

Alternative report¹ submitted by Alana Institute for the 98th pre-session of the Committee on the Rights of the Child regarding Brazil's review

Table of contents

Introduction.....	1
I. Children's rights and COVID-19: The impacts of the mismanagement of the pandemic on children and their rights (arts. 2, 3, 6, 19, 24, 28, 30).....	2
II. Right to education (arts. 2, 28-31 and GC1).....	5
A. Equity and non-discrimination in education.....	5
B. Inclusive education and children with disabilities.....	8
III. Indigenous children and formal demarcation of their territories (arts. 2, 3, 6, 19, 30, 24, 36 and GC11).....	10
IV. Juvenile justice and access to justice (arts. 2, 3, 28, 30, 40, and GC24).....	13
V. Children's rights and the digital environment (arts. 3, 8, 13, 16, 17 and GC25).....	15
A. Artistic child labor in the digital environment.....	16
B. Violence against children and digital platforms accountability.....	18
C. Regulation of digital platforms in Brazil.....	22
D. Digital economic exploitation, advertising and its impacts on children.....	24
E. Data protection.....	25
VI. Children's rights, the environment, and climate change (arts. 2, 3, 24, 26-27, 31 and GC26).....	28

¹ Focal point contact: Letícia Carvalho Silva (leticia.silva@alana.org.br)

Introduction

1. The Alana Institute² is a Brazil-based global organization that promotes integral development and children's rights through advocacy, litigation, and communications at national and international levels.
2. Alana aims to contribute to Brazil's review by the Committee on the Rights of the Child by providing information about Brazil's obligations to protect, respect, and fulfill children's rights under the Convention on the Rights of the Child. This document brings comprehensive information on children's rights in Brazil with a focus on the right to education, indigenous children, juvenile justice, children's rights and the digital environment, and children's rights, the environment, and climate change.
3. After each topic, we provide a list of questions and recommendations for the Committee to address to the State. Whenever applicable, we will include references from children themselves on a particular topic, which were the result of listening sessions conducted by the Institute for its recent activities.
4. Regarding the cluster of **general measures of implementation**, we emphasize that the Convention on the Rights of the Child was ratified in Brazil in 1990, shortly after the period of re-democratization that led to the constitutional duty for families, society, including corporations, and the State established by Article 227, which declares children's rights as an **absolute priority**. Thus, there is a shared responsibility to ensure, with absolute priority, the rights and the best interests of children and adolescents³. They must also be safeguarded from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression. By constitutional mandate, the rights and the best interests of these individuals must always come first.
5. Another relevant normative framework is the Statute of the Child and Adolescent (ECA - Law n. 8.069/90), which details, especially in its Article 4, the absolute priority and constitutionally guaranteed rights, establishing that the guarantee of priority includes: a) primacy in receiving protection and assistance in any circumstances; b) precedence in service provision in public or publicly relevant services; c) preference in the formulation and execution of public social policies; d) privileged allocation of public budget in areas related to the protection of childhood and youth.
6. As follows from the data below, it is evident that Brazil has yet to achieve effective implementation of this constitutional duty and compliance with the provisions outlined in the Convention on the Rights of the Child. Therefore, the Alana Institute recommends that the Committee call upon the government, at all levels, and its private stakeholders, especially corporations to implement and explicitly mention the absolute priority of children's rights in its policies, actions, and decisions.

² <https://alana.org.br/>.

³ In Brazil, according to the Statute of Child and Adolescent, a person is considered a child until they reach twelve years old, and an adolescent is defined as someone between the ages of twelve and eighteen.

I. Children's rights and COVID-19: The impacts of the mismanagement of the pandemic on children and their rights (arts. 2, 3, 6, 19, 24, 28, 30)

I would invest in education. With these years of pandemic, many children and especially teenagers have left school before or in the middle of it. (...) Education is very important. First of all, the children left because, when classes started to be online, they couldn't attend them because they didn't have cell phones, or they lived far away, in rural areas, and so it wore them down, emotionally as well. In addition, many are on low incomes and therefore need to help their parents by working. I think we should diversify the incentives for people to stay in school”⁴ - Fabiana, 13 years

7. The COVID-19 pandemic exposed the deep inequalities in Brazilian society, affecting different groups in various ways based on race, economic status, and social inequality. Children with disabilities, indigenous children and children from traditional communities, children in street situations, institutionalized children, and those deprived of their liberty were particularly vulnerable to the direct and indirect impacts of the virus and its economic and social consequences.
8. The absence of a comprehensive vaccination strategy and national coordination to address the pandemic ended up hindering the return to in-person classes and became a central factor in explaining the worsening of hunger and violence against children and adolescents during this period. Considering this scenario, Alana and the Center for Studies and Research in Health Law have published a [DOSSIER ON CHILDHOOD AND COVID-19: The Impacts of Pandemic Management on Children and Adolescents](#).
9. The impacts in the context of the right to life. By mid-May 2021, Brazil had recorded 948 deaths of children aged 0 to 9, becoming the second country with the highest number of deaths in this age group, behind only Peru⁵. Since the beginning of the COVID-19 pandemic until March 2021, 420 infants have died due to the coronavirus in Brazil, and the mortality of children due to COVID-19 is unevenly distributed, significantly impacting the black peoples and, proportionally, the indigenous peoples, according to data from May 2021⁶.

⁴ Report extracted from the listening session conducted with 43 children and adolescents aged 11 to 17, residents of 24 municipalities across 14 states and the five Brazilian regions, through group discussions in 2022 for the development of Agenda 227, a non-partisan movement of the Brazilian civil society aimed at placing children and adolescents at the forefront of the public policies of the Federal Government. Available at: https://agenda227.org.br/wp-content/uploads/2022/06/Plano-Pai%CC%81s_Si%CC%81ntese-das-Propostas-21junho2022.pdf. Accessed on February, 28, 2024.

⁵ ESTADÃO. Brazil is the 2nd country with the highest number of child deaths due to COVID-19. Available at: <https://www.estadao.com.br/saude/sem-escolas-e-sem-controle-da-pandemia-brasil-e-o-2-pais-que-mais-perdeu-criancas-par-a-covid/>. Accessed on February, 21, 2024.

