

COMMITTEE ON THE RIGHTS OF THE CHILD  
Thirty-seventh Session  
Pre-sessional Working Group  
13 September- 1 October 2004

## IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with the consideration of  
the initial report of Brazil (CRC/C/3/Add.65)

### Part I

**Under this section the State party is requested to submit in written form additional and updated information, if possible, before 5 August 2004.**

#### A. Data and statistics, if available

1. While acknowledging the data on population provided in the report, please provide further disaggregated data (by gender, age groups, indigenous and black children, and other minority groups, urban or rural areas) covering the years 2001, 2002 and 2003 on the:
  - a) number and proportion of children under 18 living in the State party;
  - b) number and proportion of children belonging to minorities and internally displaced groups.
  
2. In light of article 4 of the Convention, please provide additional disaggregated data on budget allocations and trends (in percentages of the federal, states and municipal budgets and GDP) allocated for the years 2002, 2003 and 2004 to the implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:
  - a) education (different types of education, i.e. pre-primary, primary and secondary education);
  - b) health care (different types of health services, i.e. primary health care, vaccination programmes, adolescent health care and other health care services for children, including social insurance);
  - c) programmes and services for children with disabilities;
  - d) support programmes for families;
  - e) support for children living below the poverty line;
  - f) the protection of children who are in need of alternative care including the support of care institutions;
  - g) programmes and activities for the prevention of and protection from child abuse, child sexual exploitation and child labour;
  - h) programmes and services for street children and abandoned children;
  - i) programmes and services for children belonging to minority groups;
  - j) juvenile justice.

3. Please also indicate the estimated expenses of the private sector, in particular for health and education.

4. With reference to children deprived of a family environment and separated from parents, please provide disaggregated data (by age and gender) for the years 2001, 2002 and 2003 years on the number of children:

- a) separated from their parents;
- b) placed in institutions;
- c) placed with foster families;
- d) adopted domestically or through inter-country adoptions.

1. Please specify the number of children with disabilities, up to the age of 18, disaggregated by sex and age (with specific data for black and indigenous children) covering the years 2001, 2002 and 2003:

- a) living with their families;
- b) in institutions;
- c) attending regular schools;
- d) attending special schools; and
- e) not attending school.

2. With reference to child abuse, please provide disaggregated data (by age, gender and types of violations) over the years 2001, 2002 and 2003 on the:

- a) number of individual complaints received;
- b) number and percentage of reports which have resulted in either a court decision or other types of follow-up.

3. Please provide disaggregated data for all states (including by gender, age, and urban/rural areas, as well as, if available for indigenous children and those belonging to minority groups) covering the years 2001, 2002 and 2003 on:

- a) the enrolment and completion rates in percentages of the relevant group in pre-primary schools, in primary schools and in secondary schools;
- b) number and percentage of drop-outs and repetitions;
- c) ratio teacher per children.

4. Please provide disaggregated statistical data for all states (including by gender, age, region, including black and indigenous children) on adolescent health, including early pregnancy, sexually transmitted infections (STIs), mental health, suicide, drug, alcohol and tobacco abuse as well as rates of infant and child mortality and of malnutrition covering the years 2001, 2002 and 2003 Also, please provide numbers of health professionals working in the health care services for children.

5. Please provide disaggregated statistical data for all states (including by gender, age groups, black and indigenous children) on children infected or affected by HIV/AIDS, as well as information on programs implemented to address the problems of these children.

6. Please provide appropriate disaggregated data for all states (including by gender, age and type of crime) covering the years 2001, 2002 and 2003, in particular on the number of:

- a) persons below eighteen, who have allegedly committed a crime, reported to the police;
- b) persons below eighteen who have been charged with a crime and of them those who are sentenced, and the type of punishment or sanctions related to offences including length of deprivation of liberty;
- c) detention facilities for persons below eighteen in conflict with law and their capacity;
- d) persons below eighteen detained in these facilities and persons below eighteen detained in adult facilities;
- e) persons below eighteen kept in pre-trial detention and the average length of their detention;
- f) reported cases of abuse and maltreatment of children occurred during their arrest and detention.

