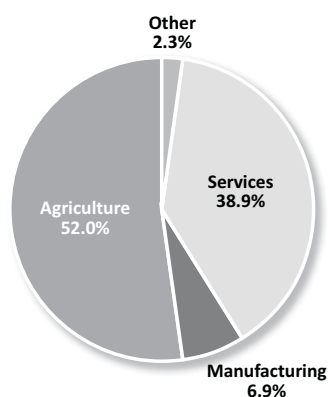


In 2011, Brazil made a significant advancement in efforts to eliminate the worst forms of child labor. The Government approved the Law of Social Assistance, which officially established the National Single System of Social Assistance (SUAS) to coordinate efforts to eradicate poverty, including the National Program to Combat Child Labor. This law makes state and municipal funding for the social programs under the SUAS mandatory for the first time. The Government of Brazil established the Brazil Without Misery Program to lift 16 million people out of extreme poverty, which targets child labor. It will allocate \$10.8 billion per year to this program through 2014. As part of its robust inspections system, Brazil conducted 7,024 child labor inspections and allocated \$1.7 million to child labor inspections. Despite these efforts, gaps in enforcement remain. Judges issued work permits for children under age 16, to perform, in some cases, hazardous work such as scavenging, construction and fertilizer production. Children continue to be involved in the worst forms of child labor, including in hazardous activities in agriculture and street work.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	4.2 (1,380,489)
Attending School	5-14 yrs.	96.5
Combining Work and School	7-14 yrs.	4.8
Primary Completion Rate		Unavailable

Working Children by Sector, Ages 5-14



Sources:

Primary completion rate: Data from 2007, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis, 2009.(2)



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Brazil are engaged in the worst forms of child labor, mainly in hazardous activities in agriculture and street work. The majority of them work in agriculture, particularly in the northeastern region.(3, 4) Reportedly, children are engaged in the production of apples, babassu, beans, cashews, citrus, cocoa, coffee, corn, manioc, pineapple, rice, strawberries, sisal, sugarcane, tobacco and tomatoes.(5-27) Such children may work long hours, use dangerous tools and be exposed to the elements, pesticides and physical injuries.(7, 10-12, 28) Children also work in cattle ranching and animal slaughter, including for beef production. Children who work in animal slaughterhouses are exposed to unsanitary conditions and sharp knives.(8, 29-31) Limited evidence suggests that children produce charcoal, ceramics and bricks; mine gem stones; and break rocks into gravel. These children may carry heavy loads and be exposed to the elements and physical injuries.(28, 32-37)

A 2010 study found more than 23,000 street children, predominantly males, working in 75 cities. Some children perform hazardous work in construction, car repair, garbage scavenging; they also work in the production of leather, garments and footwear.(28, 38, 39) The children work long hours and face a variety of safety and health risks, including exposure to the elements and toxic substances, and are at risk for physical injuries.(28, 38) According to the

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Ministry of Health, it is reported that in the state of São Paulo, children who work in the footwear sector suffer more occupational injuries than children working in other sectors do.(40)

Some children in Brazil work as domestic servants. In the state of Ceará, more than 25,000 children work in domestic service in third-party homes.(41, 42) Child domestic workers may be subjected to long hours and are vulnerable to physical and sexual exploitation by their employers. Children and adolescents are also engaged in prostitution and sex tourism, including along highways, at truck stops and bus stations, and in brothels near mining settlements in the Amazon region.(43-46) Children are reportedly engaged in pornography. Children are trafficked internally and internationally for the purposes of commercial sexual exploitation and forced labor.(32, 47) In the cities of São Paulo and Rio de Janeiro, children are sometimes recruited into criminal gangs to work in the drug trade.(48, 49)

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for work at age 16.(50, 51) Decree No. 6.481 of 2008 prohibits hazardous work for children under age 18. It lists 93 hazardous activities within 13 occupational categories from which children are barred.(52) These occupational categories include agriculture, livestock raising, fishing, mining, car repair, manufacturing, construction, transport, domestic and health services. Hazardous activities include garbage scavenging, fertilizer production and street work.(52)

