

# Brazil

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

In 1992, the Government of Brazil became one of the six original countries to join ILO-IPEC.<sup>451</sup> USDOL has funded four ILO-IPEC projects in Brazil. A program in the Vale dos Sinos area, funded in 1995, addressed child labor in the local shoe industry. A regional program, funded in 2000, was initiated in Brazil, Colombia, Paraguay, and Peru to combat the problem of child domestic workers. A third, also funded in 2000, addresses the commercial sexual exploitation of minors in two border cities between Brazil and Paraguay.<sup>452</sup> The fourth USDOL-funded project, a collaboration between the Brazilian Institute of Geography and Statistics and ILO's SIMPOC, has collected field data and is in the process of preparing the final report on a child labor survey as part of Brazil's National Household Survey.<sup>453</sup> In addition, ILO-IPEC, the MERCOSUR governments and the Government of Chile have developed a 2002–2004 regional plan to combat child labor.<sup>454</sup>

The federal government administers numerous programs under different ministries and has formed various commissions to combat and address issues related to child labor in Brazil.<sup>455</sup> These programs to eradicate child labor are listed in the Government of Brazil's 2002-2003 multi-year plan.<sup>456</sup> In September 2002, the Ministry of Labor and Employment (MTE) created the National Commission to Eradicate Child Labor (CONEATI), whose main goal is to implement ILO Conventions 138 and 182. The CONEATI will also work to increase coordination among federal

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<sup>451</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited September 13, 2002]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>452</sup> ILO-IPEC, *Combating Child Labor in the Shoe Industry of Vale dos Sinos, Brazil*, program document, BRA/95/05/050, 1995. See also ILO-IPEC, *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, program document, Geneva, September 2000. See also ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, program document, RLA/00/P53/USA, Geneva, September 2000.

<sup>453</sup> ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labour (SIMPOC)*, project document, Geneva, September 1999. See also ILO-IPEC official, electronic communication with USDOL official, August 28, 2002.

<sup>454</sup> Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2 Numero 6 (August 2002), [cited October 7, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html>.

<sup>455</sup> Among these is the Executive Group to Combat Forced Labor, the National Forum for the Eradication of Child Labor and the Protection of the Adolescent Worker, and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor. See Public Labor Ministry, *Procuraduria Geral: Comissoes*, [online] November 14, 2001 [cited September 13, 2002], 1; available from <http://www.pgt.mpt.gov.br/comissoes.html>.

<sup>456</sup> Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online, 1 [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Conteudo/Publicacoes.asp?Acao=Imprimir&>.

efforts to address child labor.<sup>457</sup> In May 2000, the MTE established the Tripartite Commission,<sup>458</sup> which produced a list of 81 activities in September 2001 defined as “worst forms” of child labor.<sup>459</sup>

Each Brazilian state has a Special Group to Combat Child Labor and Protect the Adolescent Worker (GECTIPA), which is responsible for reporting upcoming local activities and their outcomes to the MTE.<sup>460</sup> In some regions, councils defend the rights of children and adolescents at the federal, state, and municipal levels.<sup>461</sup> The Federal Ministry of Welfare and Social Assistance (MPAS) has launched a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.<sup>462</sup> Early in 2002, Brazil initiated a Global Program to Prevent and Combat Trafficking in Human Beings, which includes the targeting of victims who are trafficked for commercial sexual exploitation and forced labor.<sup>463</sup> A Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the state of Fortaleza.<sup>464</sup>

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<sup>457</sup> U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*, October 23, 2002.

<sup>458</sup> The Tripartite Commission is made up of members from the federal government, workers and employers organizations. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 9.

<sup>459</sup> Ibid. The list includes such activities as harvesting citrus fruits and cotton, driving tractors, performing civil construction, picking garbage, cutting sugar cane, selling alcohol, and working in bars, underground or with toxic chemicals. See also Ministry of Labor and Employment: Secretary of Labor Inspection, *Anexo 1: Quadro descritivo dos locais e serviços considerados perigosos ou insalubres para menores de 18 anos*, online, September 3, 2001, Portaria No. 20 [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/default.asp>.

<sup>460</sup> Within the Ministry, the Secretariat of Labor Inspection uses the data from the GECTIPA reports to inform a periodic map of child and adolescent labor, which is then used to select locations and identify activities for future eradication of child labor programs. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 2, 3.

<sup>461</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*, September 18, 2000.

<sup>462</sup> As an urban partner to the Program on the Eradication of Child Labor (PETI) program, the *Sentinela Program* provides child/adolescent victims of commercial sexual exploitation with psychological, social and legal counseling and safer environments for victims. Centers work with a network of NGOs and public officials to guarantee the rights of child victims of abuse and of children working as prostitutes. The program also works with victims’ families to help raise incomes. See Mark Mittelhauser, Labor Attache at U.S. Consulate in Sao Paulo, Brazil, electronic communication to USDOL official, September 28, 2001. The program has 323 reference centers in capital cities, particularly in areas where commercial sexual exploitation and trafficking occur most frequently. See U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

<sup>463</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 868*, September 6, 2002.

