



*Permanent Mission of Brazil to the United Nations Office in Geneva
Chemin Camille-Vidart, 15 – 1202 - Genève*

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to note verbale TESP/DD/DESIB/CYRU/HG, dated November 30th 2022, on the report on the rights of the child and inclusive social protection, mandated by Human Rights Council Resolution 49/20.

The Permanent Mission would like to forward the attached information from the Government of Brazil for the preparation of the report.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, January 30th 2023.

To the
Office of the United Nations High Commissioner for Human Rights
(OHCHR), Special Procedures Branch
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ANNEX
REPLY REGARDING THE NOTE VERBALE
TESPRDD/DESIB/CYRU/HG, DATED NOVEMBER 30TH 2022.

With regard to note verbale TESPRDD/DESIB/CYRU/HG, dated November 30th 2022, on the report on the rights of the child and inclusive social protection, the Government of Brazil would like to inform the following.

Ministry of Social Development and Assistance, Family and Fight against Hunger

1. The National Social Assistance Secretariat (SNAS) of the Ministry of Social Development and Assistance, Family and Fight against Hunger has a Programme named Basic Social Protection (PSB) that is based on a preventive approach, tackling poverty by providing support for families in conditions of social vulnerability. SNAS works on strengthening family and community ties and on promoting equality and social inclusion. Among other objectives, the Programme aims to improve the quality of life of families, prevent violence against children and adolescents and avoid separation from family life.

2. Existing in areas with vulnerable groups of the population, the Reference Centres for Social Assistance (CRAS centres) are the PSB's main instrument.

3. Under the PSB, particularly with regard to children, adolescents and their families, the following services or benefits stand out:

- a. BPC – Benefício de Prestação Continuada (“Continued Income Program”);
- b. Service for the Protection and Full Assistance to Families (PAIF, in Portuguese, Serviço de Proteção e Atendimento Integral às Famílias);
- c. Social Life and Strengthening of Bonds Service (SCFV);

The CRAS centres also run several programmes, among which the following stand out:

- Happy Child Programme: aimed at families included in the Single Registry, beneficiaries of the Food Security Brazil Programme (PAB) and with children beneficiaries of the BPC programme. The Programme

conducts home visits and works on strengthening the bonds between family/caregiver and children in early childhood and on children's full development; and

- Programme Auxílio Brasil: cash transfer under certain conditions, aimed at families in poverty included in the Single Registry. The programme set conditions in the areas of health care and education, which seek to ensure that children attend school and receive medical care. The objective is to protect children and adolescents and break the intergenerational cycles of poverty. Failure to comply with conditions is understood as an indicator of greater vulnerability and families in this situation are given priority from the follow-ups conducted by the Universal Social Assistance System (SUAS).

4. Special Social Protection (PSE) is divided into Medium PSE and High Complexity PSE, offering specialized care to population groups at risk with violation of rights (such as violence, abandonment, homelessness, migration and refugee conditions, etc.), with the purpose of overcoming these situations, preventing aggravation of those conditions, mitigating the impact on the individual, physically and mentally, and supporting the reconstruction or construction of new relationships, where applicable.

5. The Specialized Reference Centres for Social Assistance (CREAS centers), which are part of the Medium Complexity PSE, offers the Specialized Service in Active Social Search and the Service for the Social Protection of Adolescents Sentenced to Community Service.

6. The High Complexity PSE, in turn, encompasses sheltering or housing services – permanent or temporary –, organized by age and characteristics of the social conditions, offering 24-hour care. It includes sheltering services for children and adolescents, provided in different ways: institutional shelter, home shelter and foster family.

7. Examples of laws and other regulations for ensuring children's access to inclusive social protection:

- a) Child and Adolescent's Act (ECA): Law nº 8.069/1993 based on the UN doctrine of full protection;
- b) Early Childhood Act: Law nº 13,257/2016;

c) Rules related to the Happy Child Program and to the Universal Social Assistance System's care for children in early childhood and their families, in particular Decree n° 9,579/2018 and CNAS Resolutions n° 19/2016 and n° 29/2021;

d) Protected Listening Law: Law n° 13.431/2017, which provides for specific measures for listening to children and adolescents who are victims or witnesses of violence, and Decree n° 9.603/2018, which regulates that Law;

e) Brazilian Law for the Inclusion of Persons with Disabilities (Persons with Disabilities Act): Law n° 13.146/2015 aims to ensure and promote, under conditions of equality, the exercise of the fundamental rights and freedoms of people with disabilities, including children and adolescents, seeking their social inclusion;