However, it appears that not all judges are familiar with the requirements of the child labor legislation. In October 2011, the Brazilian News Agency reported that between 2005 and 2010, judges authorized more than 33,000 children under age 16 to work. Some of these authorizations were for children performing hazardous activities such as scavenging, construction and fertilizer production.(53) During the reporting period, the National Council of the Public Ministry issued a recommendation requesting that judges who issued these authorizations submit copies to the Public Ministry for review. The recommendation also suggests that judges reconsider the previously issued work authorizations. Those judges who decide to revoke the issued authorizations can request that the Federal Labor Prosecutor place the affected children in

apprenticeship programs.(54) However, it is unclear whether this recommendation will deter judges from issuing work authorizations to children under the age of 16 to perform hazardous activities. The Forum for the Eradication and Elimination of Child Labor has requested that the National Justice Council provide guidelines to judges on issuing work authorizations.(55)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

The Penal Code penalizes commercial sexual exploitation, forced labor and trafficking in persons for the purpose of sexual exploitation internationally and domestically. However, the Penal Code's definition of trafficking in persons does not include labor exploitation as a criminal offense.(56, 57) The Government grants permanent visa status to foreign victims of human trafficking.(58)

The Statute of the Child and Adolescent prohibits child pornography.(59) Decree No. 6.481 prohibits the use of children in the sale of illegal drugs and Law 11.343 of 2006 punishes individuals who involve, or attempt to involve, children in drug trafficking-related activities.(52, 60)

The minimum age for recruitment and enlistment in the armed forces is 18.(61) The Constitution establishes free and compulsory education until the age of 18. A 2009 UNICEF study reported that rural areas in the Northeast face challenges in providing access to education.(50, 62) School infrastructure is precarious; some schools do not

have running water, electricity or toilets. Transportation is not always available because of aging buses, long distances and bad road conditions.(62) Some children do not have birth certificates, which hinders their access to education.(62) A 2010 World Bank study found that only approximately 60 percent of youth enrolled in secondary education complete their schooling, and an estimated 44 percent were overage for their grade.(63)

Institutional Mechanisms for Coordination and Enforcement

The National Council for the Rights of Children and Adolescents (CONANDA) is the national body that coordinates policies to protect children's rights and monitors their implementation.(64) The National Committee for the Elimination of Child Labor leads the implementation of the National Plan for the Prevention and Elimination of Child Labor and the Protection of Working Adolescents. It is coordinated by the Ministry of Labor and Employment (MTE) and includes 17 government agencies, along with representatives from trade unions, business associations and civil society organizations.(65, 66) The Intersectoral Committee to Combat Sexual Violence against Children and Adolescents monitors the implementation of the National Plan to Combat Sexual Violence against Children and is led by the Presidential Office's Secretariat of Human Rights (SDH).(67) In 2011, the Ministry of Justice (MOJ) established an inter-ministerial committee to develop the Second National Plan to Combat Trafficking in Persons (2011-2015).(68)

The MTE conducts labor inspections, enforces child labor laws and monitors child labor. Its 3,061 labor inspectors work in all 26 states.(69) In 2011, it carried out 269,253 labor inspections—including 7,024 child labor inspections—removed 10,362 children from child labor and imposed fines of more than \$730 million.(69, 70) The MTE regularly trains inspectors on child labor issues. All labor inspections are planned by regional offices, based on MTE's goals, analysis of labor market data and available human and financial resources.(69, 71) In 2011, the Government of Brazil allocated \$1.7 million to child labor inspections.(72)

To strengthen labor inspections and coordinate activities with other law enforcement agencies, the MTE requires that labor inspectors give immediate priority to cases of child labor. Inspectors have a maximum of 10 days to submit information about inspection results, which is available on the online monitoring system, Information

System on Child Labor Hotspots (SITI).(73) If MTE labor inspectors find children engaged in commercial sexual exploitation, domestic work or other prohibited activities, they must report these cases to the local guardianship council, which will work with the Federal Labor Prosecutor's Office (MPT) and the police to conduct investigations.(73) During the reporting period, the MTE established a specialized mobile unit to monitor labor conditions in construction sites, which plans to perform 120 inspections between 2012 and 2015.(74)