<sup>464</sup> Viviane Lima, *O Povo, CE*, September 20, 2001, 18, as cited in CPI do Turismo Sexual em Fortaleza já tem denúncias, Agencia de Notícias dos Direitos da Infancia.

The MPAS Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.<sup>465</sup> In addition, PETI offers target children an after school program which includes school reinforcement, sports and art-related activities.<sup>466</sup> By July 2002, PETI had provided services to approximately 800,000 children.<sup>467</sup> In cooperation with the MTE, MPAS also has a program that provides skills training to adolescents between the ages of 15 and 17 for future employment and encourages them to become involved in the social development of their communities.<sup>468</sup> The Ministry of Education (MEC) has developed *Bolsa Escola*, a preventive counterpart to the PETI program, which provides mothers with a monetary stipend. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.<sup>469</sup> *Bolsa Escola*, now providing stipends for over eight million children throughout Brazil, is the largest program of its kind in the world.<sup>470</sup> The government has also designed special classes to address the problem of students who are forced to repeat grades,<sup>471</sup> created a school lunch program which seeks to promote children's attendance,<sup>472</sup> and raised the average wage paid to teachers by 12.9 percent nationally and up to 49.2 percent in the Northeast region.<sup>473</sup> These programs are partly supported through the new Fund to Combat Poverty.<sup>474</sup>

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<sup>465</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1715*, November 9, 2000. While state and municipal governments are responsible for implementing a large part of the program at the local level, the Federal Ministry of Welfare and Social Assistance provides guidelines and most of the funding. See U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*. The government's PETI grew from a pilot project in a few municipalities in two states in 1996 to all 26 states and the federal capital by the end of 2001. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Brazil*, Washington, D.C., March 4, 2002, 2647-57, Section 6d [cited December 13, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8305.htm>. In 2002, the PETI program adopted the MTE list of worst forms of child labor as a framework for selecting labor activities to include in the program. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

<sup>466</sup> Ministry of Welfare and Social Assistance, *Programa de Erradicação do Trabalho Infantil - PETI: Manual de Orientações*, Brazil, May 2002, 1st Edition, 9-10.

<sup>467</sup> U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

<sup>468</sup> Ministry of Labor and Employment, *Programas em Parcerias: Agente Jovem*, online, [cited October 4, 2002]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Programas/Conteudo/agente.asp>.

<sup>469</sup> Mittelhauser, electronic communication, September 28, 2001.

<sup>470</sup> U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

<sup>471</sup> Ministry of Education/Secretary of Basic Education, *Ensino Fundamental, Programa de Aceleração da Aprendizagem*, [online] [cited September 13, 2002]; available from <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

<sup>472</sup> Ministry of Education, *Programa da Merenda Escolar é destaque em 2001*, (Noticias - Dezembro/2001), [online] December 26, 2001 [cited October 6, 2002]; available from <http://www.mec.gov.br/acs/asp/noticias/noticiasId.asp?Id=1883&idOrgao=001006>.

<sup>473</sup> UNESCO, *Education for All 2000 Assessment: Country Reports- Brazil*, prepared by National Institute for Educational Studies and Research, pursuant to UN General Assembly Resolution 52/84, [cited December 13, 2002]; available from <http://www2.unesco.org/wef/countryreports/brazil/contents.html>.

<sup>474</sup> The *Salário-Educação*, made into law in 1996, is a social contribution in the amount of 2.5 percent of the payroll of businesses and industries with more than one hundred employees. This contribution is deposited into the budget that supports public basic education. See U.S. Department of Labor, *Needs Assessment for the Brazil Child Labor Education Initiative*, prepared by Dr. Flavia S. Ramos, pursuant to request by DOL, May 15 - July 5, 2002, 18, 20.

The World Bank provides assistance for seven projects in Brazil,<sup>475</sup> including *Projeto Nordeste* and *FUNDESCOLA*, which aim to improve primary education mainly in the poorer region of the Northeast.<sup>476</sup> The IDB is assisting the Ministry of Education with three projects that address shortcomings in secondary and higher education, especially in impoverished regions and among disadvantaged groups.<sup>477</sup> In addition, the IDB approved a USD 500 million loan to Brazil in August 2002 to support country investment in monetary transfer payment programs for poor families in the areas of nutrition, primary school attendance, child labor prevention, and youth skills training.<sup>478</sup> These projects make up part of the federal social service umbrella program, *Projeto Alvorada*, which attempts to integrate the various education, health, income and employment generation, and social development cash-grant projects financed by the federal government for states and municipalities with families living below the average Brazilian human development index.<sup>479</sup>

## Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.4 percent of children ages 10 to 14 years in Brazil were working.<sup>480</sup> Of all males ages 5 to 14 years, 11.7 percent were working; of all females ages 5 to 14, 6 percent were working.<sup>481</sup> Child labor occurs more frequently in northeastern Brazil than in

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<sup>475</sup> World Bank, *O Banco Mundial e a educação no Brasil*, [online] [cited October 4, 2002]; available from <http://lnweb18.worldbank.org/external/lac/lac.nsf/4c794feb793085a5852567d6006ad764/db89b189f2a19a7d8525693f0069dbda?OpenDocument>.