⁶ Ibid., note 5

10. The increase in violence against children: The necessary measures of social isolation, including the suspension of in-person school activities⁷, were implemented. Consequently, a significant portion of the violence suffered by children remained hidden. It is acknowledged that cases of children's human rights violations are traditionally underreported, as UNICEF has found that studies of previous epidemics reveal an increase in underreporting of rights violations in these contexts⁸. During the pandemic, there was a decline in the number of reports of violence against children, though it is crucial to note that this decrease does not imply that such incidents did not occur. For example, in 2022, with the gradual return of activities, there was a historic record of reported rape cases. There were 74,930 cases reported to police stations, with 56,820 (75.8%) involving victims under 14 years of age or unable to give consent – 61.4% of victims were aged 0 to 13 years, and 68.3% of cases occurred within the victim's home⁹.
11. The exacerbation of social inequalities: The historically vulnerable situation in which indigenous peoples, including children, find themselves, makes them particularly susceptible to the effects of the pandemic. A survey indicates that despite the indigenous peoples representing only 0.5% of Brazil's total population, 4.4% of children who died from COVID-19 were indigenous¹⁰ (more information about indigenous children will be presented in section III). Black children were also disproportionately affected, with higher rates of lethality and loss of parents or caregivers. Even before the pandemic, black households were most affected by food insecurity, as 74% of families experiencing severe food insecurity had a black person as the reference, according to research conducted by Inesc¹¹.
12. The increase in food insecurity: The percentage of Brazilians who are hungry or have some degree of food insecurity has been rising since before the COVID-19 pandemic, however, in the context of the pandemic alone, this reality has worsened. Hunger doubled in families with children under 10, from 9.4% in 2020 to 18.1% in 2022. In the presence of three or more people under the age of 18 in the family group, hunger affects 25.7% of households. In families with only adult residents, food security reached 47.4%, which is

⁷ World Vision. Covid-19 Aftershocks. A perfect storm: millions more children at risk of violence under lockdown and into the 'new normal' (mai 2020). Available at: https://www.wvi.org/sites/default/files/2020-05/Aftershocks%20FINAL%20VERSION_0.pdf. Accessed on February, 21, 2024.

⁸ UNICEF. Protecting children from violence in the time of COVID-19: disruptions in prevention and response services, 2020. Available at: <https://www.unicef.org/reports/protecting-children-from-violence-covid-19-disruptions-in-prevention-and-response-services-2020>. Accessed on February, 21, 2024.

⁹ FBSP. Available at: FBSP. Em <https://fontesegura.forumseguranca.org.br/anuario-brasileiro-de-seguranca-publica-aponta-explosao-de-estelionatos-no-paise-maiornumero-de-estupros-da-serie-historica/>. Accessed on February, 29, 2024.

¹⁰ Ibid., note 3.

¹¹ INESC. One step forward, ten steps back - the return of hunger. Available at: <https://www.inesc.org.br/categoria/artigo/#:~:text=Em%202020%20o%20or%C3%A7amento%20atual,a%20presen%C3%A7a%20militar%20na%20Amaz%C3%B4nia>. Accessed on February, 21, 2024.

higher than the national average. Only 26% of children aged 2 to 9 in Brazil eat three meals a day¹². Since 2018, Brazil has been placed on the UN Hunger Map¹³.

13. **Educational impacts:** Brazil was the country that kept schools closed for younger students for a longer period, with an average of 279 days in the year 2020¹⁴. Remote learning was adopted during the years 2020 and 2021 to ensure the continuity of learning for children. However, it exacerbated educational inequalities, highlighting the structural lack of access to the internet and proper equipment. This resulted in decreased learning, increased dropout rates, and brought about emotional, physical, and cognitive impacts on both students and education professionals. According to UNICEF's research in November 2020, more than 5 million children and adolescents between the ages of 6 and 17 did not have access to education in Brazil¹⁵ (more information about the right to education will be presented in section II).
14. Therefore, the Alana Institute recommends that the committee pose the following question to the government:
 - a. What public policies has Brazil implemented in the post-pandemic context to mitigate the effects of COVID-19, especially on education and health? How has the absolute priority of children and adolescents been guaranteed in these public policies?
 - b. What public policies has Brazil implemented in the post-pandemic context, especially for indigenous children?
15. Also, we respectfully request the Committee to recommend the State of Brazil the following:
 - a. Strengthen public health policies to provide priority access for children, especially girls in vulnerable situations and indigenous children, ensuring their right to receive protection and assistance in all circumstances and priority in accessing public services;
 - b. Guarantee of vaccination for the child and adolescent population, with the provision of vaccines in sufficient quantities to enable swift achievement of their complete vaccination;

¹² Rede PENSSAN. National Survey on Food Insecurity in the Context of the Covid-19 Pandemic in Brazil. Available at: <https://olheparaafome.com.br/wp-content/uploads/2022/06/Relatorio-II-VIGISAN-2022.pdf>. Accessed on February, 21, 2024.

¹³ SARAIVA, Alessandra; VILLAS BOAS, Bruno. IBGE confirms that the country returned to the Hunger Map in 2018, says researcher. Available at: <https://valor.globo.com/brasil/noticia/2020/09/17/ibge-confirma-que-pas-voltou-ao-mapa-da-fome-em2018-diz-pesquisador.ghml>. Accessed on February, 29, 2024.

¹⁴ The Globo. Brazil was the country that kept schools closed for younger students for a longer time during the pandemic in 2020, says OECD. 2021. Available at: <https://oglobo.globo.com/brasil/educacao/brasil-foi-pais-que-manteve-escolasfechadas-para-alunos-mais-novos-por-mais-te-mpo-durante-pandemia-em-2020-dizocde-25198658#:~:text=RIO%20%E2%80%94%20O%20Brasil%20foi%20o.%2C%20divulgado%20nesta%20quinta%2Dfeira>. Accessed on February, 29, 2024.

¹⁵ UNICEF. Scenario of School Exclusion in Brazil: A warning about the impacts of the Covid-19 pandemic on Education (April 2021). Available at: <https://www.unicef.org/brasil/relatorios/cenario-da-exclusao-escolar-no-brasil>. Accessed on February, 29, 2024.