The MPT also prosecutes child labor violations.(75) It works through the 24 prosecutors of MTE's National Committee to Combat Child Labor, an in-house body that directs MTE's efforts to combat child labor. The MPT monitors the implementation of child labor policies and the required allocation of 5 percent of municipal budgets to initiatives to protect children's rights, and carries out awareness-raising campaigns.(76, 77) In 2011, it worked with the state of Ceará to raise awareness in 130 municipalities.(78)

To investigate and combat forced labor, including forced child labor, the MTE has a special mobile unit composed of labor inspectors, the Federal Police (FP) and federal labor prosecutors. In 2011, the unit conducted 151 operations, inspected 295 worksites and rescued 2,234 workers from forced labor conditions.(69, 79) The Government allocated \$4.1 million to forced labor inspections.(69) During the reporting period, the Ombudsman of São Paulo filed a civil suit against a clothing company and the Supreme Labor Court upheld a ruling against a Senator from the State of Tocantins accused of forced labor; he was ordered to pay approximately \$41,000 in fines. In December 2011, the First Federal Court of Maracá, State of Pará, sentenced two individuals to 7 years and 10 months, and 5 years and 7 months, respectively, for using forced labor.(69)

In 2011, the MTE set guidelines to strengthen forced labor inspections and improve inter-agency coordination. The guidelines expand labor inspectors' portfolios to include cases of forced labor; require that labor inspectors work with the MOJ and other government agencies when they find foreigners who have been trafficked and work under forced labor conditions; and establish that the MTE's Secretary of Labor Inspections will coordinate all forced labor inspections.(80) In addition, the MTE, the Federal Prosecutor's Office (MP) and the Immigration Support Center established an agreement to create a fund to assist victims of forced

labor, particularly immigrants from Bolivia, Paraguay and Peru.(74)

To enforce laws against the trafficking and commercial sexual exploitation of children, SDH coordinates a hotline, Dial 100, that directs complaints to appropriate institutions for follow-up; its budget was \$3.3 million in 2011. Between January and August 2011, Dial 100 received 380,619 complaints.(72, 81) Safernet Brazil receives online complaints about human rights violations, including child pornography and human trafficking; in 2011, it received more than 20,000 online complaints related to child pornography and 450 related to human trafficking.(82, 83)

During the reporting period, the FP and the MP carried out operations to combat human trafficking. The FP conducted 67 investigations and the MP convicted six individuals with sentences ranging from 3 to 8 years. No information is available about how many of these cases were related to child trafficking. In January 2012, Mexico extradited a German national to Brazil for engaging in human trafficking; he was convicted and sentenced to 5 years and 6 months in prison.(74)

In 2011, the Government began to operate a comprehensive monitoring system to collect information on cases of the worst forms of child labor, including child trafficking, pornography and forced labor, throughout the country. It also trained law enforcement officials, diplomatic and consular officers, airport security personnel, public agents and court officials on human trafficking.(74)

Government Policies on the Worst Forms of Child Labor

The National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents and the National Program to Eliminate Child Labor (PETI) guide government efforts to combat child labor.(84, 85) The National Plan to Combat Sexual Violence against Children and Adolescents lays out the strategy to combat sexual violence and commercial sexual exploitation. The Second Plan to Combat Forced Labor establishes the policy framework to address forced labor.(86, 87) In 2011, the Government developed the Second Plan to Combat Trafficking in Persons to guide its efforts to combat human trafficking, which included consultations with stakeholders.(68, 88)

The Government has included child labor in the following policy instruments: the National Plan to

Promote and Protect the Rights of Children and Adolescents for Family and Community Life, the National Development Plan (PPA) (2008-2011), the National Education Plan (PNE), the National Human Rights Program, the National Decent Work Plan (2011-2015), the More Education Program and the National Policy and Decennial Plan for the Human Rights of Children.(89-95)

In 2011, the Government approved the Law of Social Assistance, which seeks to ensure that the basic needs of vulnerable populations are met, and it officially established the National Single System of Social Assistance (SUAS) to coordinate efforts to eradicate poverty, including PETI.(96) This law also requires federal, state and municipal governments to allocate funding for the various programs under the SUAS. Previously, contributions from state and municipal governments were not mandatory.(96)

