during one year, and three daily-centres. The three daily-centres operate in the states of Minas Gerais and Parà with the aim of preventing social exclusion, sustaining vulnerable children and youths and assisting families. The three projects involve 450 children and 283 adolescents through sports and recreational activities, food-related assistance and psycho-pedagogical support. APG23 also runs a residential centre in partnership with the municipality that hosts six/eight persons with mental disabilities. APG23 cooperates with national and municipal state institutions to foster the protection of the rights of children and adolescents.

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<sup>1</sup> [www.apg23.org](http://www.apg23.org)

## **GENERAL MEASURES OF IMPLEMENTATION ART 4**

### **CHILDHOOD POLICIES**

Despite the Statute for Children and Adolescents<sup>2</sup> being adopted 33 years ago, its implementation still faces significant challenges in realising children and adolescents' rights. The legislation has laid the foundations for children's policy, including national, state and municipal councils, but these bodies face obstacles and challenges in ensuring their full functioning. Brazil's extensive territory makes the operationalisation of such bodies even more complex, and there is a lack of mechanisms to facilitate collaboration between different municipalities. The legal framework and instruments established by the Statute are not always duly implemented by governments. In addition, APG23 underlines the need to raise funding dedicated to children and adolescents since the lack of adequate resources jeopardises the effective implementation of such policies, especially in the most vulnerable municipalities.

There is a need to implement training for educators aimed at raising the knowledge about the laws on the rights and the protection of children and adolescents.

It is also essential to insist on the implementation of all the services established by the Statute of the Child and Adolescent (ECA) for the benefit of children and adolescents in all Brazilian states and municipalities.

## **VIOLENCE AGAINST CHILDREN ART 19-34-39**

### **SEXUAL VIOLENCE AND ABUSES**

Between 2015-2021, 202,948 cases of sexual violence have been registered in Brazil, of which 83,571 are children and 119,377 adolescents<sup>3</sup>.

According to ministerial data, the highest number of child abuses are recorded in familiar contexts<sup>4</sup>; victims experience violence mostly at home, in 38.9% of cases the aggression is perpetrated by a family member against both boys (32.9%) and girls (40.8%); besides family members, a number of aggressions have been perpetrated by friends or acquaintances<sup>5</sup>.

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<sup>2</sup>LEI No 8.069, DE 13 DE JULHO DE 1990  
([https://www.planalto.gov.br/ccivil\\_03/leis/18069.htm](https://www.planalto.gov.br/ccivil_03/leis/18069.htm))

<sup>3</sup>Publication on the website of the Ministry of Health  
(<https://aps.saude.gov.br/noticia/21378#:~:text=119.377%20contra%20adolescentes,-.Em%202021%2C%20o%20n%C3%BAmero%20de%20notifica%C3%A7%C3%B5es%20foi%20o%20maior%20registrado,de%2010%20a%2019%20anos>)

<sup>4</sup>The Ministerial report: (<https://www.gov.br/saude/pt-br/centrais-de-conteudo/publicacoes/boletins/epidemiologicos/edicoes/2023/boletim-epidemiologico-volume-54-no-08>)

<sup>5</sup>Ibidem

**TABELA 2** Características da ocorrência de violência sexual contra crianças de 0 a 9 anos notificada no Sinan – Brasil, 2015-2021

