



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Thirty-seventh session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Brazil**

1. The Committee considered the initial report of Brazil (CRC/C/3/Add.65), at its 973rd and 974th meetings (see CRC/C/SR.973 and CRC/C/SR.974), held on 14 September 2004, and adopted at the 999th meeting (CRC/C/SR.999), held on 1 October 2004, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the initial report submitted by the State party, which was prepared in accordance with its guidelines. However, it deeply regrets that the report was received more than 10 years after the date it should have been submitted. The Committee welcomes the written replies to its list of issues (CRC/C/Q/BRA/1), which gives updated information on the situation of children in the State party.

3. The Committee notes with appreciation the high-level delegation sent by the State party and expresses its satisfaction for the State party's self-critical approach in identifying a number of areas of concern. It further notes the frank dialogue and the positive reactions to the suggestions and recommendations made during the dialogue.

**B. Positive aspects**

4. The Committee welcomes the adoption of the 1988 Constitution of Brazil, which includes human rights principles and gives absolute priority to children's rights in article 227. This inclusion represents a significant advance in the recognition of children as persons with rights.

5. The Committee notes the adoption of the Statute of the Child and Adolescent (ECA), Law No. 8069 of 1990, which includes the rights provided for in the Convention on the Rights of the Child and therefore considers the principle of indivisibility and interdependence of human rights.

6. The Committee notes with appreciation the enactment of Law 9299 of 7 August 1996, which transfers from military to civil jurisdiction the right to hear cases of felonious homicide committed by members of the military police.

7. The Committee takes note of the adoption of Law 9455 of 7 April 1997, which defines and punishes the crime of torture as a non-bailable crime whose perpetrator is not entitled to mercy or amnesty and whose principals, accessories, as well as those who, being in a position to prevent the crime, abstain from doing so shall be held liable pursuant to article 5, XLIII, of the 1988 Constitution.

8. The Committee welcomes the establishment of the National Council on the Rights of Children and Adolescents (CONANDA) and of a system of Councils of Rights at federal, state and municipal levels and Guardianship Councils with the aim to promote and protect the rights of children and adolescents.

9. The Committee notes with appreciation the ratification in 2004 of the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

10. The Committee welcomes the ratification of the Hague Convention No. 33 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

11. The Committee welcomes the ratification of International Labour Organization Conventions No. 138 concerning the minimum age for admission to employment and 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

### **C. Factors and difficulties impeding the implementation of the Convention**

12. The Committee notes with extreme concern the dramatic inequalities based on race, social class, gender and geographic location which significantly hamper progress towards the full realization of the children's rights enshrined in the Convention.

### **D. Principal areas of concern and recommendations**

#### **1. General measures of implementation**

##### **Legislation**

13. The Committee welcomes the legislative measures undertaken by the State party with a view to strengthening the promotion and protection of children's rights. The Committee also notes that the application of a considerable part of the Convention falls within the competence of the federal states and municipalities, and is concerned that this may lead, in some instances, to situations where the minimum standards of the Convention are not applied to all children due to legal, policy and financial differences at the state and municipal levels.

14. **The Committee recommends that the State party ensure the full implementation of relevant legislation, in particular the Statute of the Child and Adolescent. The Committee also urges the federal Government to ensure that federal states and municipalities are aware of their obligations under the Convention and that the rights in the Convention have to be implemented in all states and municipalities through legislation and policies and other appropriate measures.**

#### **Coordination**

15. The Committee notes the multitude of actors involved in the implementation of the Convention but is concerned at the lack of coordination between them, at municipal, state and national levels despite the existence of the National Council on the Rights of Children and Adolescents.

16. **The Committee recommends that the State party develop an adequate system of coordination at all levels in order to ensure full implementation of domestic law and the Convention, in accordance with recommendations made by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.87), and by some of the United Nations Special Rapporteurs. The Committee recommends that the State party refer to its General Comment No. 5.**

#### **National Plan of Action**

17. The Committee notes that a National Plan of Action “Presidente Amigo da Crianca e do Adolescente Plan” for the year 2004-2007 has been prepared, incorporating the objectives and the goals of the outcome document entitled “A World Fit for Children” following the 2002 General Assembly special session on children. It is also encouraged by the establishment of an Inter-Ministerial Commission, coordinated by the Special Secretariat for Human Rights for the implementation of this plan.