- c. Development of a National Policy for Prevention of School Dropout and a National Program for Active Search for Children out of Schools, aiming at bringing them back to the school system;
- d. Strengthen the agencies working within the Child and Adolescent Rights Guarantee System;
- e. Guaranteeing that public budget elaboration, execution, and monitoring instruments display social spending targeted at the population between 0 and 18 years old in all areas and government structures to promote social accountability, considering General Comment No. 19.

II. Right to education (arts. 2, 28-31 and GC1)

16. As reported in paragraph 13, access to education was severely hindered during the years of the pandemic, consequently impacting the realization of various other rights. In this section, we will present data related to the guarantee of the quality of education¹⁶.

A. Equity and non-discrimination in education

"I think there should be a law on racial issues, because here in Brazil there is a lot of prejudice against black people. So I think it would be an opportunity for us to learn to live together and know that we are equal, no matter our skin tone"¹⁷ - Laura, 13 years

17. Cases of racism, discrimination, and violations of rights both within and outside the school impact the assurance of children's rights.
18. According to the National Continuous Household Sample Survey (PNAD), in 2023, concerning school attendance, among children aged 5 to 6, white and yellow children have the lowest proportion of children out of school (2.7%), while among black children there are 3.5% and among indigenous children 7.7%. In the 7-11 age group, there are 0.4% of white and yellow children, 0.6% of black children and 1.7% of indigenous children. Among children and adolescents aged 12 to 17, 5.7% of whites and yellows are out of school, while 6.7% of blacks and 4.5% of indigenous¹⁸.
19. Regarding educational delay, the same survey provided the following data: in the 7-11 age group, 0.1% of white and yellow children and 0.1% of black children with educational delay. Among indigenous children, none were found about educational delays. Among adolescents aged 12 to 17, the proportion of white or yellow adolescents with educational

¹⁶ General Comment No. 1 on the aims of Education, Committee on the Rights of the Child

¹⁷ Ibid, note 4

¹⁸ Available at:

<https://www.ibge.gov.br/estatisticas/sociais/trabalho/9171-pesquisa-nacional-por-amostra-de-domicilios-continua-mensal.html>. Accessed on February, 29, 2024.

delay is 1.8%, lower than that observed among blacks (2.7%) and less than half that among indigenous adolescents (3.9%).

20. Concerning illiteracy, the survey found that among children aged 7 to 11, indigenous children have the highest illiteracy rate (19.5%), followed by black children (15.4%) and white or yellow children (8.7%). Among adolescents aged 12 to 17, blacks have the highest illiteracy rate (0.9%), followed by whites and yellows (0.5%) and indigenous people (0.1%).
21. During the pandemic, according to the survey conducted by the Geledés Institute of Black Women, in the city of São Paulo, black girls had the least access to educational material when compared to black boys, white girls and white boys. Black girls were also the least able to complete assignments; 15% of boys dedicated at least 6 hours to their studies, among girls this rate was 8%¹⁹.
22. In the context of the right to education and the right to non-discrimination, enacted in January 2003, Law n. 10.639/03 amended the highest legislation in Brazilian education, the Law of Guidelines and Bases of National Education, and incorporated the teaching of Afro-Brazilian history and culture into the curriculum of public and private education in the country. This marked a significant milestone in the struggle of the black movement for rights and achievement for all Brazilians, while providing new references to children, recognizing the importance of black communities and enhancing self-esteem and respect in the school community playing an important role in facing racial discrimination between students and in the whole scholar community.
23. However, a study conducted with 1.187 Municipal Education Departments, representing 21% of the municipal education networks in the country, reveals that the majority of them (71%) undertake little or no action to effectively implement Law 10.639/03, which, for the past 20 years, has mandated the teaching of African and Afro-Brazilian history and culture in schools to combat racism. Only 29% of the departments carry out consistent and enduring actions to ensure the implementation of the law, as revealed by the research title "[Law 10.639/03: The Role of Municipal Education Departments in Teaching African and Afro-Brazilian History and Culture](#)", conducted by the Geledés Institute of Black Women and the Alana Institute, released on last year (2023), which is available in Portuguese.
24. In the Brazilian territory, it is still necessary to consider that impoverished and Black children, in addition to the issues already mentioned, also face specific constraints in their right to education. Systematically, children living in peripheral regions where armed conflicts and frequent police operations occur, schools are closed, leaving thousands of students without classes.

¹⁹ Geledés Institute of Black Women. The education of black girls in times of pandemic: the the deepening of inequalities. Available at: <https://www.geledes.org.br/wp-content/uploads/2021/04/A-educacao-de-meninas-negras-em-tempo-de-pandemia.pdf>. Accessed on February, 21, 2024.

25. The most significant example is from the state of Rio de Janeiro. In this federative unit, in 2017, according to the Municipal Department of Education of Rio de Janeiro, schools had to close their doors at least 65 times due to shootings, and at least 12,000 students missed classes due to the closure of school units. By October 2023, at least 500 schools had suspended classes at least once due to shootings, totaling 2,259 closures and affecting 176,000 students²⁰. In February 2024, at the time of the closure of this report, violent police operations left 22,000 students in the city without classes²¹. Furthermore, studies indicate that students from schools experiencing nine or more days of conflict during the academic year had performance levels twice as low²².
26. It is important to emphasize that this scenario persists despite the decision of the Supreme Court in Fundamental Precept Non-Compliance Allegation No. 635, which, among other provisions, establishes that police operations cannot be conducted near school areas.
27. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:
- a. What public policies have Brazil implemented to guarantee access, permanence and the quality of the right to education for Brazilian children, especially black, indigenous, and vulnerable children?
 - b. What measures has the Brazilian state been taking to ensure the right to education for children, especially black and poor ones, living in areas of armed conflict, including the implementation of the decision made in the Fundamental Precept Non-Compliance Allegation No. 635?
28. Also, we respectfully request the Committee to recommend the State of Brazil on the following:
- a. Establish a national strategy that includes coordinated efforts, resources, and responsibilities with other federative units to strengthen the implementation, regulation, and monitoring of Law 10.639 in municipalities.
 - b. To ensure adequate and sufficient state resources for the implementation, regulation, and monitoring of Law 10.639 in municipalities.
 - c. Formulate a national policy aimed at ensuring the right to education of children residing in areas of armed conflict, while also delineating parameters for police operations that uphold the rights of children.