f) Migration Law: guarantees the rights of migrants – including children, adolescents and their families – in the Brazilian territory, including the right to receive the relevant documents, humanitarian reception, family maintenance/reunification, and equal access under equal conditions to services, programmes and social benefits, public goods, education, full public legal assistance, work, housing, banking services and social security;

g) Resolution n° 232/2022 of the National Council for the Rights of Children and Adolescents (CONANDA), which establishes procedures for the identification, care and protection of unaccompanied, separated or undocumented children and adolescents out of their country of origin, in line with United Nations' recommendations;

h) CONANDA Resolution n° 113, of April 19th 2006, which sets forth the parameters for strengthening the Child and Adolescent Rights Guarantee System;

i) Normative Instruction n° 01/2016 of the National Foundation for Indigenous Peoples (FUNAI) establishes norms and guidelines for FUNAI's action in the realization of the right of indigenous children and young people to family and community life, including participation in cases of decision-making regarding maintenance or separation from family life;

8. Despite the efforts undertaken and advances already made in Brazil, other challenges still persist affecting families, children and adolescents assisted by the Universal Social Assistance System (SUAS), in particular:

a) Need to strengthen care support services;

b) Importance of the transition from still more common practice of sheltering children and adolescents in institutional shelters to sheltering in foster families;

c) Focus on structuring inter-sectorial measures;

d) Need to improve legislation, with the inclusion of specific provisions in the Child and Adolescent's Act for the protection of migrant children and adolescents;

e) The importance of preventing teenage pregnancy;

f) Investment in training network professionals in other languages, especially education professionals, in order to favour the inclusion of migrant children and adolescents and their families.

9. Among other practices initiated by the federal Government, the social assistance model adopted for integrating access to benefits, services and rights is considered successful. This model has contributed to combating poverty and in consideration with vulnerabilities other than income, with positive effects on the protection and social inclusion of children, adolescents and their families. The SUAS' decentralized management model has also proved to be successful, offering direct assistance to the population, provided predominantly by the municipalities, which facilitates access by families, children and adolescents, with greater focus on the specific demands of each location.

10. Among other measures and responses adopted by Brazil in emergency contexts, the "Welcome Operation" ("Acolhida Operation" in Portuguese) stands out. This is an inter-sectorial action that is structured and coordinated by the federal Government, combining efforts between different public policies, including social assistance, through different level of the Brazilian federation, UN agencies and civil society. "Welcome Operation" was structured in response to the migratory flow to Brazil as a result of the humanitarian crisis in Venezuela. Between 2018 and 2022, more than 91 thousand Venezuelans were welcomed in Brazil. Almost 90% of them travelled with their families. Of these, 3,071 were children and adolescents, 145 of whom were unaccompanied or separated. In dealing with children and adolescents in conditions of migration, priority should be given to keeping children and adolescents together with their families, including hosting them together in places of accommodation. Specific procedures are adopted in cases of separated or unaccompanied children and adolescents, which include, among others, legal assistance, monitoring by the courts and other protection bodies, family search and family

reunification – unless this is contrary to the best interest of the child or adolescent. In this case, procedures are guided by specific regulations and publications, prepared in partnership with UN agencies and civil society. Specific actions to support families with children in early childhood are also conducted in emergency shelters that are part of the “Welcome Operation” (“Acolhida Operation”).

11. Other important measures were adopted in this context, benefiting families in situations of greater vulnerability, children and adolescents. In April 2020, Law n° 13,982/2020 established Emergency Aid financial grant, which ensured income transfer to the most vulnerable groups of the population, seeking to mitigate the effects of the economic crisis.

12. The remaining measures recommended the reorganization of Child and Adolescent Sheltering Services, having been submitted by the Brazilian Ministry to the Committee on the Rights of the Child on the occasion of the “Day of general discussion: Children's Rights and alternative care”, in 2021. It is estimated that a more effective action by the States for the universal social protection of children and adolescents can be favored by:

- a) Efficient evaluation that shows the needs of the population;
- b) Planning of public policies guided by studies and assessments which include actions aimed at facing the real problems of the population;
- c) Design of social policies that favour the integration of access to services, benefits and rights in the assistance of population group in situations of greater vulnerability;
- d) Increased inter-sectoriality, through the adoption of measures that promote integration between the various public policies and the Justice system;
- e) Adoption of social technologies (methodologies, instruments, protocols), to allow for more effective actions for population groups in situations of greater vulnerability;
- f) International cooperation to support developing countries in overcoming gaps and more challenging issues, such as emergencies and natural disaster situations, and to facilitate exchanges and learning with countries with successful experiences.