7. With reference to special protection measures, please provide statistical data (including by gender, age, urban/rural areas) over the years 2001, 2002 and 2003 on:

- a) the number of children involved in sexual exploitation, including prostitution, pornography and trafficking;
- b) the number of children involved in sexual exploitation who received rehabilitation treatments;
- c) the number of children involved in child labour who are under 16;
- d) the number of street children.

### **B. General Measures of Implementation**

1. Please provide additional information on efforts to strengthen the child protection system at the federal, state and municipal level.
2. Please provide information on the status of the Convention on the Rights of the Child in domestic law. Please also indicate if the Convention on the Rights of the Child can be invoked directly in domestic courts and, if so, please provide examples.
3. Please provide additional information on the current areas of priority attention identified by the National Council for the Rights of Children and Adolescents, referred to in paragraph 53 of the State party report.
4. Please provide information on programmes, policies and budgets of CONANDA during the last 10 years.
5. Please give information on the implementation and content of any child rights policy and explain how such policies are developed. Please also explain how the Convention's implementation is coordinated across the action of different relevant ministries, including at state and municipal levels. Is there a single body with overall responsibility for coordination? If so, what are its mandate, powers and budget?
6. Please provide information on the drafting process and content of a national plan of action for children being prepared in response to "A World Fit for Children" following the 2002 United Nations General Assembly Special Session on Children. Please also explain implementation processes and modalities of monitoring and evaluating its implementation.

7. Please provide additional information on the mandate and resources of the Brazilian Human Rights Commission with regard to monitoring the implementation of the Convention and receiving individual complaints by children.
8. Please describe measures undertaken to strengthen data collection mechanisms and procedures at federal and states level with regard to the implementation of all provisions of the Convention.
9. Please provide information on efforts to provide training, awareness and information on the Convention and on human rights in general.
10. Please indicate the issues affecting children that the State party considers to be priorities requiring the most urgent attention with regard to the implementation of the Convention.

## **Part II**

**Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.**

## **Part III**

**Under this section, the State party is to briefly (3 pages maximum) up-date the information provided in its report with regard to:**

- New bills or enacted legislation
- New institutions
- Newly implemented policies
- Newly implemented programmes and projects and their scope.

## **Part IV**

**The following is a preliminary list of major issues (that does not contain issues already covered in Part I) that the Committee may take up during the dialogue with the State party. They do not require written answers. This list is not exhaustive as other issues might be raised in the course of the dialogue.**

1. The federal structure of the State party, the competences of states and municipalities in areas covered by the Convention; and the impact it has on the implementation of the Convention and the role of the Charter on Rights and Freedoms in that respect.
2. The State party's strategy to significantly strengthen the Convention's overall implementation with particular attention to the general principles of the Convention (non-discrimination (art.2), the best interests of the child (art.3), the right to life, survival and development (art. 6) and the right of the child to be heard (art.12)) .
3. Discrimination against girls, children with disabilities, children living in poverty, children from minorities and indigenous groups, etc.
4. Birth registration, with a particular regard to minority groups and children in rural areas.

5. Violence against children and adolescents including killings, torture, mistreatment, and corporal punishment, including by (para)military.
6. Child physical and sexual abuse in the family, at school and in other institutions.
7. Institutionalisation and alternative care mechanisms.
8. Respect for the rights of children with disabilities, including availability of health and education services, assistance with transport, access to buildings, discrimination.
9. Progress made in strengthening access of all children to and the quality of health services, national health insurance, including hospitals and mental health.
10. Alcohol, drug and tobacco abuse.
11. Adequate standard of living.
12. Education, including with regard to the quality of education, enrolment in primary (compulsory) and secondary schools, vocational education, the access of vulnerable groups to education.
13. Situation of refugee children and family reunification.
14. Sexual exploitation, including trafficking of children.
15. Economic exploitation, including child labour.
16. Street children.
17. Children in conflict with law and the role of the public prosecutor.
18. Children belonging to minorities and indigenous groups.