Características	Meninas (N = 63.991; 76,8%)		Meninos (N = 19.320; 23,2%)		Total (N = 83.311; 100%)	
	N	%	N	%	N	%
<b>Tipo de violência sexual<sup>a</sup></b>						
Estupro	40.295	56,4	12.709	59,0	53.004	57,0
Assédio sexual	21.131	29,6	5.818	27,1	26.949	29,1
Pornografia infantil	1.920	2,7	812	3,8	2.732	2,9
Exploração sexual	1.626	2,3	520	2,4	2.146	2,3
Outras	6.413	9,0	1.664	7,7	8.077	8,7
<b>Ocorreu outras vezes</b>						
Sim	22.399	35,0	6.656	34,5	29.055	34,9
Não	19.465	30,4	5.978	30,9	25.443	30,5
Ignorado	22.127	34,6	6.686	34,6	28.813	34,6
<b>Local de ocorrência</b>						
Residência	46.343	72,4	12.734	65,9	59.077	70,9
Habitação coletiva	494	0,8	234	1,2	728	0,9
Escola	2.155	3,4	1.188	6,1	3.343	4,0
Local de prática esportiva	110	0,2	113	0,6	223	0,3
Bar ou similar	144	0,2	73	0,4	217	0,3
Via pública	1.242	1,9	648	3,4	1.890	2,3
Comércio/serviços	235	0,4	87	0,5	322	0,4
Indústrias/construção	50	0,1	45	0,2	95	0,1
Outros	5.291	8,3	1.931	10,0	7.222	8,7
Ignorado	7.927	12,3	2.267	11,7	10.194	12,1
<b>Sexo do agressor</b>						
Masculino	51.699	80,8	15.826	81,9	67.525	81,1
Feminino	2.708	4,2	861	4,5	3.569	4,3
Ambos os sexos	1.882	2,9	700	3,6	2.582	3,1
Ignorado	7.702	12,1	1.933	10,0	9.635	11,5
<b>Número de envolvidos</b>						
Um	48.210	75,3	13.629	70,5	61.839	74,2
Dois ou mais	7.646	12,0	3.601	18,6	11.247	13,5
Ignorado	8.135	12,7	2.090	10,9	10.225	12,3
<b>Vínculo com o agressor<sup>b</sup></b>						
Familiares	24.961	40,8	6.291	32,9	31.252	38,9
Amigos/conhecidos	14.344	23,5	6.023	31,5	20.367	25,4
Desconhecidos	3.840	6,3	1.146	6,0	4.986	6,2
Outros	18.009	29,4	5.649	29,6	23.658	29,5
<b>Encaminhamentos<sup>c</sup></b>						
Conselho Tutelar	42.688	34,5	13.366	35,5	56.054	34,7
Rede de saúde	36.234	29,3	11.257	29,9	47.491	29,4
Rede de assistência social	18.689	15,1	6.156	16,3	24.845	15,4
Ministério Público	2.625	2,1	879	2,3	3.504	2,2
Rede de educação	2.222	1,8	947	2,5	3.169	2,0
Delegacia da Criança e do Adolescente	1.688	1,4	558	1,5	2.246	1,4
Outros	19.613	15,8	4.538	12,0	24.151	14,9

Fonte: Sistema de Informação de Agravos de Notificação (Sinan).

<sup>a</sup>Variáveis com possibilidade de múltipla escolha. Na variável vínculo com o agressor a categoria "familiares" refere-se aos campos pai, mãe, irmão, madrasta e padrasto; a categoria "outros" se refere ao cuidador, patrão/chefe, pessoa com relação institucional, policial/agente da lei e outros vínculos.

<sup>b</sup>Variável com N = 61.154 para meninas; N = 19.109 para meninos e total N = 80.263.

The lack of ongoing prevention policies has entailed significantly the increase in violence against children and adolescents, as evidenced by the incidence of teenage pregnancy.

In its report, Brazil underlines the creation of awareness events such as the National Week of Teen Pregnancy Prevention, however, there still is an urgent need for persistent campaigns and investments in this area, by also sponsoring events such as the 18 May, the national day for the fight against child abuse and exploitation<sup>6</sup>, and the Yellow September, an awareness campaign aimed at the promotion of suicide prevention actions<sup>7</sup>.

Notwithstanding the establishment of Law n. 13,431, April 4th, 2017, and Law n. 11,340/06, “Maria da Penha” Law, regarding the care of child victims of sexual violence, the effective implementation of these services is not still widespread and is absent in many municipalities.