13. The National Secretariat for Early Childhood Care (SNAPI) coordinates the Happy Child Programme, whose purpose is to promote the

full development of children in early childhood, considering their family and their life context. It is a strategy for strengthening and promoting the role of parents, implemented through home visits and inter-sectorial coordination work. The objective is to conduct, in a collaborative way, the execution of policies and programmes aimed at children in early childhood in accordance with Law n° 13,257, dated March 8th, 2016 (Early Childhood Act).

14. The database for the beneficiaries of the Programme is the Single Registry for Social Programmes (CadÚnico). From 2019 to 2022, the Programme included 3,020 participating municipalities throughout the whole of Brazil, 69,087,015 home visits carried out, serving 1,391,801 children and 346,684 pregnant women, benefiting 1,159,092 families.

15. One of the main challenges for the Happy Child Programme is the implementation, through legal norms, of the integration of state and municipal public policies for children in early childhood, in order to strengthen inter-sectorial measures in the field, as mandated by Early Childhood Act.

16. The same Secretariat coordinates, under the Ministry of Social Development, the Managing Committee of the Happy Child Programme, established by Decree n° 9,855, date June 25th 2019, amended by Decree n° 10,754, dated July 23rd 2021. The Committee is responsible to plan and coordinate the Happy Child Programme (home visits, permanent education, inter-sectorial coordination, studies and research).

17. Still under the Happy Child Programme, Ordinance n° 664, September 2nd 2021, sets as a priority group for assistance “children up to 72 (seventy-two) months old who are included in the Single Registry for Social Programmes of the federal Government (CadÚnico) and who lost a parent or legal guardian, regardless of the cause of death, during the Public Health Emergency of National Importance (ESPIN) period resulting from the Covid-19 pandemic”. This Decree is in line with the Early Childhood Act (Law n° 13,257/2016), which sets forth norms for the promotion of comprehensive and integrated care for children aged zero to six, in a preventive and protective manner.

18. The National Secretariat for Citizen`s Minimum Income (SENARC) runs the Brazil Aid Programme (“Auxílio Brasil”), the federal

Government income transfer Programme for families in poverty and extreme poverty. The Programme was established by Law n° 12,284/2022 (it is expected to be renamed to Bolsa Família (Family Grant) in 2023). In order to maintain the financial benefits of the Brazil Aid Programme, as provided for in Art. 22 of Decree n° 10.852/2021, there are conditions related to education and health care that need to be met by the beneficiary families. In this context, there are measures for the social protection of children, which are regulated by the following domestic legislation: i) Law n° 14,284, December 29th 2021; ii) Decree n° 10,852, November 8th 2021; iii) Ordinance MC No. 766, April 20th 2022; iv) Interministerial Ordinance MC/MS n° 19, May 13th 2022; and v) Interministerial Ordinance MC/MEC n° 3, June 22nd 2022.

19. The COVID-19 pandemic, however, also affected the monitoring of the abovementioned conditions, despite efforts through training, communications, as well as publications of educational materials, videos, etc. In the first half of 2022, 3.6 million children were monitored, of which 97% were on schedule with vaccination and with satisfactory nutritional levels. However, there is a great challenge with regard to about 55% of the beneficiary children who were not monitored and about whom there is no information regarding their nutritional and vaccination situation. This way, the Government has been working to achieve compliance with the conditions of the Programme by the families, implementing the policy in an increasingly effective way.

20. The National Secretariat for Social and Productive Inclusion (SEISP) maintains the Cisterns Programme since 2003, which prioritizes families with children in early childhood in rural areas so that they have access to water. Currently, the following order of priority criteria for service applies:

I - families living in extreme poverty (as per Article 18 of Law n° 5,209/2004);

II – families covered by Brazil Aid Programme;

III – families headed by women;

IV – families with the larger number of children aged 0 to 6;

V – families with the larger number of school-aged children;

VI – families with people with special needs;

VII – families headed by elderly people (in this case, with gross family income of up to three minimum wages).

21. The Cisterns Programme also include the Cisterns in Schools action, which aims to provide access to quality water and in sufficient quantity to meet the needs of students and teachers of schools in rural areas where access to water is scarce. The collected water supplies the school's needs – for drinking and cooking – for up to eight months. Teachers and students are trained in water management and other fields. In addition to the implementation of technology and training courses, if necessary, improvements are made to the structures related to capturing and distributing water for the school.

