



**Human Rights Council**

**Universal Periodic Review (UPR) of**

**Brazil**

**27<sup>th</sup> Session (April – May 2017)**

**Joint Stakeholders' Submission on:**

**Human Rights in Brazil:**

**The situation of children and women**

**Submitted by:**

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**(NGOs in Special Consultative Status with ECOSOC)**

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## I. INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations. The report highlights key concerns related to Children's and Women's Rights in Brazil. Each section conveys recommendations to the Government of Brazil.
2. The data and information obtained for this submission came from various sources and includes information from IIMA and VIDES members in Brazil working with children and their families in Porto Alegre and São Paulo. All information concerns the period between the previous UPR of Brazil held in 2012 and October 2016.
3. **IIMA** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 94 countries where it provides education to children and adolescents, particularly the most disadvantaged and vulnerable.
4. **VIDES International** is an international NGO in special consultative status with the Economic and Social Council, which is present in 42 countries worldwide. It was founded in 1987 to promote volunteer service at the local and international levels for ensuring human rights of vulnerable groups, especially children and women.

## II. GENERAL REMARKS

5. This NGO coalition welcomes the constructive participation of Brazil in the 2<sup>nd</sup> cycle of the Universal Periodic Review (UPR).<sup>1</sup> The present joint submission represents the follow-up to the UPR recommendations accepted by Brazil in 2012, with a special focus on children-related issues such as the full implementation of their right to education. The rights of women in Brazil also are addressed in the present report.
6. This NGO coalition perceives **children** and **women** as the most vulnerable groups in Brazil, due to the discrimination and human rights abuses to which they are subjected.
7. The implementation of recommendations is critical in order to ensure a true advancement of human rights in the State under review. Therefore, special attention should be paid by Brazil to the follow up of recommendations in an effective manner and in consultation with Civil Society.
8. *We recommend that the Government of Brazil:*
  - a. *Ensure the effective implementation of UPR recommendations through the establishment of a National Mechanism for Reporting and Follow Up as a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society, NHRIs, and all relevant stakeholders.*

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<sup>1</sup> The review of Brazil was held at the 9<sup>th</sup> meeting, on 25 May 2012. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012; and its Addendum (A/HRC/21/11/Add.1), 13 September 2012.

### III. THE RIGHTS OF THE CHILD

#### Vulnerable Children

9. The most vulnerable children in Brazil are those of indigenous and Afro-Brazilian origin, as well as those residing in the Semi-arid region, Amazon region and the poorest urban areas. Brazil is a very racially diverse country according to the 2010 Population Census, which shows that 47.7% of Brazilians identify as white, 43.1% as mulatto (mixed white and black), 7.6% as black, 1.1% as Asian and 0.4% as indigenous.<sup>2</sup> Despite this diversity, the minority groups bear the brunt of discrimination in the country. Especially vulnerable are black children belonging to religious minorities, such as the Afro-Brazilian syncretic religions of Umbanda and Candomblé. People belonging to these religions make up approximately 0.3% of the national population.<sup>3</sup> In general, Afro-Brazilians are affected by higher rates of homicide, poverty and illiteracy, realities which are linked with the fact that almost 70% of impoverished Brazilians are black.<sup>4</sup>

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<sup>2</sup> “2010 Population Census.” Web. 24 Oct 2016. <http://www.ibge.gov.br/english/estatistica/populacao/censo2010/>

<sup>3</sup> “Censo Demográfico 2010: Características Gerais da População, Religião e Pessoas com Deficiência,” Instituto Brasileiro de Geografia e Estatística, 2 Jun 2012. Web. 5 Oct 2016.

<http://www.ibge.gov.br/home/presidencia/noticias/imprensa/ppts/00000009352506122012255229285110.pdf>

<sup>4</sup> *Brazil*. Freedom House. Web. 5 Oct 2016. <https://freedomhouse.org/report/freedom-world/2016/brazil>

## **Indigenous children and their communities**

10. Indigenous children also experience discrimination and vulnerability due to the fragile recognition of their rights. Over the past decade there have been various efforts to pay greater attention to the needs of Brazil's over 200 groups of indigenous peoples. In 2007, the Comissão Nacional de Política Indigenista (CNPI) was established to serve as a space to discuss problems concerning Brazil's indigenous population. Since April of 2016 the Conselho Nacional de Política Indigenista has begun to operate as a more hands-on organ to actively consult indigenous populations about political decisions and help implement the suggestions of this people at the level of the national Government.<sup>5</sup> However, disputes have arisen between the Government and the indigenous communities concerning ancestral lands, stemming from pressures exercised by transnational corporations who wish to use these lands for lucrative purposes.

