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### III. Principal areas of concern and recommendations

**B. Specific rights (arts. 5-30)**

**Liberty and security of the person and freedom from torture or cruel, inhuman or degrading treatment or punishment (arts. 14 and 15)**

29. The Committee recommends that the State party take measures, including the repeal of relevant legal provisions, to abolish the practice of involuntary commitment or hospitalization, to prohibit forced medical treatment, in particular psychiatric treatments, on the basis of impairment and to provide sufficient community-based alternatives.

30. The Committee is concerned that persons with disabilities who are deemed not liable for the commission of a crime on the basis of impairment may be subject to security measures, including indefinite detention. The Committee is also concerned about arbitrary detentions that may amount to inhuman and degrading treatment or torture. It is also concerned about the situation of persons with disabilities deprived of their liberty in prisons and other places of detention, which are severely overcrowded and where mental and psychological ill-treatment of inmates becomes a norm, as stated by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment at the end of his official visit to Brazil in August 2015.
### Freedom from exploitation, violence and abuse (art. 16)

32. The Committee is concerned at the lack of dedicated mechanisms for identifying, investigating and prosecuting instances of exploitation, violence and abuse against persons with disabilities. The Committee regrets the lack of disaggregated data on reports concerning, investigations into and prosecutions of abuse, exploitation and violence against women, men, girls and boys with disabilities.

33. **The Committee recommends that the State party ensure the availability of accessible, effective and independent monitoring of facilities and programmes designed to serve persons with disabilities, and complaint mechanisms in alignment with article 16 (3), to enable the authorities to identify, investigate and prosecute all cases of violence against persons with disabilities.** It also recommends that it ensure that the Public Prosecutor’s Office and the attorney offices for persons with disabilities investigate cases related to violence against and the exploitation of persons with disabilities by allocating the necessary human, technical and financial resources. It further recommends that the State party collect disaggregated data and statistics on reports by persons with disabilities of abuse, exploitation and violence, and their outcomes.

### Living independently and being included in the community (art. 19)

36. The Committee is concerned at the lack of access to support services and allowances, especially personal assistance services, aimed at enabling persons with disabilities to live independently and be included in the community. It is also concerned that the State party does not have a comprehensive strategy to replace institutionalization with community-based living for persons with disabilities.

37. **The Committee recommends that the State party establish a framework providing for legal entitlement to personal assistance services, to enable persons with disabilities to live independently in the community. The Committee also recommends that, in consultation with organizations of persons with disabilities, the State party develop and implement an effective de-institutionalization and community-based living strategy with clear time frames and benchmarks.**

### Respect for home and family life (art. 23)
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<td>40. The Committee is concerned that persons with disabilities are separated from their children on the basis of impairment.</td>
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41. The Committee recommends that the State party take legal action to explicitly prohibit the removal of children on the basis of their parents’ impairment, including where the parent is subject to interdiction.

42. The Committee is concerned at the lack of disaggregated data on the number of families of children with disabilities who have access to community-based supports, such as the specialized social assistance reference centres.

43. The Committee recommends that the State party collect and report disaggregated data on the availability of community-based supports for families of children with disabilities and the number of families who gain access to those services.

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**Country Report**

CRPD/C/BRA/1  
14 July 2014


**CRC**  
Ratification Date: 24 September 1990  
Care-Related Concluding Observations: CRC/C/BRA/CO/2-4  
29 October 2015

### III. Main areas of concern and recommendations

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

**Non-discrimination**

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

24. The Committee recommends that the State party:

   (a) **Strengthen its efforts to combat discrimination against and stigmatization and social exclusion of children living in poverty in marginalized urban areas, such as favelas, as well as children in street situations, and Afro-Brazilian and indigenous children and girls**;

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

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

**Right to life, survival and development**

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

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

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

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

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

Sexual exploitation and abuse

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

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

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

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

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

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

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

42. The Committee urges the State party to:

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

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

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

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

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

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

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

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

Children deprived of a family environment

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

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

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

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

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

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

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

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

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

Adoption

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

48. The Committee recommends that the State party:

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

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

#### Children in prison with their mothers

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

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

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

##### Children with disabilities

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

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

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

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

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

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

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

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

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

(c) Immediately revise Act No. 9263/1996 and explicitly prohibit the sterilization of children with disabilities;
(d) Ensure access to medical care and to support measures for all children with disabilities and facilitate the obtaining of medical examinations;

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

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

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

**Asylum-seeking and refugee children**

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

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

**Children in street situations**

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

(a) The reports of children in street situations being taken to police stations, under unfounded suspicions, and being arbitrarily placed in young offenders’ institutions without the required judicial authorizations pursuant to the Statute of the Child and Adolescent;

(b) Police operations, including the “shock of order” operation, resulting in the eviction of children in street situations as well as the confiscation of their belongings;

(c) Increased police repression and physical violence against child street vendors in the course of “street clean-ups”.

84. The Committee urges the State party to:

(a) Expeditiously enforce, including through legislation, monitoring, and the punishment of perpetrators, a prohibition on the arbitrary arrest of children in street situations and their institutionalization without judicial authorization;

(b) Increase the availability of appropriate shelters for children in street situations and ensure that their belongings are not arbitrarily confiscated by law enforcement or security personnel;

(c) Establish a system of specialized social workers, particularly in tourist areas, to provide support to child street vendors and monitor police violence;

(d) Develop a comprehensive strategy to protect children in street situations and reduce their number, including identifying the underlying causes, such as poverty, family violence and the lack of access to education, with the aim of preventing and reducing this phenomenon; and, as appropriate, facilitate the reunification of such children with their families when it is in their best interests;

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

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

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

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

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

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

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

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

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**Acronyms and Abbreviations:**

- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women
- **CRC**: Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD**: Convention on the Rights of Persons with Disabilities
- **ICCRP**: International Covenant on Civil and Political Rights
- **ICESCR**: International Covenant on Economic, Social and Cultural Rights
- **OPAC to CRC**: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- **UN**: United Nations
- **UPR**: Universal Periodic Review