²⁰ Agencia Brasil. Grande Rio teve 460 tiroteios perto de escolas este ano. Available: <https://agenciabrasil.ebc.com.br/geral/noticia/2024-02/operacoes-policiais-no-rio-deixam-22-mil-estudantes-sem-aula>.

²¹ Agencia Brasil. Operações policiais no Rio deixam 22 mil estudantes sem aula. Available: <https://agenciabrasil.ebc.com.br/geral/noticia/2024-02/operacoes-policiais-no-rio-deixam-22-mil-estudantes-sem-aula>.

²² El País. Aulas em meio à guerra no Rio: “Ele se jogou sobre as crianças para protegê-las das balas”. Available: https://brasil.elpais.com/brasil/2017/06/16/politica/1497616238_902747.html > <https://agenciabrasil.ebc.com.br/geral/noticia/2023-06/grande-rio-teve-460-tiroteios-perto-de-escolas-este-ano>.

B. Inclusive education and children with disabilities

*We think there should be greater investment in schools, with accessibility for wheelchair users, and even for deaf people. We also think there should be quality teaching, with investment in technology. There should also be an opposite shift, for practicing physical sports, which isn't very common*²³ - João, 14 years

29. Inclusive education has solidified as a public policy in Brazil, a fact reflected in the data: between the years 2010 and 2020, the number of students with disabilities in basic education surged from 702.6 thousand to 1.3 million children²⁴. This is a significant advancement. Yet, according to the Continuous Annual National Household Sample Survey²⁵, conducted by the Brazilian government, the illiteracy rate of people over fifteen years of age with disabilities is 19.5%, almost five times higher than the national rate among people without disabilities. The same survey shows that only 54.4% of students with disabilities between 15 and 17 years old are enrolled in secondary schools, while the rate for those without disabilities is 70.3%.
30. Even so, it is important to emphasize that approximately nine out of ten Brazilians believe that schools become better when including children with disabilities, as revealed by an unprecedented survey conducted by Datafolha, titled “[What the Brazilian Population Thinks About Inclusive Education](#)”, commissioned by the Alana Institute.
31. However, educational public policies need to respond to the demand: the number of schools with no accessibility features is still high, at 31.7% in 2020. In the same year, among schools with enrollments in special education, only 28.2% had multifunctional resource rooms, and only 5.5% of regular teachers had ongoing training on special education. In 2012, this number was 4.2%, demonstrating very little progress in this field. Among teachers of Specialized Educational Assistance (AEE), only 43.1% received specific ongoing training on the topic in 2020. In 2012, this number was 49.2%²⁶.
32. In light of this context, another threat to the right to inclusive education for children with disabilities is the debate on homeschooling in Brazil, which was illicitly promoted during the previous administration of the presidency²⁷. This issue has been raised in subnational regulations and bills in the National Congress, reinforcing a segregative culture. However,

²³Ibid, note 4.

²⁴ Available at: https://download.inep.gov.br/publicacoes/institucionais/estatisticas_e_indicadores/resumo_tecnico_censo_escolar_2022.pdf. Accessed on February, 21, 2024.

²⁵ Available at: https://agenciadenoticias.ibge.gov.br/media/com_mediaibge/arquivos/0a9afaed04d79830f73a16136dba23b9.pdf. Accessed on February, 29, 2024.

²⁶ Available at: <https://diversa.org.br/noticias/2024-comeca-com-expectativa-sobre-avanco-das-acoos-para-fortalecer-a-educacao-inclusiva/>. Accessed on February, 29, 2024.

²⁷ Available at: <http://portal.mec.gov.br/component/tags/tag/educacao-domiciliar>. Accessed on February, 29, 2024.

article 55 of the ECA is clear about the obligation of parents and families to enroll their children in the regular education system. With the implementation of homeschooling, there is a clearly potential regression to a discriminatory paradigm and isolation of children with disabilities that has already been overcome.

33. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

- a. What is the current normative educational policy in Brazil for children with disabilities?
- b. What is the official and normative stance of the Brazilian State regarding segregated schools for children with disabilities?
- c. Which measures has the Brazilian state been taking to ensure the implementation of inclusive education nationwide, under the Convention and the Convention on the Rights of Persons with Disabilities?
- d. What percentage of the public spending on education for children with disabilities is currently directed to enrollments in segregated schools and classes and what percentage of it is directed to enrollments in inclusive schools?
- e. What actions and policies are being implemented to prevent the illegal practice of homeschooling and ensure children's right to enrollment in formal education?

34. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. Establish campaigns to guide the right of children with disabilities to enroll in regular schools, with the prohibition and surveillance of enrollment refusal in both public and private schools;
- b. To promote and allocate a prioritized budget for inclusive education programs and cease public investments in non-inclusive schools;
- c. To strengthen the participation of children with disabilities in decision-making spaces of public power through self-advocacy programs.
- d. To monitor school enrollments for all children.
- e. To promote a National Program for Active Search for Students with Disabilities out of Schools.
- f. Avoid regulating homeschooling, thereby ensuring that the rights and best interests of children can prevail. This can be achieved by promoting access for all children to education alongside their peers and qualified teachers while strengthening the role of schools in preventing and addressing negligence, abuse, and violence against children.

III. Indigenous children and formal demarcation of their territories (arts. 2, 3, 6, 19, 30, 24, 36 and GC11)

35. As mentioned above indigenous children and indigenous communities were extremely affected by the COVID-19 pandemic. In this section, we will add information about the various violations of the rights of Brazilian indigenous children. It is worth mentioning that in 2021, the Articulation of Indigenous Peoples of Brazil (APIB) submitted a complaint to the International Criminal Court, against the former President of the Republic. Based on precedents, reports, official documents, research, and technical notes, APIB calls for an investigation of crimes against humanity and genocide²⁸.
36. Indigenous children constitute the population group most affected by deforestation, wildfires, air pollution, climate emergencies, and other violations of Indigenous territorial rights. Consequently, they are the most vulnerable group due to these circumstances²⁹³⁰.
37. In the last four years, 570 children under the age of 5 have died in Yanomami³² territories due to preventable causes. This means they are dying from severe malnutrition (in 2022, 52% of Yanomami children up to 12 years old were malnourished, with 8 out of 10 suffering from chronic malnutrition), acute respiratory infection, pneumonia, and other diseases such as diarrhea and malaria (between 2021 and 2022, there were 44 thousand cases of malaria, almost half of all cases recorded in indigenous people during this period).
38. The deaths of Yanomami children are 29% higher when compared to the pre-2019 period³³. Other challenges faced by the Yanomami include physical and sexual violence, outbreaks of sexually transmitted diseases, and mercury contamination resulting from illegal mining in the region, which claimed the lives of 99 Yanomami children in 2022³⁴.
39. There must be a priority and specific focus on children from traditional peoples and communities, particularly ensuring: the right to property and territorial protection; access to public policies in health, social assistance, and education; safeguarding against all forms of violence and exploitation, including those stemming from land conflicts and mining; and the right to culture.

