

Brazil

Incidence and Nature of Child Labor

The Brazilian Institute of Geography and Statistics estimated that approximately 6.8 percent of children ages 5 to 14 years were working in 2001.⁶⁰⁷ In this age group, 9.1 percent of males and 4.5 percent of females were working.⁶⁰⁸ Child labor is more prevalent in northeastern Brazil than in any other region, and it is more common in rural areas than in urban areas.⁶⁰⁹ Children work in numerous rural activities, such as mining, fishing, producing charcoal, and harvesting sugar cane, cotton, sisal, citrus, and other crops. In urban areas, common activities for children include shining shoes, street peddling, begging, and working in restaurants, construction, and transportation.⁶¹⁰ Many children and adolescents are employed as domestic servants,⁶¹¹ and others work as trash pickers,⁶¹² drug traffickers,⁶¹³ and prostitutes.⁶¹⁴

Basic education (grades 1 through 8) is free and compulsory for children ages 7 to 14 years.⁶¹⁵ In 2001, the gross primary enrollment rate was 148.5 percent, and the net primary enrollment rate was 96.5 percent.⁶¹⁶ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In spite of high rates of enrollment, the

⁶⁰⁷ It was also estimated that 31.5 percent of children ages 15 to 17 years were working. See Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Trabalho Infantil 2001*, Instituto Brasileiro de Geografia e Estatística - IBGE, Rio de Janeiro, 2003, 48. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

⁶⁰⁸ The number of working boys is more than double that of working girls. The total number of working boys ages 5 to 14 years is 1,506,016 and the total number of girls is 725,958. See *Ibid.*

⁶⁰⁹ *Ibid.* For a disaggregation by region, see Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 74.

⁶¹⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2003*, U.S. Department of State, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27888.htm>.

⁶¹¹ The ILO has estimated that approximately 500,000 minors are employed as domestic servants in Brazil. This corresponds to more than 8 percent of all working children. It is estimated that roughly a third of domestics begin to work before the age of 12, and over half work more than 40 hours per week. See ILO-IPEC, *Análise e recomendações para a melhor regulamentação e cumprimento da normativa nacional e internacional sobre o trabalho de crianças e adolescentes no Brasil*, Brasília, 2003, 64; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/estudios/brasil_171.pdf.

⁶¹² See Fórum Nacional Lixo & Cidadania, *Mais de 40 mil crianças deixam o trabalho com o lixo*, 2002 [cited May 30, 2004]; available from <http://www.lixoecidadania.org.br/lixoecidadania/noticias/criancas.htm>. See also ILO-IPEC, *Análise e recomendações*, 65.

⁶¹³ Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002. See also ILO-IPEC, *Análise e recomendações*, 63.

⁶¹⁴ A 2002 report revealed 241 domestic and international trafficking routes related to commercial sexual exploitation in Brazil. See 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. See also U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report: Brazil (Tier 2)*, U.S. Department of State, Washington D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

⁶¹⁵ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*, September 18, 2000.

⁶¹⁶ The World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

low quality of public schools and high rates of repetition continue to be problems.⁶¹⁷ In addition, child labor contributes to the widespread “age-to-grade” distortion of children in the Brazilian education system.⁶¹⁸ In 2001, 11.9 percent of working children ages 5 to 15 years were not attending school.⁶¹⁹

Child Labor Laws and Enforcement

The minimum age for general employment in Brazil is 16 years and the minimum age for apprenticeships is 14 years.⁶²⁰ The 1990 Statute on Children and Adolescents prohibits employees under the age of 18 from working in unhealthy, dangerous, and arduous conditions; for long hours that impede school attendance; at night; or in settings where their physical, moral, or social well-being is adversely affected.⁶²¹ Brazil’s Penal Code provides for prison terms and fines to anyone caught prostituting another individual or running a prostitution establishment, with increased penalties when adolescents between the ages of 14 and 18 years are involved.⁶²² Although it is illegal in Brazil to transport women across international borders for the purposes of prostitution, the Penal Code does not address the issue of internal sex trafficking.⁶²³