22. Since the creation of the Cisterns Programme, investments of R\$ 3.7 billion has been made, guaranteeing greater water supplies for families in conditions of social vulnerability. The Cisterns Programme is included on the list of priority social policies of the Ministry of Human Rights, as per the terms of Ordinance n° 395, of May 20th 2020.

Ministry of Human Rights and Citizenship:

23. Brazil has an advanced legal framework in the area of defending the rights of children and adolescents. According to the Constitution of the Federative Republic of Brazil (CF), in its Art. 227, it is the duty of the family, society and the State to ensure to children, adolescents and young people, with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom and family and community life, in addition to protecting them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

24. The main legal provisions are listed below:

- Law n° 13,509, November 22nd 2017: on voluntary placement for adoption, removal of guardianship, reception, sponsorship, guardianship and adoption of children and adolescents and guarantees for adopters;
- Law n° 13,436, of April 12th 2017: on the right to monitoring and guidance to breastfeeding mothers;
- Law n° 13,431, of April 4th 2017: on the system to guarantee the rights of children and adolescents who are victims or witnesses of violence;
- Law n° 13,257, of March 8th 2016: on the public policies for early childhood;
- Law n° 13,106, of March 17th 2015: on making a criminal offense to sell, supply, serve, administer or deliver alcoholic beverages to children or adolescents;

- Law n° 13,046, of December 1st 2014: on personnel trained to recognize and report abuse of children and adolescents;

- Law n° 13.010, of June 26th 2014: on the right of children and adolescents to be educated and cared for without the use of physical punishment or cruel or degrading treatment;

- Law n° 12,962, of April 8th 2014: on the relations of children and adolescents with parents under custody;

- Law n° 12,594, of January 18th 2012: on the National System of Socio-Educational Assistance (SINASE). The law establishes the System and regulates the implementation of socio-educational measures aimed at adolescents who commit acts that are criminal offenses;

Law n° 12,415, of June 9th 2011: on the obligation to pay child support for children and adolescents victims of violence by the aggressor removed from common home by court order;

Law n° 12,010, of August 3rd 2009: on the improvement of the system for guaranteeing the right to family life for all children and adolescents.

25. One of the main challenges is to raise society's attention to and increase understanding of a new form of sexual violence against children and adolescents occurring in digital environments.

26. The 2018 ICT Kids Online Brasil showed, with regard to the sensitive content with which children and adolescents had contact, that differences were observed, for example, in the proportions between girls and boys, especially for content on ways to commit suicide (18% among girls and 9% among boys, in the same age group). In addition to exposure to sensitive content, the dangers involving contact with strangers are among the most discussed topics regarding Internet use by children and adolescents. In 2018, 41% of internet users between the ages of 9 and 17 reported having had contact with someone they did not know personally. The proportion was higher among boys (44%) than among girls (38%).

27. Data from SaferNet, National Center for Reporting Cyber Crimes, also showed that, in Brazil, over the last 16 years, anonymous reports of child pornography involving 22,180 different pages (URLs) and hosted on 4,400 different domains were received and processed. Between 2019 and 2021, child pornography reports involved 2,310 different pages (URLs), hosted on 599 different domains.

28. Regarding the guarantees of social protection that benefits children, there are the following projects:

- National School for the Rights of Children and Adolescents (ENDICA): Throughout the 2020 financial year, in partnership with the United Nations Development Program (UNDP) and the Centre for Advanced Studies in Government and Public Administration of the University of Brasília, the National Secretariat for the Rights of Children and Adolescents (SNDCA) developed the National School for the Rights of Children and Adolescents (ENDICA);

- National Forum for the Protection of Children and Adolescents Victims of Violence: In partnership with the United Nations Program (UNDP), the National Forum was designed with the aim of mobilizing, training and conducting regionalized activities for the full protection of children and adolescents victims of violence with stakeholders from the Child and Adolescent Rights' Guarantee System in the five regions of Brazil;

- Protected Child Programme (Programa Criança Protegida): More than R\$ 450,000 were invested in the Protected Child Programme, for the training of professionals in the Child and Adolescent Rights' Guarantee System, with a view to strengthening the System and improving its services, and its capacity to assist and to protect children and adolescents who are victims or witnesses of violence, pursuant to Law nº 13,431/2017 (Protected Listening Law);