18. **The Committee encourages the State party to ensure that the new Plan of Action covers all areas of the rights of the child and ensure that sufficient human and financial resources are timely provided for its effective implementation at all levels. The Committee also recommends that the State party ensure a wide participation for the implementation of such plan.**

#### **Independent monitoring**

19. The Committee is concerned at the absence of an independent mechanism in compliance with the Paris Principles, with a mandate regularly to monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints, including from children.

20. **In the light of its General Comment No. 2 on national human rights institutions, the Committee encourages the State party to establish an independent and effective mechanism in accordance with the Paris Principles (General Assembly resolution 48/134, annex). This institution should be provided with adequate human and financial resources and should be easily accessible to children, dealing with complaints from children in a child sensitive and**

**expeditious manner and provide remedies for violations of their rights under the Convention. The Committee recommends that the State party seek technical advice from the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund (UNICEF).**

#### **Allocation of resources**

21. The Committee, while welcoming the increase of the federal social expenditure during the period covered by the report, including the creation of funds related to children, it remains concerned at the lack of information on budget allocations at state and municipal levels. Furthermore, the Committee is concerned that budgetary allocations were distributed without duly taking into account the regional disparities and the need of the most vulnerable groups.

22. **The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing and, given recent positive economic developments, by increasing budgetary allocations to ensure at all levels the implementation of the rights of children, in particular those belonging to marginalized and economically disadvantaged groups, including children of African descent and indigenous children "to the maximum extent of ... available resources and, where needed, within the framework of international cooperation".**

#### **Data collection**

23. The Committee takes note of the extensive statistical data provided in the report and in the written replies to the list of issues. Nevertheless, it regrets the lack of a disaggregated national data collection system on all areas covered by the Convention, which limits the State party's capacity to adopt adequate policies and programmes, in particular with regard to prevention and combating violence against children.

24. **The Committee recommends that the State party strengthen and centralize its mechanism to integrate and analyse systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e., indigenous children, children of African descent, children with disabilities, abused and neglected children, children living in extreme poverty and children in conflict with the law). The Committee urges that the State party use these indicators and data effectively in the formulation of legislation, policies and programmes for effective implementation of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and other appropriate regional mechanisms, including the Inter-American Children's Institute.**

#### **Training/dissemination of the Convention**

25. While appreciating the efforts made by the State party to raise awareness of the Statute of the Child and Adolescent, the Committee is of the opinion that these measures need to be strengthened, especially in terms of the dissemination of the Convention. The Committee is also concerned at the lack of a systematic plan to continue training and raising awareness among professional groups working for and with children.

26. **In the light of article 42 of the Convention, the Committee encourages the State party to:**

(a) **Continue to strengthen its programme for the dissemination of the information on the Convention and its implementation among children and parents, civil society and all sectors and levels of Government;**

(b) **Provide adequate and systematic training and/or sensitization on children's rights for all persons working with and for children, such as parliamentarians, judges, lawyers, law enforcement and health personnel, teachers, school administrators, social workers and especially children themselves;**

(c) **Implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Special Rapporteur on the sale of children, child prostitution and child pornography, related to provisions of training.**

#### **Cooperation with NGOs**

27. The Committee notes with appreciation the cooperation between the State party and NGOs in the implementation of projects related to children's rights. However, the Committee is of the opinion that such cooperation needs to be further improved.

28. **The Committee encourages the State party to strengthen its cooperation with NGOs and other sectors of civil society working with and for children and, in particular, to consider involving them more systematically throughout all stages of the implementation of the Convention.**

## **2. General principles**

### **Non-discrimination**

29. The Committee welcomes the fact that the Constitution of 1988 criminalizes acts of racism by not giving the right to bail or prescription and by subjecting them to imprisonment. The Committee notes the recent measures adopted by the federal Government, including the cultural diversity programme and Civil Code Law 10.406/02, which regulates the citizenship of the Brazilian Indian, since it abolishes the previous status of being a relatively "incapable" citizen. However, the Committee is concerned that discrimination is still present against some ethnic groups, such as Brazilians of African descent, in some cultural and social practices and by the persistent level of unequal social development in regions, specifically in the North and Northeast regions, which in many instances amount to discrimination.