During the reporting period, the Government of Brazil launched the Brazil Without Misery Program to lift more than 16 million people out of extreme poverty in rural and urban areas by expanding social protection programs, improving productivity and job skills, and providing access to basic services.(97) The Program also seeks to combat child labor, provide education to children and assist persons living on the streets. As part of the implementation of the Brazil Without Misery Program, the Government has established a set of programs to promote access to vocational training, employment, microcredit and electricity for persons living in extreme poverty.(98-101) This initiative will have a budget of \$10.8 billion per year through 2014.(69)

The Government of Brazil released preliminary results of the 2010 National Census. It will publish information related to child labor at the end of 2012.(102) Based on the initial results, a leading Brazilian newspaper reported that more than 1 million children ages 10 to 14 work in Brazil and that 132,000 households are headed by children ages 10 to 14.(4, 103) The Government also conducts an annual child labor survey that helps identify children who are engaged in child labor.(69, 104) However, it does not conduct in-depth research on hard-to-reach populations, such as children engaged in drug trafficking, domestic service and commercial sexual exploitation, or on child victims of forced labor or child labor in indigenous communities.

In 2011, the State of Bahia approved a policy to address human trafficking and established a program to

implement Bahia's Decent Work Agenda, which includes child labor as one of its priority areas. In addition, the State of Mato Grosso established a plan to combat trafficking in persons.(105-107)

In 2011, the Brazilian Congress allocated approximately \$182 million to combat child labor, including \$165 million for the provision of social services to child laborers and \$17 million for scholarships.(72) The 2009 National Household Survey determined that more than 3,200 municipalities in Brazil carry out actions to combat child labor.(108) However, the Government of Brazil does not have a monitoring system to track the implementation of child labor policies, which could be used to identify needed technical assistance for local communities, and to share best practices.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government's key program to combat child labor is PETI, a conditional cash-transfer program aimed at families with working children who commit to keep their children in school and out of work. Program beneficiaries receive tailored social services based on their needs and grade of vulnerability.(85, 109) PETI is currently carried out in more than 3,500 municipalities, and more than 820,000 children have benefited from the Program. It tracks project beneficiaries through a national monitoring system.(85, 110)

To combat poverty, the Government of Brazil has established *Bolsa Familia*, a separate conditional cash-transfer Program that supplements family income. One of the conditions for families to participate in this Program is that children under age 18 must attend school regularly. More than 13 million families participate in the Program.(111, 112) In September 2011, *Bolsa Familia* increased the number of children in the same household who could receive benefits from three to five. The Government allocated more than \$8 billion to *Bolsa Familia* in 2011.(72, 113) A 2012 study found that *Bolsa Familia* has increased enrollment and grade promotion and reduced drop-out rates in grades five to eight of poor children who are vulnerable to leave school and engage in child labor.(114)

The Ministry of Social Development and Fight Against Hunger coordinates the implementation of PETI and *Bolsa Familia*, and monitors family and child beneficiaries through the Single Registry Social Programs.(115)

Although PETI and *Bolsa Familia* have reduced child labor in Brazil, challenges remain. Research has found that some vulnerable families continue to value children's work over their education.(84, 116) Some PETI and *Bolsa Familia* beneficiaries are not fully complying with program requirements, and reports states that some children do not attend school while others combine school and work.(117-120) Because of PETI's decentralization, local communities are responsible for its implementation; however, they do not have the resources to provide after-school programs, particularly in the northeastern region.