11. There is much concern in regards to the possible amendment to the Constitution referred to as PEC 215, which would modify Articles 45, 61 and 231 of the Federal Constitution and transfer the power over demarcation of indigenous lands away from the National Indian Foundation, the Ministry of Justice and the Executive Branch and instead to the National Congress of Brazil. Moving forward with the proposal would no longer recognize indigenous peoples as exclusive owners of their lands and would allow for the installation of military and police forces in these areas, as well as for non-indigenous affiliated projects to be carried out. Under the 1988 Federal Constitution of Brazil it is a technical and legal requirement that indigenous peoples have the right to their traditional lands.<sup>6</sup> This amendment is still under debate; however the prospects are grim as around 250 members of Congress are involved in the "ruralist" congressional caucus, which represents agribusiness, mining, timber and energy industries in Brazil. In contrast, the Brazilian Congress contains zero representatives of the indigenous communities. In fact, the only member of Congress to every have identified as indigenous held office in the 1980s.<sup>7</sup> This situation shows the lack of implementation of Recommendation no. 119.164.<sup>8</sup>

12. The situation of both the vulnerable black and indigenous children, and their communities in general, shows that many measures must still be implemented in order to follow Recommendation no. 119.162 which was accepted by Brazil to "Strengthen the awareness campaigns on the rights of indigenous populations and persons of African descent, notably through the implementation of the provisions of the specific laws adopted in this domain."<sup>9</sup>

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<sup>5</sup> Conselho Nacional de Política Indigenista – CNPI, Fundação Nacional do Índio – FUNAI, 2016, funai.gov.br, Web. 5 Oct 2016

<sup>6</sup> Carneiro, Monica. "Mobilizações contra a PEC215 se intensificam em Audiência Pública" Fundação Nacional do Índio – FUNAI, 27 Nov 2015, funai.gov.br, Web. 5 Oct 2016

<sup>7</sup> Rigby, Claire. "'We're Going to Resist': Brazil's Indigenous Groups Fight to Keep Their Land in Face of New Law." The Guardian, April 23, 2015. <http://www.theguardian.com/world/2015/apr/23/brazils-indigenous-groups-battle-land-law-change>. 5 Oct. 2016

<sup>8</sup> Recommendation no. 119.164: "Ensure the rights of indigenous peoples, in particular the rights to traditional lands, territories and resources, and their right to be consulted (Norway)." See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>9</sup> Recommendation no. 119.162 addressed to Brazil by Morocco. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

## **Birth registration**

13. IIMA and VIDES International welcome the measures undertaken by the Government of Brazil in compliance with Recommendation no. 119.129<sup>10</sup> concerning birth registration: supporting birth registration by placing notaries in maternity wards and, in 2014, setting up the National Information System of Civil Registry (Sistema Nacional de Informações de Registro Civil or SIRC). SIRC has facilitated the Brazilian people's access to birth records, put more protections in place to avoid counterfeit documents, and made birth registration free and accessible to people of all ages.

14. As of 2014, the Brazilian Institute of Geography and Statistics (IBGE) reported that the under-registration rate of children between 0-15 months had fallen to 1%. The national registration rate was found to be 95.8%, though the Amazon region showed merely 85.6%. In general, the regions with the most under-registration are the North and the Northeast. The groups of people that are remaining unregistered are the indigenous, riparian, formerly enslaved communities (such as the Quilombolas), and gypsy populations. Though the national registration rate has improved since Brazil's last UPR in 2012, the same regions and groups of people continue to be the most neglected.<sup>11</sup>