<sup>476</sup> World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy Progress Report for the Federative Republic of Brazil*, online, 22116-BR, May 1, 2001, 7, [cited October 4, 2002]; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/05/19/000094946\\_01050804481522/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/05/19/000094946_01050804481522/Rendered/PDF/multi0page.pdf).

<sup>477</sup> Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1406e.pdf>. See also Inter-American Development Bank, *Improvement and Expansion Program for Secondary Education*, BR-0300, November 1999, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1225e.pdf>. See also Inter-American Development Bank, *Sector Program to Build Human Capital*, BR-0360, December 2001, [cited September 13, 2002]; available from <http://www.iadb.org/exr/doc98/apr/br1378e.pdf>.

<sup>478</sup> Inter-American Development Bank, *IDB Disburses \$250 Million to Support Investment in Human Capital in Brazil*, [press release] August 2, 2002 [cited August 8, 2002]; available from <http://www.iadb.org/exr/PRENSA/2002/cp16202e.htm>.

<sup>479</sup> Projeto Alvorada, *Descrição do Projecto*, [online] [cited October 4, 2002]; available from [http://alvorada.planejamento.gov.br/frame\\_descricao.asp?Opcao=Descricao](http://alvorada.planejamento.gov.br/frame_descricao.asp?Opcao=Descricao).

<sup>480</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. In 1998, UNICEF estimated that 8.9 percent of children ages 5 to 14 in Brazil were working. Children who are working in some capacity include children who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than four hours of housekeeping chores in the household, or who have performed other family work. See Government of Brazil, *Pesquisa Nacional por Amostra de Domicílios, Understanding Children's Work*, [online] 1998 [cited October 1, 2002]; available from [http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab\\_Country\\_Res.sql&ID\\_SURVEY=135](http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=135).

<sup>481</sup> Government of Brazil, *Pesquisa Nacional*.

any other region and is particularly common in rural areas.<sup>482</sup> Children work on commercial citrus, sugar cane, and sisal<sup>483</sup> farms; in traditional sectors of the Brazilian economy, including the informal footwear, mining and charcoal industries,<sup>484</sup> and as domestic servants<sup>485</sup> and scavengers in garbage dumps.<sup>486</sup> Children are involved in prostitution,<sup>487</sup> pornography,<sup>488</sup> and the trafficking of drugs,<sup>489</sup> and are victims of internal trafficking networks that transport them to mining and construction sites and tourist areas for the purposes of prostitution.<sup>490</sup> A 2002 report revealed that adolescent girls are being trafficked internationally with falsified documents for the purposes of prostitution.<sup>491</sup> Children are also reported to serve as “soldiers” in drug gangs that control most of Rio de Janeiro’s shantytowns.<sup>492</sup> Approximately 90 percent of working children are found in the informal sector, and nearly half receive no income.<sup>493</sup>

Basic education (grades one through eight) is free and compulsory for children between the ages of 7 and 14.<sup>494</sup> In 1998, the gross primary enrollment rate was 154.1 percent, and the net primary enrollment rate was 95.3 percent.<sup>495</sup> Child labor contributes to the “age-to-grade” distortion of

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<sup>482</sup> Ministry of Labor and Employment, *Quantitativo dos Ocupados na Semana de Referencia, PNAD - 1999*, September 26, 2001. In 1999, an estimated 57 percent of working boys and 52 percent of working girls between ages 5 and 15 lived in rural regions. See Ministry of Labor and Employment, *Ocupados por área geoeconômica Rural ou Urbana, PNAD - 1999*, September 26, 2001.

<sup>483</sup> A plant that yields a stiff fiber used for cordage and rope.

<sup>484</sup> U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

<sup>485</sup> UN Wire, *Child Labor: U.N.-Sponsored Seminar in Brazil Looks at Problem; More*, United Nations Foundation, [online] March 20, 2002 [cited March 21, 2002]; available from [http://www.unfoundation.org/unwire/util/display\\_stories.asp?objid=24840](http://www.unfoundation.org/unwire/util/display_stories.asp?objid=24840). ILO estimates indicate that there are over 500,000 children and adolescents employed as domestic servants in Brazil. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

<sup>486</sup> A 2000 national survey on basic sanitation estimated that of 25,000 trash pickers nation-wide, 22 percent were younger than 14 years. “Brazil: Children Put to Work in Dump, Official Says,” *South Florida Sun-Sentinel*, July 14, 2002.