²⁸ Available at:

<https://apiboficial.org/2022/06/14/apib-apresenta-novas-denuncias-contrabolsonaro-ao-tribunal-penal-internacional/>.

Accessed on March, 1, 2024.

²⁹ BASTA, Paulo Cesar; HACON, Sandra de Souza. Impact of mercury on the health of the Munduruku indigenous people in the Tapajós basin. 2020. Available at: https://ds.saudeindigena.iciet.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf. Accessed on February, 19, 2024.

³⁰ UN. General Comment No. 11: Indigenous Children and their Rights under the Convention (50th session, 2009), UN. Doc. CRC/C/GC/11, February 12, 2009, para. 35.

³¹ UNICEF warns about chronic malnutrition in Yanomami children. Available at: <https://www.unicef.org/brazil/comunicados-de-imprensa/unicef-alerta-sobre-desnutricao-cronica-de-criancas-ianomamis>. Accessed on February, 19, 2024.

³² Having had its territory demarcated in 1992, the Yanomami indigenous reserve stands as the largest in the country, spanning 9.6 million hectares and comprising approximately 371 communities, housing over 30,400 inhabitants – including more than 5,000 children.

³³ SUMAUMA JORNALISMO. War Diary — Yanomami Genocidade: 'We can't keep track of the bodies'. Available at: <https://sumauma.com/nao-estamos-conseguindo-contar-os-corpos/#:~:text=Dados%20obtidos%20por%20SUMA%3%9AMA%20apontam, chamam%20de%20%E2%80%9Cmortes%20evit%C3%A1veis%E2%80%9D>. Accessed on February 29, 2024.

³⁴ Ibid.

40. Indigenous children represented one-third of the estimated 820.000 indigenous people in Brazil, according to the 2019 Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística - IBGE) estimate³⁵. Data from the 2022 Census already indicate an increase in the indigenous population to 1.7 million³⁶.
41. Brazilian indigenous children exhibit elevated rates of infant mortality, surpassing the national average³⁷, which is linked to various factors, particularly land conflicts, the exploitation of polluting activities, and severe food insecurity. Social indicators reveal that the Brazilian Legal Amazon – an area encompassing the seven states of the Northern Region, as well as Maranhão and Mato Grosso – boasts the youngest population in the country. This information is supported by a 2018 UNICEF report³⁸, it is the region where there is the highest risk of dying before the age of 1 and of not completing primary education. Furthermore, the rate of teenage pregnancy is high, and girls and boys in the region are vulnerable to various forms of violence, including abuse, sexual exploitation, child labor, and homicide. The rate of child rape in the Legal Amazon is 7.6% higher than in the rest of the country, with almost 90% of the victims being girls³⁹.
42. Data from 2021 recorded 744 deaths of indigenous children aged 0 to 5 years old within the year⁴⁰. In 2022, a study conducted by the Brazilian Forum on Public Security⁴¹ revealed that the number of violent deaths of children and youths up to 19 years of age residing in the Legal Amazon⁴² surpasses 27.5% of the homicides of the same age group across entire Brazil.
43. The expansion of illegal mining in indigenous territories has also posed a threat to the rights of children and indigenous people: according to global data collected by the United Nations Environment Program in 2013, 37% of mercury pollution came from mining activities⁴³. According to the Mercury Observatory, in the Brazilian Amazon, there are 860 points with information from studies assessing the occurrence of mercury contamination,

³⁵ UNICEF. Situation of children and adolescents in Brazil. Available at: <https://www.unicef.org/brazil/situacao-das-criancas-e-dos-adolescentes-no-brasil#:~:text=O%20Brasil%20possui%20uma%20popula%C3%A7%C3%A3o.ind%C3%ADgenas%20do%20Pa%C3%ADs%20C3%A9%20crian%C3%A7a>. Accessed on February, 19, 2024.

³⁶ Funai. Data from the 2022 Census reveals that Brazil has 1.7 million indigenous people. 2023. Available at: <https://www.gov.br/funai/pt-br/assuntos/noticias/2023/dados-do-censo-2022-revelam-que-o-brasil-tem-1-7-milhao-de-indigenas>. Accessed on February, 19, 2024.

³⁷ Value. Violent deaths and child rapes in the Legal Amazon exceed Brazil's average. September 21, 2022. Available at: <https://valor.globo.com/brasil/noticia/2022/09/21/mortes-violentas-e-estupros-de-criancas-e-adolescentes-na-amazonia-legal-superam-media-do-brasil.ghtml>. Accessed on February, 19, 2024.

³⁸ UNICEF Brazil. Agenda for Childhood and Adolescence in the Amazon. 2018. Available at: https://www.unicef.org/brazil/media/1131/file/Agenda_pela_infancia_e_adolescencia_na_Amazonia.pdf. Accessed on February, 19, 2024.

³⁹Value. Violent deaths and child rapes in the Legal Amazon exceed Brazil's average. September 21, 2022. Available at: <https://valor.globo.com/brasil/noticia/2022/09/21/mortes-violentas-e-estupros-de-criancas-e-adolescentes-na-amazonia-legal-superam-media-do-brasil.ghtml>. Accessed on February, 19, 2024.

⁴⁰ CIMI. Cimi releases annual report on violence against indigenous peoples on August 17th in Brasília (DF). August 12, 2022. Available at: <https://cimi.org.br/2022/08/cimi-lanca-relatorio-violencia-contra-povos-indigenas-2021/>. Accessed on February, 19, 2024.