## **Child Labour**

15. All forms of child labour are prohibited in Brazil up until the age of 16, according to Article 403 of the Brazilian Labour Code. The only exception is the case of an apprenticeship, in which a child may begin to work at the age of 14. In order to decrease the number of child labourers the National Commission of Elimination of Child Labour (Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil or FNPETI) was introduced in Brazil in 1996 and incorporated into Bolsa Familia (2003), a social welfare program provided by the Government. FNPETI effectively reduced the number of hours worked by child labourers by 50%.<sup>12</sup> In its 2011 National Plan for the Prevention and Eradication of Child Labour and protection of Adolescent Workers, PETI aimed to eliminate the worst forms of child labour by 2015 and eradicate all child labour by 2020. However, 7.4 million Brazilians still live with under 1.90 \$US a day, and 15.6 million live with less than 3.10 \$US. This is respectively 3.5% and 7.5% of Brazil's current population of 207,847,528.<sup>13</sup> It is families in these difficult impoverished situations which are most likely to involve their members in child labour.

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<sup>10</sup> Recommendation no. 119.129: "Regularly foster awareness on birth registration at national and local levels, particularly through the organization of public campaigns to highlight the importance of birth-registration (Uruguay)." See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>11</sup> UNICEF *Annual Report 2015 Brazil*, [http://www.unicef.org/about/annualreport/files/Brazil\\_2015\\_COAR.pdf](http://www.unicef.org/about/annualreport/files/Brazil_2015_COAR.pdf), 1 Oct 2016

<sup>12</sup> Yap, Yoon-Tien, Guilherme Sedlacek and Peter F. Orazem, 'Limiting Child Labor Through Behavior-Based Income Transfers: An experimental 9 evaluation of the PETI program in Rural Brazil', Inter-American Development Bank, Washington D.C., 2002

<sup>13</sup> "Brazil," *Poverty and Equity*, The World Bank, Web. 5 Oct 2016. <http://povertydata.worldbank.org/poverty/country/BRA>

16. Despite Brazil's acceptance of Recommendation no. 119.104 to "Continue with its efforts to eradicate child labour with a particular focus on children in highly vulnerable situations"<sup>14</sup>, Brazil's 2014 National Household Survey results (Pesquisa Nacional por Amostra de Domicílios or PNAD) showed that the country still has 3.3 million children and adolescents between the ages of 5 and 17 involved in child labour, a 4.5% increase since 2013.<sup>15</sup> According to PETI, children under 14 years are mostly working in agriculture, where they are exposed to the heavy sun as well as to pesticides. 18,700 children between the ages of 5 and 9 are involved in poultry farming. In general, 65% of child labourers are black boys ("pardos" e "pretos") and these, therefore, are the most vulnerable individuals of this group.<sup>16</sup> Additionally, 80% of child labourers are enrolled in school, but most of them drop out to help support their families financially. This is occurring in spite of Recommendation no. 119.109 to "Improve the protection of children by fighting against child labour, providing for children living in the streets and ensuring education for them."<sup>17</sup>

### **Violence against Children, including Sexual Abuse**

17. Of the victims of domestic violence in 2014, 55.73% of them were younger than 11 years old. Girls had a 47% chance of being abused, whereas boys had a 38% chance. Negligence is the most common form of violence, occurring 37% of the time. Next is psychological violence at 35%, physical violence at 21%, sexual at 13% and other at 4%. The author of the violence is the mother 37.13% of the time and the father 17.64% of the time.<sup>18</sup> In 2010, 7 out of the 10 states with the highest number of reported cases of violence against children and adolescents were located in the North and the Northeast of the country.<sup>19</sup>

18. Brazil has allowed all cases of violence, including sexual abuse and exploitation, to be reported directly to authorities by means of the Dial 100 (Disque 100) program. More than 80,000 complaints of child and adolescent rights violations were reported to Dial 100 in 2015, facilitated by the creation of the mobile app "Protect Brazil."<sup>20</sup> In 2005, Dial 180 was introduced as a toll-free hotline to allow women to report episodes of violence against them. As of the year 2013, Dial 180 received 3.6 million calls. In 2014, Brazil's Women's Policy Office has assured the immediate response from the military police across the country to these complaints. The

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<sup>14</sup> Recommendation no. 119.104 addressed to Brazil by Singapore. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>15</sup> Instituto Brasileiro de Geografia e Estatística (IBGE). Pesquisa Nacional por Amostra de Domicílios (PNAD). Rio de Janeiro; 2015. <http://biblioteca.ibge.gov.br/visualizacao/livros/liv94935.pdf>.