The National Protocol of Investigation and Forensics for Violations Perpetrated against Children and Adolescents<sup>8</sup> does not cover this lack of services which are often regionalised, and end up overloaded with other responsibilities resulting in child protection not being adequately prioritised. Especially in smaller localities, there is an urgent need to review the policy for implementing these services.

Notwithstanding the protection provided by the law system to children victims of violence, as stated also in the country’s report<sup>9</sup>, there is a significant lack in the protection of girls over 14 years old. Perpetrators of sexual violence who abuse girls between 14 and 18 years old are not persecuted by the law if the victim expresses her consent. In this case, the issue is considered, also by common sense, as related to the victim's sexual life. Therefore, after that age (14-19 years), abuse could be contemplated in the sphere of the sexual activity of the victim and normalised because the law does not provide any specific indications<sup>10</sup>.

According to our experience on the ground, girls and children usually are victims of violations that occur sometimes in the familiar environment, for instance the perpetrator could be the stepfather, the brother, the stepbrother or a family’s friend.

The cases of domestic violence often develop into vicious circles where violence leads to further violence, slowly becoming normality in that specific family context. The normalisation of this condition strongly discourages victims from denouncing the violence. The victims, consequently, close in on him/herself widening the extent of the trauma.

In addition, the lack of effective punishments for crimes of violence against children and adolescents contributes to the normalisation of these practices, especially sexual abuse.

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<sup>6</sup>Rede Suas website (<http://blog.mds.gov.br/redesuas/18-de-maio-dia-nacional-de-combate-ao-abuso-e-a-exploracao-sexual-contras-criancas-e-adolescentes/>)

<sup>7</sup>Agência Brasil (<https://agenciabrasil.ebc.com.br/es/saude/noticia/2022-09/septiembre-amarillo-atencion-las-senales-previas-al-suicidio>)

<sup>8</sup>V-VII Combined Periodic Reports Submitted by the Brazilian State on the Implementation of the Convention on the Rights of the Child, ph Children involved in sexual exploitation, including prostitution, pornography and trafficking, pt 208 and 209.

<sup>9</sup>V-VII Combined Periodic Reports Submitted by the Brazilian State on the Implementation of the Convention on the Rights of the Child, ph 6 Disability, basic health and welfare, pt 99.

<sup>10</sup>Art. 217A of the Legislative Decree n° 2.848 of the 7th December 1940.

Among the testimonies collected by APG23 volunteers, there is also the story about a 14 years old adolescent abused by the stepfather. After having reported the sexual abuse, the girl has been taken away from her family; currently, the investigation on the case is ongoing and the stepfather, until now, has not faced any consequence for the abusive act because of the denial of all the allegations of violence against him by the other members of the family, including the mother.

Besides that, APG23 had also the experience of a 15 years old adolescent abused by the stepbrother who, again, after the official denouncement is not facing any consequence for his actions because of the witnesses' reluctance in testifying the happenings, consequently hindering the process of justice.

APG23 denounces, furthermore, a lack of psychological support and of social workers in the schools, who are fundamental for psycho-pedagogical help, deeply needed by all the children and adolescents coming from traumatic contexts of sexual violence.

Furthermore, there is no evidence of a national plan presented by Brazil to offer post-pandemic psychological support to child victims of multiple violence during this challenging period.

## **FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **ADOPTION AND FOSTERING (ART. 20-21)**

Although Brazil has a broad legal framework aimed at protecting children and adolescents, we notice some critical issues concerning the adoption procedures. The adoption processes are long-timing, and the several bureaucratic barriers make the adoption procedures even longer. According to our experience, children without parental care often spend long waiting times in shelters, and the opportunities to be adopted and to have a family decrease because of their age; indeed, older children have fewer opportunities to be adopted than the younger ones.

There is also the need to raise awareness concerning fostering and adoption through targeting campaigns to encourage and mobilise families regarding such opportunities.

These initiatives are especially relevant for children who do not have the eligibility to be adopted.