<sup>487</sup> U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d. See also Protection Project, “Brazil,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002, “Scope of the Problem: Statistics and Cases” [cited September 13, 2002]; available from <http://209.190.246.239/ver2/cr/Brazil.pdf>.

<sup>488</sup> Xisto Tiago de Medeiros Neto, *A crueldade do Trabalho infantil*, (Diario de Natal, Opiniaio), [online] October 21, 2000 [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/noticias/noticia17.html>. See also UNICEF, *Pornografia Infantil é Crime Denuncie!*

<sup>489</sup> Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002.

<sup>490</sup> Protection Project, “Brazil.”

<sup>491</sup> PESTRAF-BRASIL, Pesquisa sobre Tráfico de mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial: Relatório Nacional, Brasília, June 2002, 48, 49 and 51.

<sup>492</sup> *Report Spotlights Children in Rio’s Drug War*, CNN Online, [online] December 13, 2002; available from <http://www.cnn.com/2002/WORLD/americas/09/10/brazil.child.soldiers.ap/index.html>.

<sup>493</sup> U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

<sup>494</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*.

<sup>495</sup> World Bank, *World Development Indicators 2002*.

children in school, a widespread characteristic of the Brazilian education system.<sup>496</sup> In 1998, 89.9 percent of children ages 5 to 14 were attending school.<sup>497</sup>

## Child Labor Laws and Enforcement

The minimum age for general employment was raised from 14 to 16 years and the minimum age for apprenticeships from 12 to 14 years after a 1998 Constitutional amendment.<sup>498</sup> The 1990 Statute on Children and Adolescents (ECA) prohibits children under the age of 18 from working in unhealthy, dangerous and arduous conditions, at night, or for long hours that impede school attendance. It also prohibits children less than 18 years of age from carrying heavy loads and working in settings where their physical, moral or social being is at risk.<sup>499</sup> Trafficking is also addressed in Brazilian laws. Under the Penal Code, it is illegal to hire workers with the intention of transporting them to another state or national territory.<sup>500</sup> Brazil's Federal Criminal Statute provides for prison terms and fines to anyone caught prostituting or trafficking another individual (domestically or internationally) or running a prostitution establishment, with increased penalties for involving adolescents ages 14 to 17 years in such activities.<sup>501</sup> Located throughout the country, offices of the Centers for the Defense of Children and Adolescents are responsible for reporting violations of children's rights.<sup>502</sup>

The Ministry of Labor and Employment is responsible for training inspectors to determine child labor work site violations.<sup>503</sup> In 2000, inspectors began to focus more on the informal sector although they were unable to enter private homes and farms where a large proportion of child labor is found.<sup>504</sup> In the first eight months of 2002, an estimated 3,250 inspectors conducted more than 19,500 inspections involving cases in which workers were under the age of 18.<sup>505</sup> Employers that

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<sup>496</sup> "Age-to-grade distortion" refers to the number of children that are older than the average age that corresponds to a particular grade. For example, the average age for grade one is 7 years (but an example of age-to-grade distortion is a child of 9 years who is in grade one). U.S. Department of Labor, *Needs Assessment for the Brazil Child Labor Education Initiative*, 9.

<sup>497</sup> Government of Brazil, *Pesquisa Nacional*.

<sup>498</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*. See also Emenda Constitucional no. 20, de 15/12/98, Public Labor Ministry, *O Ministério Público do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente*, [online] [cited March 27, 2002]; available from <http://www.pgt.mpt.gov.br/trabinfantil/index.html>.

<sup>499</sup> Public Labor Ministry, *Erradicação do Trabalho Infantil*.

<sup>500</sup> Violators can be fined and incarcerated for one to three years. The punishment increases if the victim is younger than age 18. See Public Labor Ministry, *Trabalho Escravo: O Ministério Público do Trabalho na Erradicação do Trabalho Forçado*, [online] [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html>.

<sup>501</sup> A prison term may be anywhere from 1 to 10 years for such offenses. See Government of Brazil, *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf>.

<sup>502</sup> U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

<sup>503</sup> U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1439*.

<sup>504</sup> U.S. Department of State, *Country Reports- 2001: Brazil*, 2647-57, Section 6d.

<sup>505</sup> U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

violate Brazil's child labor laws are subject to monetary fines, but the initial levying of fines usually occurs only after several violations.<sup>506</sup>

The Government of Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.<sup>507</sup>

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<sup>506</sup> Ibid.

<sup>507</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.