<sup>16</sup> "12 DE JUNHO: Fórum lança campanha de alerta contra o trabalho infantil nas cadeias produtivas," *Noticias*, Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil, 9 Jun 2016, Web. 30 Sep 2016. <http://www.fnpeti.org.br/noticia/1546-12-de-junho-forum-lanca-campanha-de-alerta-contra-o-trabalho-infantil-nas-cadeias-produtivas.html>

<sup>17</sup> Recommendation no. 119.109 addressed to Brazil by the Holy See. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>18</sup> "A cada dez minutos uma criança foi vítima de violência no Brasil em 2014," *Jornal Hoje*, 24 Feb 2015. Web. 5 Oct 2016. <http://g1.globo.com/jornal-hoje/noticia/2015/02/cada-dez-minutos-uma-crianca-foi-vitima-de-violencia-no-brasil-em-2014.html>

<sup>19</sup> "Brazil: Country Program Document 2012-2016," UNICEF, 10 Feb 2012. Web. 5 Oct 2016.

<sup>20</sup> "About Protect Brazil," *Proteja Brasil*, Web. 4 Oct 2016. <http://www.protejabrasil.com.br/us/>

Office also created a mobile app (“Click 180”) to provide women with information about violence to which they may be exposed and the nearest locations where they can receive help.<sup>21</sup>

19. Though the Dial programs have increased reporting, the problem is that the above measures lack follow up. After connecting the caller with the desired services, the Dial 100 program does not look back at past cases to ensure that victims have been protected or that the perpetrators have been held accountable.

### **Sexual Exploitation and Human Trafficking of Children**

20. Brazil is in danger of becoming the country with the highest rate of children in situations of sexual exploitation in the world. Due to recent events such as the FIFA World Cup and the summer Olympics, the demand for sexual services skyrocketed, involving around 500.000 trafficked children. The main victims of sex tourism are poor girls. During the 2014 World Cup, children as young as 10 years old were sold for 6 reais right outside the football stadium.<sup>22</sup>

21. In terms of policy to prevent sexual exploitation and trafficking, Brazil has adopted different measures. In the year 2000, Brazil ratified the Palermo Protocol (GA resolution 55/25), which focuses on the prevention of human trafficking, the repression of this crime, and providing attention and protection to victims. The Brazilian Federal Police also established different departments that are able to investigate complaints and arrest human traffickers, e.g. Diretoria de Investigação e Combate ao Crime Organizado (DICOR), Coordenação Geral de Defesa Institucional (CGDI), Divisão de Direitos Humanos (DDH).

22. A special challenge that has been identified is that Articles 231 and 231-A of Brazil’s criminal code do not consider sex crimes within the country as trafficking. Brazilian law defines human trafficking as a movement-based crime, which makes it very difficult for the Government to respond accurately if situations of trafficking do not involve changing the victim’s location.<sup>23</sup>

### **Children and the Criminal Justice System**

23. IIMA and VIDES International express their concern for Bill No. 171/1993, which was approved by the Chamber of Deputies in its first round of voting in 2015 that would allow 16- and 17-year-olds to be tried and convicted as adults. The proposal still needs the approval of the Senate to become law; however, the content of this law is in violation of international legal framework, in particular the Convention on the Rights of the Child,<sup>24</sup> which Brazil ratified in

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<sup>21</sup> “New Dial 180 hotline ensures immediate action by the police,” *Policies for Women*, Instituto Lula, Web. 3 Oct 2016. <http://www.brasildamudanca.com.br/en/direitos-humanos/new-dial-180-hotline-ensures-immediate-action-police>

<sup>22</sup> “Manifiesto: SAY NO TO SEX TOURISM BUYING SEX IS NOT A SORT!” *Coalicion Contra el Trato de Mujeres y Ninas en America Latina y el Caribe*, CATWALC, 17 Dec 2015, Web. 30 Sep 2016. <http://www.catwalc.org/es/2015/12/17/manifiesto-say-no-to-sex-tourism-buying-sex-is-not-a-sport/>