⁴¹Brazilian Forum on Public Security. The geography of violence in the Amazon region. 2022. Available at: <https://forumseguranca.org.br/wp-content/uploads/2022/07/03-anuario-2022-a-geografia-da-violencia-na-regiao-amazonica.pdf>. Accessed on February, 19, 2024.

⁴² Ibid.

⁴³ UNEP, 2013. Global Mercury Assessment 2013: Sources, Emissions, Releases and Environmental Transport. UNEP Chemicals Branch, Geneva, Switzerland.

of which 416 are related to studies on fish and 444 on humans. The results show that the intake of methylmercury by fish exceeds the "tolerable" limits established by international control bodies. For this reason, the populations of this region, including children, live with a scenario of high exposure and risk of suffering health problems due to contamination from eating fish⁴⁴.

44. In relation to the “marco temporal” thesis, Law No 14.701/2023 regulates art. 231 of the Federal Constitution, to provide for the recognition, demarcation, use, and management of indigenous lands and links the demarcation of indigenous lands to their occupation at the moment of the promulgation of the 1988 Federal Brazilian Constitution. This stance contradicts the “indigenato theory”, which recognizes indigenous peoples' rights to their lands as an original entitlement. The potential impacts of altering the process of demarcating indigenous lands, particularly those supported by technical evidence of historical ties between communities and specific territories, are grave. In addition, the law includes several setbacks, such as allowing economic exploitation of indigenous lands, including in cooperation or with the hiring of non-indigenous people, and waiving consultation for strategic road expansion works, the exploration of strategic energy alternatives and the safeguarding of strategic wealth. The ongoing changes ignore the historical processes in which indigenous peoples were subjected during colonization, as well as the structural violence that manifested in their relationship with original inhabitants.
45. Therefore, the Alana Institute recommends that the committee pose the following questions to the government.
 - a. What specific measures are being taken to ensure the right to health and nutrition for indigenous children, especially in the Yanomami territory?
 - b. What measures are being taken to prevent illegal mining in indigenous territories?
 - c. What measures are being taken to implement the Minamata Agreement?
46. Also we respectfully request the Committee to recommend the State of Brazil on the following:
 - a. To guarantee the implementation of security, assistance, and health measures in indigenous territories, especially Yanomami territory with absolute priority and utilizing the maximum available resources.

⁴⁴ VASCONCELLOS, A. C. S. D., HALLWASS, G., BEZERRA, J. G., ACIOLE, A. N. S., MENESES, H. N. D. M., LIMA, M. D. O., & BASTA, P. C. *Health Risk Assessment of Mercury Exposure from Fish Consumption in Mundurucu Indigenous Communities in the Brazilian Amazon*. International Journal of Environmental Research and Public Health, 18(15), 7940. 2021.

IV. Juvenile justice and access to justice (arts. 2, 3, 28, 30, 40, and GC24)

47. During the coronavirus pandemic, hearings on the juvenile justice system began to take place entirely virtually or in a hybrid format, where only some of the participants attend in person while the rest participate virtually. However, this new modality, regulated by the National Council of Justice, presents disadvantages and possible violations that still need to be widely debated within the Justice System.
48. The Alana Institute commissioned the NEIDE Collective (Center for Education and Intervention in Human Rights) to conduct the research [Video Conference Hearings in the Juvenile Justice System: reflections on the model, its limits, and potentialities](#), which is available in Portuguese. The study aims to raise awareness among judges and promote the improvement of this type of hearing in the Juvenile Justice System.
49. The research reveals that one advantage is the increased possibility of family members and witnesses participating, as there is no need for travel. However, issues with connectivity and the lack of human contact are negative points, impacting the effectiveness of participation and the guarantee of adolescent's rights. Other aspects need consideration in the discussion about the format of hearings. The difficulty for families and adolescents to understand the debates and decisions is a reality, whether due to legal technical language or connectivity issues. Additionally, there are changes in the working dynamics of Judiciary employees, who report feeling overwhelmed with this new practice.
50. The study also highlights the challenges of ensuring the rights outlined in the ECA and the Federal Constitution in remote hearings. One of the rights of adolescents is a private conversation with their lawyer to ensure the right to a fair defense and due process. The lack of this procedure can lead to the annulment of the process. However, the research shows that, in various situations, it was clear that the pre-interview did not take place.
51. Also, in 2018, the Brazilian Supreme Federal Court determined through Habeas Corpus (HC)143.641 that incarcerated women who are pregnant, postpartum, or mothers of children up to 12 years old and mothers of people with disabilities should have their pretrial detention replaced by house arrest. This ruling aligns with the provisions of the Legal Framework of Early Childhood, the Criminal Procedure Code, the Federal Constitution, and international human rights norms. Although the main focus of HC was on women in the prison system, after a request for an extension from the Alana Institute, the STF also granted the order to adolescent girls in the juvenile justice system.
52. Since then, the Alana Institute has periodically sent requests to managers of juvenile justice institutions and detention centers across the country, aiming to gather information between 2018 and 2021 about the number of pregnant, lactating, and mother adolescent girls, transgender individuals, immigrants, and indigenous individuals under measures of deprivation of liberty, and the total number of beneficiaries of HC 143.641.