The Government of Brazil implements the National Plan for the Prevention and Eradication of Child Labor and Protection of Working Adolescents, the National Program to Combat Sexual Violence against Children and Adolescents and the Second Plan to Combat Forced Labor. During the reporting period, the Government carried out public campaigns to combat the worst forms of child labor, the commercial sexual exploitation of children, human trafficking and forced labor, and it assisted victims of such practices.(57, 69, 74, 121-123) It partnered with shelters and health facilities that help victims of trafficking and trained staff at more than 600 centers to provide social services to those victims. It also worked with the private sector and NGOs to raise awareness of child sexual exploitation and human trafficking.(69, 74)

In January 2012, the Government included 5,000 rural schools in 26 states within its More Education Program, which seeks to expand educational services such as after-school activities, to provide remedial activities to reduce dropouts and repetition as well as to prevent child labor.(95, 124)

The Government of Brazil participates in a 4-year, \$4.9 million USDOL project that supports the State of Bahia in becoming the first state free of child labor. This initiative is being carried out in 18 municipalities and provides educational services to more than 14,000 children, including Afro-descendent children.(125) In 2011, this project, along with MPT, published a guide to help state and local governments to develop child labor initiatives; it was launched at an event that gathered local officials from all of 417 Bahia's municipalities to discuss child labor.(126, 127)

In addition, the Government of Brazil participates in a 4-year, \$6.75 million regional project that promotes South-South cooperation among Brazil, Ecuador, Bolivia and Paraguay to combat child labor. The project aims

Brazil

to rescue 6,600 children from exploitative work and provide social services to 1,200 families.(128) In Brazil, it will benefit 2,310 children and 420 families.(128) As part of this initiative, in October, the ILO and Matos Grosso's Regional Office of Labor and Employment, along with other state government agencies and the private sector, launched a child labor initiative that will provide educational services to 6,000 children and offer livelihood opportunities to 1,200 families, including vocational and apprenticeship programs.(129)

Brazil also receives funding and technical support from other international donors and organizations to combat child labor, forced labor, commercial sexual exploitation of children and human trafficking.(130) In 2011, the Government continued to participate in an initiative to combat forced labor funded by USDOS, which raised awareness of labor law violations, strengthened the capacity of the private sector to combat forced labor and increased the knowledge of how to prevent forced labor throughout supply chains.(131)

During the reporting period, the Government of Brazil continued to partner with the Governments of Haiti and the United States, and with the ILO to combat child labor in Haiti.(132, 133) It also supports

the implementation of the Decent Work Agenda, including the exchange of best practices to combat child labor in Africa and Latin America(134, 135). The Government of Brazil participates in other regional initiatives to combat child labor, such as MERCOSUR's Southern Child Initiative and the Joint Regional Group for the Americas.(136, 137) *Niñ@Sur* defends the rights of children and adolescents by carrying out public campaigns against commercial sexual exploitation, trafficking and child labor; encouraging mutual technical assistance in raising domestic legal frameworks to international standards on those issues; and promoting the exchange of best practices related to victim protection. In December, *Niñ@Sur* member-countries met to discuss violence against children, child trafficking and commercial sexual exploitation of children.(136, 138)

Brazil's Ministry of Tourism is a member of the Joint Regional Group for the Americas, whose members include Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Suriname and Uruguay. The Joint Group conducts prevention and awareness-raising campaigns to combat the commercial sexual exploitation of children in Latin America.(137) In 2011, the Joint Group met to discuss initiatives carried out by member-countries and progress made to combat such practices.(139)

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Brazil:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure that judges do not issue work permits for children under age 16 to engage in the worst forms of child labor by — <ul style="list-style-type: none"> • Enforcing the recommendation issued by the National Council of the Public Ministry. • Establishing guidelines for judges to issue work authorizations. • Raising awareness of Decree No. 6.481 of 2008 and other child labor laws among judges. 	2011
	Expand the Penal Code's definition of human trafficking to cover trafficking for labor exploitation as a criminal offense.	2011
Policies	Develop a monitoring system to track the implementation of child labor policies.	2009, 2010, 2011
	Carry out more research on the worst forms of child labor, particularly with regard to children engaged in drug trafficking, domestic service and commercial sexual exploitation, as well as child victims of forced labor and child labor in indigenous communities.	2009, 2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Support local governments in the implementation of PETI with resources for effective monitoring, identifying technical assistance needed by communities, raising awareness and establishing best practices to address child labor.	2009, 2010, 2011
	Ensure that family beneficiaries of PETI and <i>Bolsa Familia</i> Program comply with program requirements to keep children in schools and out of work.	2009, 2010, 2011

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