<sup>23</sup> “17 Days: Rio 2016 and the Trade in Human Misery Part 1.” *International Women’s Initiative*, Web. 24 Oct 2016. <http://www.internationalwomensinitiative.org/news/2016/8/9/17-days-rio-2016-and-the-trade-in-human-misery>

<sup>24</sup> “Brazil: Events of 2015,” Human Rights Watch, Web. 30 Sep 2016. <https://www.hrw.org/world-report/2016/country-chapters/brazil>

1990. In its Concluding observations on the combined second to fourth periodic reports of Brazil (2015), the UN Committee on the Rights of the Child (CRC) expressed its concern over this law, especially in regards to the reality of the current Brazilian prison system and the multitude of negative effects it would have on the children that would enter it. Among these, the CRC mentions child deaths because of prison gang violence, poor health and sanitary conditions and prevalent sexual violence. The CRC highlights the need for an improved juvenile justice system with adequate facilities and specially trained judges.<sup>25</sup>

**24. We recommend that the Government of Brazil:**

- a. Focus efforts on lifting black and indigenous Brazilian children out of poverty;*
- b. Protect the rights of indigenous children by removing support from PEC 215 and thus recognizing indigenous people's right to their ancestral lands;*
- c. Make special efforts to facilitate and promote birth registrations in the North and Northeast of Brazil, areas of the country which have seen little improvement since the last UPR;*
- d. Reverse the trend of cutting funds to the Bolsa Familia program, as it serves as an invaluable means of addressing the needs of vulnerable children and breaking cycles of poverty and violence;*
- e. Involve the private sector to control all stages of production of national goods, in order to recognize, report and eradicate incidents of forced child labour in the formal and the informal economy;*
- f. Protect decent work and apprenticeship opportunities for adolescents, while continuing efforts to raise awareness among children about child labour and adverse working conditions;*
- g. Identify and address root causes of child labour and its linkages with lack of education, especially for Afro-Brazilian children, indigenous children, and children living in rural areas;*
- h. Work more closely with different governmental actors, NGOs, churches and media outlets in order to effectively address human trafficking;*
- i. Harmonize the definition of trafficking in Brazilian legislation to the 2000 UN TIP Protocol and put stringent sentences in place for traffickers;*
- j. Provide more funding for specialized services and shelters for victims of sexual exploitation, trafficking and forced labour;*

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<sup>25</sup> See Paragraph no. 88 (h), CRC/C/BRA/CO/2-4, 30 Oct 2015.



*k. Improve documentation and data collection on all prosecutions and convictions of human trafficking, as well as victim identification and care;*

*l. Remove support from Bill No. 171/1993 which would allow 16- and 17 year-old children to be convicted as adults, as this is a direct violation of the Convention on the Rights of the Child.*

#### IV. RIGHT TO EDUCATION

##### Quality of Education

25. Education in Brazil is free and compulsory for children ages 4 to 17. Rates of school attendance show that children are, indeed, enrolled in school; however many children receive six years of basic education, yet are still unable to read and write by the end of this time. There remains a large disconnect between the quality of education at public and private schools. The latter offer better monitoring of student learning, as well as teacher support. Furthermore, the quality of education varies depending on the region of the country.

26. The Holy See's Recommendation no. 119.158 to "Take adequate measures to combat illiteracy and guarantee to all citizens the enjoyment of the right to education especially, for poor people, those living in rural areas or indigenous minorities"<sup>26</sup> has not been implemented fully. In fact in rural areas, students and teachers must travel long distances to arrive at schools. Those that are able to access them, discover inadequate school buildings—infrastructure lacking proper sewage, access to internet, or even electricity.