53. According to the research, between 2019 and 2021, 508 pregnant or mother-adolescent girls went through the juvenile justice system, and only 115 (about 22%) were beneficiaries of HC 143.641. The states of Ceará, São Paulo, and the Federal District accounted for 60 (52%) of the beneficiaries of HC during this period. The research does not include 2018 data on this topic due to the incompleteness of the data collected that year.
54. These data are unprecedented, as there is no specific monitoring for this segment of the population within the juvenile justice system. Among the various conclusions drawn from the research, one of the main findings is that HC 143.641 is restrictive in the juvenile justice system.
55. This hypothesis is confirmed by the significantly high number of adolescent girls and young mothers, specifically, those who were included in deprivation of liberty measures between 2018 and 2021, as well as by the data collected in actions and appeals based on HC 143.641 in state and district courts.
56. The research also indicates a trend of HC benefiting more pregnant individuals than mothers, suggesting greater sensitivity from juvenile justice agents to the gestational state than to those who already have children. Between 2019 and 2021, 35 pregnant individuals were carrying out deprivation of liberty measures compared to 259 mother girls during the same period.
57. Considering Brazilian and international regulations on the Juvenile Justice System and the right to education, the legal framework establishes that children deprived of liberty must have this right guaranteed above all else. Unfortunately, recent data indicates a deterioration of education within the Brazilian juvenile justice system.
58. According to the ["National Overview of Education in the Socio-Educational Context"](#) study, only 5 out of the 27 Brazilian states have a 100% enrollment rate for children deprived of liberty. Furthermore, nearly half of the Brazilian states (13) reported the existence of multi-grade classes, where students of different ages and school years study together, hindering proper education. Additionally, the study points out that the rate of age-grade distortion (children placed in school grades that do not correspond to their age) in the country was 9% in 2020, while in detention facilities, this number reached approximately 85%. Moreover, the research poses the inequality to access the right to education even before contact with the juvenile justice system, demonstrating that, especially for black adolescents, the right to education is an important preventive remedy to criminality, and most adolescents deprived of liberty drop out of school before being caught by the system.
59. Also, between 2017 and 2022, including the pandemic period, [the Brazilian state did not provide updated data regarding children deprived of liberty.](#) Furthermore, the available information inadequately considers crucial factors necessary for formulating more effective juvenile justice public policies, such as race, and socioeconomic status, among others.

60. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

- a. What measures has the Brazilian State taken to ensure procedural rights and access to justice in the digital environment for children deprived of liberty?
- b. Has the Brazilian State implemented a transparent monitoring policy to the implementation of HC 143,641? If so, what is the current scenario regarding the implementation of the Supreme Court's decision?
- c. What is the current national judicial policy for guaranteeing procedural and fundamental rights and access to justice for children in Brazil?

61. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. That the Brazilian state demonstrates the implementation of an effective public policy for monitoring the juvenile justice system and its institutions, taking into account gender, race, disability, socioeconomic status, and rights violations.
- b. That the Brazilian State, especially the Judiciary Branch, formulate a judicial policy for facilitating access to justice, which meticulously considers the unique circumstances of children and steadfastly safeguards their procedural and fundamental rights, in adherence to the principles enshrined in both the Convention and pertinent Brazilian legislation.
- c. Regarding children deprived of liberty, the access to justice policy should encompass provisions to ensure their procedural rights, prioritize the fulfillment of measures within open environments, and take into account gender, race, social class, and disability-specific considerations.
- d. The Brazilian state presents a national policy to ensure the implementation of HC 143,641, focusing on both socio-educational assistance policy and the judiciary.
- e. The Brazilian state presents a national policy to ensure the right to education within the juvenile justice system and its institutions.

V. Children's rights and the digital environment (arts. 3, 8, 13, 16, 17 and GC25)

62. In Brazil, the protection of child rights extends into the digital environment, safeguarded by a series of laws designed to ensure their safety and well-being. Laws such as the ECA, the Consumerist Code (Law n. 8.078/90), and the National Data Protection Law (Law n. 13.709/18) establish the framework for shielding children from online threats, harm, and exploitation. Moreover, recent legislative strides and National Plans have been made to address the evolving challenges of the digital age aiming at the protection of children. For example, the approval of the National Policy of Digital Education (Law n. 14.433/23), the

National Strategy on Media Literacy (Law n. 14.533/23), the National Strategy for Connected Schools (Decree N. 11,713/23) and the Cyberbullying Law (Law n. 14.811/24), all of which exemplify Brazil's commitment to tackling specific issues of the national digital divide, online risks of violence, illustrating a concerted effort to create a safer and more secure digital environment for its children and youth.

63. National data shows that 95% of Brazilian children and teenagers, aged 9 to 19 years old, have already accessed the Internet, with the highest percentage accessing the Internet even before turning 6 years old. However, there is a lack of more robust data regarding Internet access among younger age groups. Social inequalities widen in the context of lack of meaningful connectivity at the national level, with children from more socioeconomically vulnerable backgrounds having lower levels of quality access, higher rates of exclusive access through mobile phones, and more reports of being without Internet because their data plan has run out.⁴⁵ It is necessary to further develop a strategy that addresses the structural causes of the Brazilian digital divide, such as the lack of connectivity in municipalities, insufficient connection speeds, the absence or inadequacy of proper equipment, and the need for training and support for teachers, as well as the development of political-pedagogical plans that include digital education.
64. The existence of laws and a protective framework does not automatically translate to the full realization of children's online rights, and Brazil is at a crucial moment in implementing these laws and approving new regulatory milestones. It is essential not only to enact these norms but also to ensure that they are effectively enforced and that there is a culture of respect and protection for children's rights in all aspects of society, including the digital realm.
65. To further contribute to the implementation of General Comment No. 25 at the national level, the Alana Institute, in collaboration with the Public Prosecutor's Office of São Paulo, translated GC 25 into Portuguese, published an Annotated Version and distributed the booklet "GC 25 in Practice: [Guidelines for the defense of children and adolescents in the digital environment](#)".
66. Seeking to advance the implementation of the GC 25 framework, this contribution will highlight the following:

A. Artistic child labor in the digital environment

67. There are certain forms of child labor exceptionally allowed by the Brazilian legal system. This is the case of artistic child labor, whose performance is authorized by the International Labour Organization (ILO) Convention No. 138, ratified through Decree No. 4.134/2002, by fulfilling specific requirements aimed at safeguarding rights.

⁴⁵ Núcleo da Informação e Coordenação do Ponto BR - NIC.br. Pesquisa sobre o uso da Internet por crianças e adolescentes no Brasil: TIC Kids Online Brasil 2023. Available at: <https://cetic.br/pt/pesquisa/kids-online/>. Accessed on March, 1st, 2024.