The Ministry of Labor and Employment (MLE) is responsible for inspecting work sites for child labor violations. In the first 8 months of 2003, labor inspectors conducted more than 11,000 inspections involving workers under the age of 14.⁶²⁴ Inspections increasingly target informal employment, in part due to the declining number of children working in the formal sector.⁶²⁵ Employers who violate Brazil’s child labor laws are subject to monetary fines, but fines are rarely applied because inspectors typically negotiate agreements to have employers desist from labor law violations before levying fines.⁶²⁶ The MLE’s Special Groups to Combat Child Labor and Protect the Adolescent Worker guide child labor inspection efforts, conduct awareness-raising activities, and cooperate closely with other agencies involved in protecting children’s rights.⁶²⁷ Data from the Special Groups reports is used by the MLE’s Secretariat of Labor to update a map of child labor, which is used for planning future child labor eradication programs.⁶²⁸

⁶¹⁷ U.S. Department of State, *Country Reports 2003*, Section 5.

⁶¹⁸ This distortion refers to the large number of children in the country who are enrolled and/or attending school at a grade level below that which is considered appropriate for their age group. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁶¹⁹ Calculated from the Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 76.

⁶²⁰ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

⁶²¹ Federal Labor Prosecutor's Office, *Legislação*, [cited June 1, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/legis/index.html.

⁶²² Such offenses are punishable by prison terms of 1 to 10 years. See *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf>.

⁶²³ PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres*, 118.

⁶²⁴ Ministry of Labor and Employment, *Avaliação política do desempenho do MTE no ano de 2003*, 2004 [cited May 19, 2004]; available from <http://www.mte.gov.br/noticias/conteudo/3500.asp>.

⁶²⁵ ILO-IPEC, *Análise e recomendações*, 30.

⁶²⁶ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*, October 23, 2002.

⁶²⁷ Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online; available from <http://www.mte.gov.br/Temas/FiscaTrab/CombateTrabalhoInfantil/Publicacao/Conteudo/537.pdf>. Most inspections result

Labor inspectors from the MLE often work closely with prosecutors from the Federal Labor Prosecutor's Office (Ministério Público do Trabalho—MPT).⁶²⁹ MPT prosecutors may investigate cases of child labor, bring charges against violators, and levy fines.⁶³⁰ The MPT's National Coordinating Group to Fight Child Labor sets priorities and coordinates the agency's activities regarding child labor.⁶³¹ In many municipalities, labor inspectors and prosecutors are aided by a network of legally-mandated Guardianship Councils that serve as reference centers for at-risk children and adolescents.⁶³²

from complaints made to labor inspectors by workers, NGOs, teachers, the media, and other sources. See U.S. Department of State, *Country Reports 2003*, Section 6d.

⁶²⁸ Ministry of Labor and Employment, *Trabalho Infantil no Brasil*.

⁶²⁹ The Federal Labor Prosecutor's Office is an independent government agency with the principal responsibility of prosecuting labor infractions. See Federal Labor Prosecutor's Office, *O Que é o MPT: Atuação*, [cited October 4, 2004]; available from <http://www.pgt.mpt.gov.br/institucional/mpt/atuacao.html>.

⁶³⁰ Federal Labor Prosecutor's Office, *Atuação MPT*, 2004 [cited May 24, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/mpt/index.html.

⁶³¹ The Coordinating Group has representatives in all of the MPT's regional offices. For 2004, the Coordinating Group has established the following child labor priority areas: domestic service, illegal activities (especially prostitution and drug trafficking), trash picking, family-based work, and adolescent laborers. See Federal Labor Prosecutor's Office, *Coordenadoria*, 2004 [cited June 8, 2004]; available from http://www.pgt.mpt.gov.br/trab_inf/coord/index.html.

⁶³² The Statute on Children and Adolescents requires all municipalities to establish at least one Guardianship Council (Conselho Tutelar) to refer vulnerable children to the appropriate service providers. Although the Statute has been in effect since 1990, only 3,477 of Brazil's 5,578 municipalities have established such councils. The lack of greater compliance with the law has been blamed on a lack of resources and political will at the local level. See United Nations Economic and Social Council, *Rights of the Child: Addendum on Mission to Brazil*, New York, February 3, 2004, 14. The government is currently undertaking a campaign to increase the number of municipalities with Guardianship Councils and to improve the capacity of established councils. See Public Ministry of Pernambuco, *Ministério Público participa do lançamento do Gerando Cidadania*, November 18, 2003 [cited May 30, 2004]; available from http://www.mp.pe.gov.br/imprensa/noticias/2003_novembro/18_promotor.htm.