27. A problematic trend shows that Brazilian students are frequently repeating grades and failing at school, causing a distortion in the age of the students in each grade. Furthermore, out of financial need, children drop out of school in order to enter the workforce prematurely. According to the INEP, a national Brazilian institute for educational statistics, in 2015 5.8% of students in the Ensino Fundamental I (grades 1-5) failed the grade, 1% dropped out of school and 93.2% passed the year. In the Ensino Fundamental II (grades 6-9) 11.1% of students failed, 3.2% dropped out, and 85.7% of them passed. In Ensino Médio (grades 10-12) school failure and drop out levels increased to 11.6% and 6.8% respectively, while the passing number dropped to 81.6%.<sup>27</sup>

28. In spite of these difficulties, Brazil has seen a clear downward trend in illiteracy from 2007-2014 among children 6-14 years old.<sup>28</sup> In this time, the number of people with 11 years of

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<sup>26</sup> Recommendation no. 119.158 addressed to Brazil by the Holy See. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>27</sup> "2015," *Indicadores Educacionais*, Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira, Web. 30 Sep 2016. <http://portal.inep.gov.br/indicadores-educacionais>

<sup>28</sup> "Educação," *Brasil em Síntese*. Instituto Brasileiro de Geografia e Estatística. Web. 5 Oct 2016. <http://brasilemsintese.ibge.gov.br/educacao.html>

schooling among individuals 25 years or older rose from 33.6% to 42.5%. In 2014, 44.5% of women 25 or older had at least 11 years of education, in comparison to only 40.3% of men in that age group.

### **Education for Indigenous Peoples**

29. According to Article 210, § 2° of the 1988 Brazilian constitution, indigenous people have a right to bilingual education in order to preserve their native tongue, the culture and the customs of their people. However, only 53 (or 5%) of indigenous schools have educational materials that are specific to their ethnic group. This is proof that again Recommendation no. 119.162 to give recognition to the rights of indigenous peoples<sup>29</sup> is still lacking in full implementation. Indigenous people make up 0.4% of the Brazilian population, which amounts to approximately 823,000 individuals.

#### **30. We recommend that the Government of Brazil:**

*a. Invest in teacher training, to ensure quality education regardless whether education is public or private, urban or rural;*

*b. Work to eliminate the school culture that normalizes repeating grades, evading school, non-literacy and a distaste for learning;*

*c. Direct more financial resources towards paying teachers and modernizing the infrastructure of schools, guaranteeing in particular: electricity, proper sanitation facilities, and adequate water supplies;*

*d. Increase efforts to provide bilingual education to indigenous populations, in order to preserve cultural patrimony and respect the rights of these peoples;*

*e. Establish curricula in schools which sensitize children to appreciate cultural and ethnic diversity.*

## **V. RIGHTS OF WOMEN**

### **Violence against Women**

31. The most common form of violence experienced by women in Brazil occurs in the domestic environment. Since the implementation of the Maria da Penha Law in 2006 targeting domestic and family violence against women, the situation has improved in the country. However, despite Recommendation no. 119.90 to “Provide systematic training to judges, prosecutors and lawyers on women’s rights and violence against women, including the implementation of the Maria da

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<sup>29</sup> Recommendation no. 119.162, op cit. note 8.

Penha Law on domestic and family violence against women”<sup>30</sup> the country is still lacking in specialized courts to care for women who are the victims of violence. Today there are 66 such courts; however, according to the National Justice Council of Brazil (Conselho Nacional de Justiça or CNJ) there should be at least 120 in the country. Furthermore, it is imperative to create environments where women feel comfortable denouncing their aggressors. Unfortunately this reality does not exist, for instance, in cases of rape. It is still a common social perception in Brazil that women are to blame for their rape, making victims less likely to denounce the offender.

### **Participation of Women to Social and Political life**

32. Today, women in Brazil have higher levels of education than men. However, in contrast to these, women still earn less than their male counterparts, though the levels of disparity vary throughout the country. Additionally women are not often visible in politics nor in senior positions in companies. Though Brazil has put quotas in place for 30% of a list of political candidates to be women, these have been weakly enforced, which explains why only 8.6% of the elected deputies in 2010 were women<sup>31</sup>. As of 2012, this same 8.6% was the makeup of the lower house of the Brazilian Government. This reality shows that there is still much to be done in order to fully implement Recommendation no. 119.46 for Brazil to “Continue its efforts to consolidate greater representation of women in decision-making positions, both in public administration and the private sector.”<sup>32</sup>

33. The situation is even more difficult for indigenous women with political ambitions, as this group is already lacking representation in the Government. In 2014, 84 indigenous people ran for office and 24 of those were women. At the moment of elections only 2 indigenous people were elected to the State Representatives.<sup>33</sup>