30. **The Committee urges the State party to take adequate measures to ensure the implementation of existing laws and policies guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, including all necessary special measures to address the rather persistent**

**inequalities that exist against some ethnic groups such as Brazilian of African descent in the State party. The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices.**

**31. The Committee requests that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001 and taking account of General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

#### **Best interests of the child**

32. The Committee welcomes the fact that the principle of the best interests of the child is integrated into the Constitution of 1988 and the Statute of the Child and Adolescent (ECA). However, the Committee remains concerned that this principle is not yet systematically integrated into the implementation of policies and programmes affecting children. Furthermore, the Committee is concerned that there is insufficient research and training for professionals in this respect.

**33. The Committee recommends that the principle of “best interests of the child”, established in article 3 of the Convention, be duly reflected in all legislative acts, policies and programmes as well as in judicial and administrative decisions affecting children. The Committee also recommends that training for professionals as well as awareness-raising among the public at large on the implementation of this principle should be reinforced.**

#### **The right to life, survival and development**

34. While the Committee notes that the right to life, survival and development is integrated into domestic legislation, it remains extremely concerned at the number of children murdered, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary executions in Brazil in her 2004 report, which stated that the perpetrators of those crimes are mainly military policemen or former policemen (E/CN.4/2004/7/Add.3).

**35. The Committee urges the State party to take, as a matter of the highest priority, all necessary measures to prevent the killing of children, to fully investigate each of those serious violations of children’s rights, to bring the perpetrators to justice and to provide the family of the victims with adequate support and compensation.**

#### **Respect for the views of the child**

36. The Committee welcomes the efforts made by the State party to promote respect for the views of the child. However, the Committee remains concerned that traditional attitudes towards children in society limit the effective respect for their views, within the family, schools, other institutions and society at large.

**37. The Committee recommends that the State party ensure that children’s views are given due consideration, in accordance with article 12 of the Convention, in the family, at**

**schools, in the courts, and in all relevant administrative and other informal processes concerning them. This should be undertaken through, inter alia, the adoption of appropriate legislation and policies, the training of professional, awareness-raising of the public at large and the establishment of specific creative and informal activities in and outside schools. The Committee recommends that the State party seek technical cooperation from UNICEF.**

### **3. Civil rights and freedoms**

#### **Birth registration**

38. The Committee welcomes the information provided by the State party, particularly that the federal Constitution ensures the civil registration of birth and death certificates for the poor free of charge. The Committee also notes that, pursuant to the December 1987 law No. 9,534, the civil registration of birth is free of charge. However, the Committee is concerned that, as noted by the State party, although recognized as a universal right, many children remain unregistered, particularly on the periphery of large cities, in rural and remote areas and in the lands of the indigenous population. This impedes the full exercise of children's rights.

**39. The Committee recommends that the State party improve its system of birth registration, so as to cover its territory fully, taking into account regional disparities, and that it adopt measures that facilitate birth registration, particularly aimed at the poorest and most marginalized children.**

#### **Torture and other cruel, inhuman or degrading treatment or punishment**

40. The Committee notes that the 1997 Law on Torture, the Penal Code and the Statute of the Child and Adolescent (ECA) strongly prohibit torture and ill-treatment. Nevertheless, the Committee is deeply concerned by the gap existing between the law and its implementation, as a significant number of cases of torture, inhuman and degrading treatment have been reported over the last years, including by the Special Rapporteur on the question of torture (E/CN.4/2001/66/Add.2).

**41. The Committee urges the State party to implement fully its legislation and to take into account the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture, in particular with regard to effective measures to combat impunity. The Committee urges the State party to include in its next periodic report information, about the number of cases of torture, inhuman and/or degrading treatment of children reported to the authorities or relevant agencies, the number of perpetrators of such acts who have been sentenced by the courts and the nature of these sentences.**

#### **Corporal punishment**

42. The Committee expresses its concern that corporal punishment is widely practised in the State party and that no explicit legislation exists in the State party to prohibit it. Corporal punishment is used as a disciplinary measure in penal institutions, "reasonable" punishment is carried out in schools and "moderate punishment" is lawful in the family.

43. **The Committee recommends that the State party explicitly prohibit corporal punishment in the family, school and penal institutions, and to undertake education campaigns that educate parents on alternative forms of discipline.**

#### **4. Family environment and alternative care**

##### **Children deprived of their family environment**

44. The Committee is concerned at the large number of children living in institutions and their precarious living conditions. The Committee is also concerned that very often residential care programmes are not governed by any specific regulation; this may undermine protection of children's rights and these programmes are not well monitored.