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

The Government of Brazil implements a number of innovative programs to prevent and eradicate child labor. The principal program to remove children from working in the most hazardous forms of child labor is the Program to Eradicate Child Labor (*Programa de Erradicação do Trabalho Infantil—PETI*). Through PETI, families with children working in selected hazardous activities receive stipends to remove their children from work and maintain them in school.⁶³³ In addition, PETI offers an after school program to prevent children from working during non-school hours. The program includes tutoring, sports, and cultural activities.⁶³⁴ PETI is administered by the newly created Ministry of Social Development and Combating Hunger (Ministério de Desenvolvimento Social—MDS), in conjunction with state and local authorities, and it provided services to over 810,000 children in 2004.⁶³⁵

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/28/2001	✓
Ratified Convention 182	2/2/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

While PETI focuses on removing children from hazardous work, the emphasis of the Family Stipend (*Bolsa Família*) program is preventing child labor by supplementing family income and encouraging school attendance. The Family Stipend program was formed in October 2003, when a number of separate transfer programs were merged to reduce administrative inefficiencies and potential duplication.⁶³⁶ The program provides a monetary stipend ranging from 15 to 95 Brazilian Reals (USD 5 to 34) to impoverished families who agree to keep their children in school and meet other conditions related to health and nutrition.⁶³⁷ While 1.15 million families were assisted by the program in November 2003, the government intends to expand the program to reach 11.4 million families by 2006 and cover the 40 million people estimated to live in poverty in Brazil.⁶³⁸

⁶³³ Children ages 7 to 15 years are eligible to participate. Families receive 40 Brazilian reals (USD 14) per month in urban areas and 25 Brazilian reals (USD 9) in rural areas for every participating child. To remain eligible, children must maintain a minimum attendance rate of 75 percent. See Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI*, [cited June 9, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog08.shtm.

⁶³⁴ The school day in Brazil lasts approximately 4 hours. See U.S. Department of State, *Country Reports 2003*, Section 6d.

⁶³⁵ Ministry of Social Development and Combating Hunger, *Programa de Erradicação do Trabalho Infantil - PETI*. The MDS was formed in January 2004 to more effectively coordinate the government's policies to reduce poverty and social inequality. See Ministry of Social Development and Combating Hunger, *Sobre o Ministério*, 2004 [cited June 9, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/minis01.shtm.

⁶³⁶ The income transfer programs that were merged to form the Family Stipend program included the School Stipend (*Bolsa Escola*), Food Stipend (*Bolsa Alimentação*), Food Card (*Cartão Alimentação*), and Gas Assistance (*Auxílio Gas*). Prior to the merger, each program was implemented with separate administrative structures, beneficiary selection processes, and contracts for payment. See The World Bank, *Project Information Document: BR Bolsa Família 1st APL*, report, AB797, Washington, DC, May 10, 2004; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/05/11/000104615_20040513125107/Rendered/PDF/BF0PID0100MAY02004.pdf.

⁶³⁷ Ministry of Social Development and Combating Hunger, *Bolsa Família*, 2004 [cited May 25, 2004]; available from http://www.fomezero.gov.br/ContentPage.aspx?filename=pfz_4000.xml. For currency conversion see FX Converter, [on-line] [cited October 4, 2004]; available from <http://www.carosta.de/frames/convert.htm>.

⁶³⁸ United Nations Economic and Social Council, *Rights of the Child*, 19.

Other federal programs to promote education include the Youth Agent (*Agente Jovem*) program, which provides skills training for future employment and community development activities for at-risk youth between the ages of 15 and 17. In 2001, 6.7 million children in Brazil benefited from at least one of the nation's social programs related to education. This corresponds to roughly 15.5 percent of all children between 5 and 17 years of age. Data indicate that 98.9 percent of children participating in social programs were enrolled in school, compared with an enrollment rate of 88.1 percent for non-participating children.⁶³⁹ In addition, the Ministry of Education offers programs to reduce the age to grade distortion in Brazil⁶⁴⁰ and a school lunch program that seeks to promote children's attendance.⁶⁴¹ In addition, as of May 2003, the National Forum on Garbage and Citizenship had helped to remove more than 46,000 children from working in trash dumps and placed them in schools across Brazil.⁶⁴²