#### **34. We recommend that the Government of Brazil:**

*a. Take concrete measures to eradicate multiple forms of discrimination against women and eliminate the structural causes of inequalities;*

*b. Provide an appropriate and effective response in order to decrease violence against women and lessen their fear of denouncing their aggressors, giving special attention to preventing domestic violence;*

*c. Guarantee effective assistance to the victims through efficient support services;*

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<sup>30</sup> Recommendation no. 119.90 addressed to Brazil by Canada. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>31</sup> Aguilar, Rosario, Saul Cunow and Scott Desposato. “Choice Sets, Gender, and Candidate Choice in Brazil.” 13 July 2014. Web. 5 Oct 2016.

[http://graduateinstitute.ch/files/live/sites/iheid/files/sites/political\\_science/Desposato%20AguilarCunow.pdf](http://graduateinstitute.ch/files/live/sites/iheid/files/sites/political_science/Desposato%20AguilarCunow.pdf)

<sup>32</sup> Recommendation no. 119.46 addressed to Brazil by Peru. See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>33</sup> “Só 3% dos eleitos em 2014 se declaram negros,” Congressoemfoco. 18 Dec 2014. Web. 5 Oct 2016. <http://congressoemfoco.uol.com.br/noticias/so-3-dos-eleitos-em-2014-se-declaram-negros/>.

*d. Eradicate gender inequalities in the workplace by ensuring that women have access to senior positions and by addressing the wage disparity between men and women;*

*e. Ensure a more effective implementation of existing quotas to allow for greater women's inclusion in politics;*

*f. Encourage greater participation of minority groups in politics, especially those belonging to indigenous and black communities.*

## **VI. RIGHT TO HEALTH**

### **Infant Mortality**

35. IIMA and VIDES International congratulate Brazil in its successful efforts to implement Recommendation no. 119.152, "Improve health-care efforts, especially to reduce child mortality."<sup>34</sup> Brazil is one of the 62 countries around the world to have reached the MDG in relation to **infant mortality** and is among the top five in those countries with the greatest reduction. From 1990-2015, infant mortality was reduced by 73%. Now Brazil only has 16 deaths for every 100.000 children under 5. This positive outcome was achieved with the help of Bolsa Familia, the Brazilian social welfare program which provided mothers and their new-borns with primary health care.

### **Early Marriage and Pregnancy**

36. Early marriage is common in Brazil, especially in situations of poverty. When there are no prospects for the future and girls suffer from realities of domestic violence, children as young as 5 to 10 years old are subjects to early marriage. This often occurs without an official notarization, as the legal age for marriage for women in Brazil is 16, while for men it is 18. After a girl is subjected to early marriage, she will later be forced to abandon her schooling to take care of her new husband and children.

37. As highlighted in the CRC Concluding observations on the combined second to fourth periodic reports of Brazil (2015), the births among girls ages 10 to 19 decreased by 19% from 2003-2007.<sup>35</sup> Nevertheless, this NGO coalition notes with concern that the greatest concentration of adolescent mothers is present in the North and Northeast regions of the country. These early pregnancies are linked to greater social vulnerability, high poverty and lack of education.

### **Death among Children and Youth**

38. According to UNICEF's 2015 Annual Report, Brazil ranks 2<sup>nd</sup> in the world in terms of adolescents murdered annually.<sup>36</sup> The homicide rate among children 0-9 is below 1 per 100,000

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<sup>34</sup> Recommendation no. 119.152: "Improve health-care efforts, especially to reduce child mortality and the prevalence rate of HIV and AIDS (Iran)." See Report of UPR Working Group on Brazil (A/HRC/21/11), 9 July 2012.

<sup>35</sup> See: CRC/C/BRA/2-4

<sup>36</sup> UNICEF Annual Report 2015 Brazil, op. cit.