45. **The Committee recommends that the State party:**

**(a) Undertake a comprehensive study to assess the situation of children placed in institutions, including their living conditions and services provided;**

**(b) Develop programmes and policies to prevent the placement of children in institutions, inter alia, by providing support and guidance to the most vulnerable families, taking into account existing social programmes, by running awareness-raising campaigns, and when needed, by developing alternative care measures, such as foster care;**

**(c) Continue pursuing all necessary measures to allow children placed in institutions to return to their families whenever possible and consider the placement of children in institutions as a measure of last resort;**

**(d) Set clear standards for existing institutions and ensure periodic review of the placement of children, in the light of article 25 of the Convention.**

##### **Adoption**

46. The Committee welcomes the ratification by the State party of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993. However, it regrets the lack of statistical data on domestic and intercountry adoption and it expresses its concern that the State party does not provide sufficient safeguards against trafficking and sale of children for the purpose of, inter alia, adoption.

47. **The Committee recommends that the State party:**

**(a) Strengthen monitoring and supervising effectively the system of adoption of children in the light of article 21 and other relevant provisions of the Convention and to make sure that intercountry adoption is a measure of last resort;**

**(b) Take necessary measures for an effective implementation of the Hague Convention, including by providing the central authority with adequate human and financial resources;**



**(c) Collect in a systematic and on-going manner statistical data and relevant information on both domestic and intercountry adoption; and**

**(d) Implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9/Add.2).**

#### **Abuse and neglect**

48. The Committee is deeply concerned at the high number of children victims of violence, abuse and neglect, including sexual abuse, in schools, in institutions, in public places and in the family.

49. **The Committee recommends that the State party:**

**(a) Carry out preventive public education campaigns about the negative consequences of ill-treatment of children;**

**(b) Take the measures necessary to prevent child abuse and neglect;**

**(c) In addition to existing procedures, establish effective child-sensitive procedures and preventive mechanisms to receive, monitor and investigate complaints, including through the intervention of social and judicial authorities where necessary, to find appropriate solutions, paying due regard to the best interests of the child;**

**(d) Give attention to addressing and overcoming sociocultural barriers that inhibit victims from seeking assistance;**

**(e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).**

### **5. Basic health and welfare**

#### **Children with disabilities**

50. The Committee notes that the 1988 federal Constitution establishes protection for the rights of persons with special needs, and welcomes the establishment of the National Council for the Rights of Persons with Special Needs (CONADE) and the National Coordination for the Integration of Persons with Special Needs (CORDE). Nevertheless, it remains concerned at the very poor living conditions of children with disabilities, their lack of integration in schools and society and at prevailing societal discriminatory attitudes towards them.

51. **The Committee recommends that the State party:**

**(a) Establish an appropriate definition of disability and, on the basis of the definition, make a reassessment of the number of persons with disability, in order to formulate a comprehensive policy for children with disabilities;**

**(b) Take measures to eliminate physical and architectural barriers to the access and use of persons with disability to public buildings, transport, etc.;**

(c) **Take effective measures to collect adequate and disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to prevent disabilities and to assist children with disabilities;**

(d) **Reinforce its efforts to develop early-detection programmes to prevent and remedy disabilities;**

(e) **Establish special education programmes for disabled children and include them in the regular school system to the extent possible;**

(f) **Undertake awareness-raising campaigns to sensitize the public, and parents in particular, about the rights and special needs of children with disabilities, including those with mental health concerns;**

(g) **Increase resources, both financial and human for special education, including vocational training, and the support given to families or children with disabilities;**

(h) **Take into account the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendation adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);**

(i) **Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF and WHO.**

### **Health and health services**

52. The Committee welcomes the State party's efforts to improve Brazil's health level, in particular the establishment of the Minimum Healthcare Allocation (PAB) in 1998. The Committee further notes the reduction of the incidence of child mortality as well as the positive changes observed in the child profile and in the HIV/AIDS incidence. Nevertheless, it is concerned at the low percentage of the population who are covered by at least one health plan and at the inequality in access to health services. The Committee is also concerned about health conditions, particularly of children who reside in rural areas, resulting in marked disparities in the quality of health services provided and of the lower socio-economic segments of the population in the North and North-east regions.