The National Plan to Fight Sexual Violence Against Children and Adolescents provides the policy framework for the government's programs to combat the commercial sexual exploitation of children and adolescents.⁶⁴³ These efforts are carried out by a number of government agencies, including the National Human Rights Secretariat, and include initiatives to assist victims and raise awareness.⁶⁴⁴ The primary program to assist child victims of commercial sexual exploitation is the Sentinel Program, which establishes local reference centers to provide victims with psychological, social, and legal services.⁶⁴⁵ In addition, the government's Global Program to Prevent Trafficking in Persons is working to establish a

⁶³⁹ The Youth Agent of Social and Human Development (*Agente Jovem de Desenvolvimento Social e Humano*) program is aimed particularly at those adolescents who have "graduated" out of other social programs, including PETI. Participants receive a stipend of 65 Brazilian reais (USD 23) per month during the year-long program and engage in community service related to health, citizenship, and the environment. See Ministry of Social Development and Combating Hunger, *Programa Agente Jovem de Desenvolvimento Social e Humano*, [cited May 25, 2004]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog09.shtm. See ILO-IPEC, *Análise e recomendações*, 41.

⁶⁴⁰ Ministry of Education/Secretary of Basic Education, *Coordenação-Geral do Ensino Fundamental-Coef*, [online] [cited October 4, 2004]; available from <http://www.mec.gov.br/sef/fundamental/default.shtm>.

⁶⁴¹ National Fund for Educational Development, *Merenda Escolar*, [online] [cited May 25, 2004]; available from <http://www.fnede.gov.br/programas/pnae/index.html>.

⁶⁴² Fórum Nacional Lixo & Cidadania, *Mais de 40 mil crianças deixam o trabalho com o lixo*. See also ILO-IPEC, *Análise e recomendações*.

⁶⁴³ The plan was adopted in 2000 and proposes actions in areas including diagnosis, mobilization, accountability, awareness raising, assistance, prevention, and policy coordination. The National Committee to Fight Sexual Violence Against Children and Adolescents was created to monitor the implementation of the plan. See United Nations Economic and Social Council, *Rights of the Child*, 18.

⁶⁴⁴ Ministry of Justice, *Histórico: Marcos no Enfrentamento à Exploração Sexual de Crianças e Adolescentes*, [cited May 21, 2004]; available from <http://www.mj.gov.br/exploracao/historico.htm>. In May 2004, the National Secretary for Human Rights announced a partnership with the National Transportation Association to raise awareness among 25,000 truck drivers about child prostitution and trafficking in Brazil. See National Secretariat for Human Rights, *Parcerias marcam Dia Nacional de Combate ao Abuso e à Violência Sexual Infante-Juvenil*, Brasília, May 19, 2004; available from <http://www.mj.gov.br/sedh/ct/conanda/noticias2.asp?id=161>. In addition, the federal government implements an international campaign to raise awareness on sex tourism. See U.S. Department of State, *Trafficking in Persons Report*.

⁶⁴⁵ The Sentinel Program (*Programa Sentinela*) works with a network of NGOs and public officials to guarantee the rights of child victims of sexual abuse and commercial sexual exploitation. It is being coordinated at the federal level by the MDS, and it reaches approximately 17,000 children and adolescents through 310 reference centers. See Ministry of Social Development and Combating Hunger, *Programa de Combate à Exploração Sexual de Crianças e Adolescentes*, [cited June 9, 2004,]; available from http://www.desenvolvimentosocial.gov.br/mds/_htm/progs/prog06.shtm.

database on trafficking in persons, including the trafficking of children and adolescents, strengthen efforts to combat the practice, and develop pilot programs to assist victims.⁶⁴⁶

The National Commission to Eradicate Child Labor (CONAETI) coordinates the implementation of ILO Conventions 138 and 182 in Brazil.⁶⁴⁷ CONAETI has developed a National Plan to Eradicate Child Labor and proposed a series of legal reforms to help bring national laws into full compliance with the conventions.⁶⁴⁸

In January 2004, Brazilian president Luis Inácio Lula Da Silva launched The Child-Friendly President Action Plan 2004-2007. The plan details nearly 200 activities to benefit children, including efforts to combat child labor and sexual exploitation. The plan calls for overall spending of 55.9 billion Brazilian Reals (USD 19.7 billion), but these funds must first be approved by the Brazilian Congress.⁶⁴⁹ With the support of ILO-IPEC, the Government of Brazil and the other governments of MERCOSUL⁶⁵⁰ developed a 2002-2004 regional plan to combat child labor. The plan includes an awareness raising campaign, which was officially launched in April 2004.⁶⁵¹