- Information System for Children and Adolescents (SIPIA): the SIPIA Children and Adolescents' Council (Conselho Tutelar), managed by the National Secretariat for the Rights of Children and Adolescents (SNDCA), is a national platform to support the planning, execution, monitoring and evaluation of public policies related to childhood and adolescence, which works at the three levels of government (federal, state and municipal) based on thematic pillars of actions, conducting training, analysis and distribution of analytical information from municipal, regional and national perspectives regarding violations of the human rights of children and adolescents in Brazil, also helping the oversight exercised by Brazilian civil society with regard to the rights set forth in the Child and Adolescent's Act (ECA);

- Children and Adolescents' House (Casa da Criança e do Adolescente) /Care centre for children and adolescents victims or witnesses of violence: The Children and Adolescents' Houses are integrated care centres that bring together, in the same facilities, through specialized multidisciplinary teams, programmes and services to protect and care for

children and adolescents who are victims or witnesses of violence. In order to encourage this policy, the Ministry of Human Rights/SNDCA issued Ordinance n° 1,235, of June 28th 2022, which establishes, under the National Plan to Combat Violence against Children and Adolescents (PLANEVCA), the guidelines for the implementation of and activities in the Centres of Integrated Care for Children and Adolescents who are victims or witnesses of violence;

- National Observatory for Children and Adolescents/PROTECA Observatory: The PROTECA Observatory, still under development, has the overall objective of developing, transferring and disseminating technical, conceptual and operational capabilities, through the management and sharing of networks with the Brazilian federative states and municipalities. The PROTECA Observatory is committed with research and production for the use in the implementation of the Information Systems for Children and Adolescents and in the management of the child and adolescent rights policy;

- National Pact to Prevent and Combat Lethal Violence against Children and Adolescents: in Brazil the number of violent deaths of children and adolescents decreased 53% compared to the average for the 2012-2018 period. Still acknowledging the high rates, the National Pact for Preventing and Combating Lethal Violence against Children and Adolescents was designed and will adopt certification criteria for the commitment of the federated states with the development of the following actions for preventing and tackling lethal violence against children and adolescents:

- VEM VIVER Programme (Come to Live Programme): the purpose of the VEM VIVER Programme is to protect the lives of children and adolescents. A methodology was developed that seeks to meet the following objectives: promote the guarantee of the right to life, reduce violence by promoting a culture of peace, integrate the network that makes up the Rights Guarantee System in the same location, prevent school dropout, strengthen bonds in the family, school and community;

- Programme for the Protection of Children and Adolescents Threatened with Death (PPCAAM): Created in 2003, initially regulated by Decree No. 6,231/2007, and now replaced by Decree No. 9,579, of November 22nd 2018 (Art. 109-125), the Programme is a policy to protect children and adolescents threatened with death, with a methodology that seeks to prevent the deaths of children and adolescents

throughout Brazil, as well as to protect them and to safely reintegrate them into society.

29. Coordination activities and mobilization of public and private stakeholders reached, by estimate, around 30,000 Children and Adolescents' Councils (Conselhos Tutelares) across the country, including the donation of 80,000 litres of hand sanitizer and 160,000 washable face protection masks, in addition to offers of training for these and other stakeholders of the Rights Guarantee System in:

- i. COVID-19 prevention measures;
- ii. In the use of the Information System for Children and Adolescents (SIPIA);
- iii. Child and Adolescent's Act (ECA); and
- iv. Role of Counsellors on Rights and Guardianship Counsellors.

With awareness-raising and guidance actions, this Ministry of Human Rights has trained an estimate of more than 22,000 Children and Adolescents' Councils (Conselhos Tutelares) and other stakeholders in the Rights Guarantee System.

30. The National Secretariat for the Rights of Children and Adolescents (SNDCA) is carrying out a assessment study on the reality experienced by children, adolescents and families during the COVID-19 pandemic, identifying the main psychosocial effects caused by the pandemic crisis. The results of this research will provide guidance for the public policies in the area of children and adolescents' rights, contributing to the improvement and quality of service to these groups.

31. Also important are the partnership instruments signed in accordance with Civil Society Organizations Act (Law n° 13,019, of July 31st 2014, and Decree n° 8,726, April 27th 2016) and through transfer agreements and contracts (Decree n° 6,170, of July 25th 2007, and Ordinance n° 424, of December 30th 2016), for social projects, as well as studies and research on the topics of childhood and adolescence, conducted in cooperation with local civil society organizations, with municipal governments, with other agencies of the federal government, with United Nations Development Programme, and with the Organization of Ibero-American States for Education, Science and Culture (OEI).