53. **The Committee urges that the State party continue to develop the health system, ensuring the provision of the highest standard of health for all children, paying special attention to children in rural and geographically remote areas as well as those belonging to low-income families.**

### **Adolescent health**

54. The Committee notes the efforts undertaken by the State party to implement the right to health of adolescents, in particular the adolescent health programme. However, it is concerned

by the high rates of early pregnancy that mainly affect the socially underprivileged segments of the society. The Committee is also concerned at the inadequate emphasis on mental health care.

**55. The Committee recommends that the State party further improve the adolescent health programme addressing, specifically, reproductive health issues, sex education and mental health. The Committee also recommends that the State party take into account the Committee's General Comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4).**

### **Standard of living**

56. While taking into account the high priority given by the State party in implementing policies and programmes with a view to fighting hunger and poverty, the Committee notes that Brazil is a country with a relatively high level of development, and shares the concerns of the Committee on Economic, Social and Cultural Rights related to the persistent and extreme inequalities and imbalances in the distribution of wealth and resources (E/C.12/1/Add.87, para. 17). The Committee is concerned that the lives of a great number of children are marked by poverty, difficult access to, and deficient quality of, public services.

**57. The Committee highly recommends that the State party:**

- (a) Continue to strengthen its policies and programmes to combat the factors responsible for the increasing number of children living in extreme poverty;**
- (b) Take measures in order to effectively reach the poorest segment of the population, by offering equal access to health, education, housing and other social services;**
- (c) Develop programmes and policies to ensure that all families have adequate resources and facilities.**

### **6. Education, leisure and cultural activities**

58. The Committee welcomes the efforts undertaken by the State party to improve school attendance and the positive results regarding the access of girls to school. The Committee also takes note of the steps made to include issues related to personality development, human rights and citizenship into school curricula. However, it remains concerned about the remarkable disparities of access, regular attendance, dropouts and retention of children in schools across the country affecting particularly the poor, the *mestizo* children, those of African descent and children living in remote areas. The Committee is further concerned about the low quality of education in many schools to the extent that there are many children who, despite several years of school attendance, cannot read and write or do basic calculations.

**59. The Committee recommends that the State party:**

- (a) Increase its expenditure on education and ensure the allocation of budgets at all levels, while devising policies that take into account the Committee's General Comment No. 1 on the aims of education;**

**(b) Strengthen its efforts to improve the quality of education, inter alia, by revising school curricula, introducing child-centred and active teaching and learning methods and integrating human rights education;**

**(c) Increase the completion rate of primary education and ensure that primary education always be free of charge;**

**(d) Seek technical cooperation from, inter alia, UNESCO and UNICEF.**

## **7. Special protection measures**

### **Economic exploitation**

60. The Committee welcomes the Programme to Eradicate Child Labour (PETI), however it is deeply concerned at the high rates of informal employment of children, in particular in domestic labour.

61. **The Committee recommends that the State party:**

**(a) Strengthen the Programme to Eradicate Child Labour by supporting income-generating initiatives for the families of children attended by the programme;**

**(b) Improve the labour inspection system and in particular empower it to monitor and report on the practice of domestic labour by children;**

**(c) Provide former child workers with appropriate recovery and educational opportunities.**

### **Sexual exploitation, trafficking**

62. The Committee welcomes the decision of the State party's President, to make the fight against child sexual exploitation a priority of his Government. However, the Committee is deeply concerned by the wide occurrence of sexual exploitation and related issues, as also noted in the report of the Special Rapporteur on the sale of children, child prostitution, and child pornography following his mission to Brazil in 2003 (E/CN.4/2004/9/Add.2).

63. **The Committee recommends that the State party:**

**(a) Encourage and facilitate the reporting on incidents of sexual exploitation, investigate, prosecute and impose appropriate sanctions on any perpetrator of the alleged violations;**

**(b) Provide protection to victims of sexual exploitation and trafficking, especially prevention, social reintegration, access to health care and psychological assistance in a culturally appropriate and coordinated manner, including by enhancing cooperation with non-governmental organizations and with neighbouring countries; and**

**(c) Follow-up on the recommendation made by the Special Rapporteur that specialized criminal courts for child victims of crimes, together with specialized units of the public prosecutor's and specialized police precincts for the protection of children and adolescents should be established.**

#### **Street children**

64. The Committee expresses its grave concern at the significant number of street children and the vulnerability of these children to extrajudicial killings, various forms of violence, including torture, sexual abuse and exploitation, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and the very poor registration of missing children by the police.