USDOL funds several projects to support Brazilian child labor initiatives, including one regional program through ILO-IPEC to reduce hazardous child domestic work and another to combat the commercial sexual exploitation of children and adolescents in two border cities between Brazil and Paraguay.⁶⁵² USDOL also funds an ILO-IPEC program to support the government's Timebound Program to eliminate the worst forms of child labor. This program targets domestic labor, prostitution, hazardous agriculture, and

⁶⁴⁶ The program is being implemented with the support of the United Nations Office on Drugs and Crime (UNODC). Pilot programs are being launched in São Paulo, Rio de Janeiro, Goiás, and Ceará. In May 2004, the program released a study on a number of trafficking cases and investigations in the four areas where the pilot programs are being implemented. See Ministry of Justice, *Ministério da Justiça e ONU intensificam combate ao tráfico de brasileiros*, Brasília, May 21, 2004; available from <http://www.mj.gov.br/noticias/2004/maio/RLS190504-traffic.htm>.

⁶⁴⁷ CONAETI is composed of members from the federal government, workers and employers organizations, and the National Forum for the Prevention and Eradication of Child Labor. See *Portaria No. 365, de 12 de Setembro de 2002*; available from <http://www.mte.gov.br/Temas/FiscaTrab/Legislacao/Portarias/conteudo/393.asp>.

⁶⁴⁸ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor, technical progress report*, ILO, Geneva, March 10, 2004.

⁶⁴⁹ The National Secretariat for Human Rights will coordinate an inter-ministerial commission to oversee implementation of the plan. The Plan enumerates actions to meet the 21 goals of the 2002 U.N. Special Session on Children. See "Lula anuncia o Plano Presidente Amigo da Criança", *Último Segundo Brasil*, [online], January 12, 2004; available from http://ultimosegundo.ig.com.br/materias/brasil/1436501-1437000/1436663/1436663_1.xml.

⁶⁵⁰ MERCOSUL is the Brazilian acronym for MERCOSUR.

⁶⁵¹ Ministry of Labor and Employment, *Brasil lança campanha conjunta com países do Mercosul de combate ao trabalho infantil*, March 9, 2004 [cited May 19, 2004]; available from <http://www.mte.gov.br/noticias/conteudo/4211.asp>.

⁶⁵² The program for children involved in domestic work is also being implemented in Colombia, Paraguay, and Peru. See ILO-IPEC, *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, program document, Geneva, September 2000. The Government of Argentina is also participating in the project on sexual exploitation, with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, Annex B.

additional informal sector activities.⁶⁵³ A program to strengthen basic education in selected areas of Brazil with a high incidence of hazardous child labor is funded by USDOL through Partners of the Americas.⁶⁵⁴

The World Bank supports various programs in Brazil to improve education and reduce poverty, including a USD 572 million loan to assist Brazil in its implementation of the Family Stipend (*Bolsa Família*) program.⁶⁵⁵ IDB is assisting the Government of Brazil with projects that address shortcomings in secondary and higher education.⁶⁵⁶

⁶⁵³ Ibid.

⁶⁵⁴ Partners of the Americas, "Projeto EDUCAR," *Combating Child Labor Through Education in Brazil*, project document, 02-K100-R1AA-SF501, Washington, DC, April 18, 2004.

⁶⁵⁵ The World Bank, *World Bank To Support Brazil's Social Transfers Program With US\$ 572.2 Million*, Washington, DC, June 17, 2004; available from <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/BRAZILEXTN/0,,contentMDK:20215496~menuPK:322347~pagePK:141137~piPK:141127~theSitePK:322341,00.html>. In June 2003, the Bank approved a USD 60 million loan to the state of Bahia for a second phase of a program to improve access, quality and management of primary and secondary schools in the region. See The World Bank, *World Bank Supports Education In Northeast Brazil With US\$60 Million*, [online] [cited June 9, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117797~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html>.

⁶⁵⁶ These projects target impoverished regions and disadvantaged groups. See Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1406e.pdf>.