Brazilians, but this increases to 32 per 100,000 when it comes to children and youth between the ages of 10-19. Boys are 10 times more likely than girls to be victims of homicide, making this the leading cause of death among boys in Brazil and offsetting all medical advances made in child survival.<sup>37</sup>

39. UNESCO and the Brazilian Government partnered to publish the *Índice de vulnerabilidade Juvenil à Violência e Desigualdade Racial 2014*,<sup>38</sup> a study which measures the index of youth vulnerability to violence (IVJ) around the country. The results reveal that black (“pretos” and “pardos”) youth experience a significantly higher risk of death by homicide than whites (“brancos” and “amarelos”). The Northeastern states of Brazil have the greatest violence and racial inequality, and as a result are particularly lethal. In Alagoas the risk of death of black youth 8.75% greater than that for white youth. The risk is 11.57% higher in Pernambuco and is highest in Paraíba at 13.40%. The States with the lowest IVJ are in the South and Southeast (specifically São Paulo, Rio Grande do Sul, Santa Catarina and Minas Gerais). The areas of Brazil with the high (Northeast and Southeast) and very high (Northeast) vulnerability to violence make up 24.1% of the Brazilian population and include 9 million adolescents and youth between the ages of 12 and 29.

**40. We recommend that the Government of Brazil:**

*a. Expand health care to remote areas, especially in the North and Northeast of Brazil, by giving more access to quality prenatal care, providing more ICU beds, and increasing the number of paediatric clinics;*

*b. Address the causes that lead to early pregnancy among girls 10-19;*

*c. Focus efforts on teaching conflict resolution to children and youth in order to increase the safety of communities in the states of Alagoas, Pernambuco and Paraíba.*

## **VII. RIGHTS OF YOUTH (18 – 29 YEARS OLD)**

### **Right to Work**

41. The youth in Brazil are experiencing a challenge of integrating into the labour market. Due to their low education levels and schools’ emphasis on theory rather than practice, they do not have the adequate preparation to find a well-paying job. This situation is exacerbated by the political and economic crisis that the country is experiencing. Therefore, youth find themselves unemployed or are forced to labour in the informal economy, where they are usually poorly paid and to not encounter decent working conditions.

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<sup>37</sup> “Hidden in Plain Sight: A statistical analysis of violence against children,” UNICEF, Sep 2014. Web. 5 Oct 2016. [http://data.unicef.org/wp-content/uploads/2015/12/VR-full-report\\_Final-LR-3\\_2\\_15\\_189.pdf](http://data.unicef.org/wp-content/uploads/2015/12/VR-full-report_Final-LR-3_2_15_189.pdf)

<sup>38</sup> “Índice de vulnerabilidade Juvenil à Violência e Desigualdade Racial 2014,” UNESCO, 2015. Web. 5 Oct 2016. <http://unesdoc.unesco.org/images/0023/002329/232972POR.pdf>

42. The Brazilian Government has recognized this situation and has responded by adopting several programs. The Young Apprenticeship Program was introduced in 2000 to give high school students and recent graduates between the ages of 18-22 years old special preparation to enter the job market. Between the years 2000 and 2005, research showed that apprentices who had gone through this program were more likely to get a formal job and a non-temporary contract than someone who had not used this service.<sup>39</sup> Brazil also established the National Youth Inclusion Program (PROJOVEM) in 2005 to provide youth ages 18-24 with skills training services, job search assistance, access to certification and accreditation, among other services. More research is needed to evaluate if these programs are still performing as promised.<sup>40</sup>

43. In spite of the efforts at various Government levels to ameliorate the situation, youth immigrants and refugees continue to find it especially challenging to find a job in Brazil. Cultural and language barriers, as well as discrimination, are factors contributing to this difficulty.

**44. We recommend that the Government of Brazil:**

*a. Design and implement youth policies that value the role of education as a means for full human development, while ensuring that the education received also broadens job prospects for youth;*

*b. Pay attention to the special needs of youth immigrants and refugees when these are searching for jobs.*

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<sup>39</sup> “Snapshot of Youth Training Programs in Brazil and the Dominican Republic,” *Jobs and Development*, The World Bank. 20 Jan 2013. Web. 5 Oct 2-16. <http://blogs.worldbank.org/jobs/snapshot-youth-training-programs-brazil-and-dominican-republic>

<sup>40</sup> “Projovem (National Youth Inclusion Program),” Youth Employment Inventory. Web. 5 Oct 2016. <http://www.youth-employment-inventory.org/inventory/view/44/>