**65. The Committee recommends that the State party:**

**(a) Develop a comprehensive strategy to address the high number of street children, with the aim of reducing and preventing this phenomenon;**

**(b) Ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities in order to support their full development, and provide them with adequate protection and assistance.**

#### **Substance abuse**

66. While taking note of the establishment of the National Anti-Drug Secretariat and studies undertaken by the State party, the Committee is deeply concerned at the significant increase of use of psychotropic drugs by students in schools.

**67. The Committee recommends that the State party complete a study in order to better define the root causes and extent of this phenomenon, so as to take efficient measures to prevent and combat it.**

#### **Juvenile justice**

68. The Committee notes the establishment of juvenile courts. Nevertheless, it is concerned at the lack of clear guarantees for a fair and speedy trial and of the enforcement of rules for pre-trial detention. The Committee is also concerned that socio-educative measures are not frequently applied and therefore, as a result, a large number of persons below age 18 are in detention, and at the very poor conditions of detention. The Committee is also concerned at the numerous reports of ill-treatment of young inmates, the very limited possibilities for the rehabilitation and reintegration into society of juveniles following judicial proceedings; and the sporadic training of judges, prosecutors and prison staff in children's rights.

**69. The Committee recommends that the State party continue its efforts to improve the system of juvenile justice in all states of the federation in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of**

**Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System.**

70. As part of this process, the Committee particularly recommends that the State party:

(a) Fully implement the relevant rules of the statute concerning juvenile justice, including the socio-educative measures in all the territory of the State party;

(b) Provide the means and encouragement so that persons under 18 in conflict with the law be handled, as far as possible, without resorting to judicial proceedings;

(c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pre-trial detention and ensure that the lawfulness of this detention is reviewed by a judge without delay and regularly;

(d) Provide persons under 18 with legal or other assistance at an early stage of judicial proceedings;

(e) Protect the rights of persons under 18 deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special institutions for persons under 18 with conditions suitable to their age and needs and by ensuring the accessibility to social services in particular health care and education, in all detention centres in the State party; and in the meantime by guaranteeing separation from adults in all prisons and in pre-trial detention places all over the country;

(f) Investigate, prosecute and punish any case of mistreatment committed by law enforcement personnel, including prisons guards, and establish an independent, child-sensitive and accessible system for receiving and dealing with complaints;

(g) Ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;

(h) Introduce regular medical examination of persons under 18 who are deprived of their liberty by independent medical staff;

(i) Introduce training programmes on relevant international standards for all professionals involved in the system of juvenile justice;

(j) Make every effort to establish a programme of recovery and social rehabilitation of juveniles following judicial proceedings;

(k) Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);

**(l) Request technical assistance in the area of juvenile justice and police training from, among others, the Office of the United Nations High Commissioner for Human Rights, UNICEF and the Inter-American Children's Institute.**

### **Children belonging to a minority or indigenous group**

71. The Committee welcomes the fact that social organization, customs, languages, creeds and traditions are recognized to indigenous communities in the Constitution of 1988. However, as noted by the State party, the Indian Statute promotes for an integration which is not in accordance with the principle of respect for diversity of cultures. The Committee also welcomes the fact that, according to law 10.406/02, indigenous people are no longer considered "relatively incapable citizens". It also welcomes the efforts made by the State party to stimulate bilingual education. However, the Committee is deeply concerned by the low standard of living of indigenous children, low educational opportunities and quality of health services, and malnutrition.

72. **The Committee urges the State party to pursue measures to effectively address the gap in life opportunities of indigenous children. Training and awareness-raising activities should be provided to break social prejudice, in order to revert the historical logic of colonization, which jeopardizes any chance of attaining genuinely equal treatment.**

73. **The Committee also recommends that the State party take adequate measures in order to provide protection for the rights of indigenous children, in particular their rights to preserve historical and cultural identity, customs, traditions and languages in accordance with the Constitution, and taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of indigenous children in September 2003.**

## **8. Follow-up and dissemination**

### **Follow-up**

74. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or state governments and parliaments, when applicable, for appropriate consideration and further action.**

### **Dissemination**

75. **The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available, including but not exclusively on the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## 9. Next report

76. **The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations, so as to be in full compliance with the Convention, the Committee invites the State party to submit its second, third and fourth periodic reports by 23 October 2007, due date of the fourth periodic report. The consolidated report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.**

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