68. Under ILO Convention No. 138, the Brazilian legal system requires artistic child labor to be preceded by a judicial permit for it to be exercised. The permit ensures, firstly, the verification of the conditions under which the artistic activity will be carried out, ensuring that the child or adolescent will not be exposed to unhealthy conditions or exhaustive working hours.
69. The increasing digitization of society and the new forms of interaction arising from it have given rise to new manifestations of this modality of work, among which stands out the artistically performed work by so-called child digital influencers. Despite the risks and potential harms related to the involvement of children or adolescents as digital influencers, according to a 2021 survey conducted by a private entity, 75% of children, adolescents, and young people aged 8 to 23 aspire to become digital influencers⁴⁶. Another survey conducted in 2022 by a private entity also pointed out that Brazil is the second country in the world where internet users most follow digital influencers (44.3%), second only to the Philippines, a cultural context that greatly influences and affects children⁴⁷. The culture of excessive exposure of children's images online, linked to the aspiration for social and economic advancement through performance on social media raises questions about the privacy and image rights of the youngest individuals, whether through self-exposure or exposure tied to their families' performances.
70. Several jurisdictions, including France, have enacted legislation (eg. Law n. 1266-2020) to safeguard child influencers. This includes mandatory judicial authorization (Articles 2 and 8 of ILO Convention No. 138), savings accounts for compensation (para. 113 of GC No. 25), and the requirement for digital platforms to implement mechanisms for the right to be forgotten. Recognizing Brazil's cultural context, the government must adopt analogous regulatory measures to ensure the protection of economically active children in the digital realm.
71. Beyond the issue of child artistic labor, another challenge faced in a Brazilian context marked by intense economic inequalities and a lack of dignified employment opportunities for all families is the enrollment of children in digital delivery platforms to work as meal delivery couriers. A report by Folha de S. Paulo, published on June 23, 2023, exposed real cases of child labor delivery made by youths aged 12, 14, 15 and 17 through the iFood platform⁴⁸.
72. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

⁴⁶ LIVRE, Catraca. 75% of young Brazilians want to be digital influencers. Available at: <https://catracalivre.com.br/mais/75-dos-jovens-brasileiros-querem-ser-influenciadores-digitais/>. Accessed on February, 26, 2024.

⁴⁷ VEJA. Research reveals that Brazil is the country of digital influencers. Available at: <https://veja.abril.com.br/comportamento/pesquisa-revela-que-o-brasil-e-o-pais-dos-influenciadores-digitais/>. Accessed on February, 26, 2024.

⁴⁸ FOLHA. Children under 16 years old work as delivery drivers for apps. Available at: [https://www1.folha.uol.com.br/mercado/2023/06/menores-de-idade-trabalham-como-entregadores-em-aplicativos.shtml#:~:text=Um%20deles%20se%20cadastrou%20no.zona%20oeste%20de%20S%C3%A3o%20Paulo](https://www1.folha.uol.com.br/mercado/2023/06/menores-de-idade-trabalham-como-entregadores-em-aplicativos.shtml#:~:text=Um%20deles%20se%20cadastrou%20no.zona%20oeste%20de%20S%C3%A3o%20Paulo.). Accessed on February, 26, 2024.

- a. What data does the State have regarding the work, artistic or not, of Brazilian children on digital platforms?
- b. What is the implementation status of ILO Convention No. 138 for the regulation and oversight of child artistic labor in Brazil?
- c. What measures and policies have been implemented to provide information to families and children about the importance of privacy, as well as privacy-preserving practices that keep them safe?

73. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. Creation of international dialogues to address regulatory practices and public policies on child artistic labor and the cultural issue of children's overexposure on the Internet and understanding its impacts;
- b. Strengthening and giving transparency of the actions of the Labor Public Prosecutor's Office regarding the agenda of fighting against child labor in digital platforms;
- c. Ensuring effective social welfare policies, reducing inequalities, and ensuring food security so that no child has to work to support their families.

B. Violence against children and digital platforms accountability

74. In the first few months of 2023, Brazil found itself haunted by an unprecedented wave of episodes of extreme violence against the school environment. The case of an adolescent who, in late March, stabbed a teacher in a classroom in São Paulo⁴⁹, triggered a series of similar attacks in educational institutions across the country, causing panic among students, their families, and the school community.

75. The episodes are distressing not only due to their degree of brutality but also because, often, children are not only victims but also agents of violence. In many cases, the attacks against schools were committed by students as young as thirteen and fourteen years old⁵⁰, adding a layer of complexity to addressing the issue in public discourse and actions within the framework of comprehensive protection for children. The multitude of attacks within less than a month eliminates any possibility of treating them as isolated phenomena or tragedies of diffuse cause. In reality, there is a broader process of radicalization and

⁴⁹ CNN. A 71-year-old teacher dies after being stabbed by a student at a school in São Paulo. Available at: <https://www.cnnbrasil.com.br/nacional/adolescente-esfaqueia-professores-e-aluno-em-escola-estadual-de-sao-paulo/#:~:text=SP%20%7C%20CNN%20Brasil-Professora%20de%2071%20anos%20morre%20ap%C3%B3s%20ser.aluno%20em%20escola%20de%20SP&text=Uma%20professora%20morreu%2C%20na%20manh%C3%A3,Elisabeth%20Tenreiro%2C%20de%2071%20anos>. Accessed on February, 21, 2024.

⁵⁰ UOL. Attack at a school in Goiás: 13-year-old student wounds two students with a knife. Available at: <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2023/04/11/ataque-em-escola-de-goias-aluno-de-13-anos-feriu-duas-estudantes-com-faca.htm>. Accessed on February, 21, 2024

advancement of extremism that has been causing disastrous effects in Brazil and worldwide in recent years⁵¹. Specifically in the school environment, the number of attacks recorded in 2019 was 5, while in 2022, it rose to 43⁵².

76. If attacks on schools are not the result of random factors but rather part of a broad and profound process of alarming radicalization, understanding how young people are radicalized becomes essential. For this purpose, it is inevitable to focus on what is now the main locus of interaction for communities that spread extremism: the Internet. A report conducted by the television program Fantástico demonstrated how the popular social network, Discord⁵³, was being used, through private groups, for the recruitment and organization of attacks in schools, following a hate gamification model in which individuals were encouraged to carry out acts of violence in exchange for social recognition. Furthermore, the scenario of extreme violence and threats in schools was also marked by misinformation and the propagation of moral panic on social media, further exacerbating the vulnerability of the population.⁵⁴
77. The business model of digital platforms has also been associated with the overexposure of acts of violence against children in Brazil, or the overexposure of harmful and damaging content. In May 2023, Twitter was accused of being filled with unmoderated gore content, including explicit violence in the "Trending" section⁵⁵. Google allowed a social network promoting school massacres, neo-Nazism, and violence advocacy to occupy a dominant position in top searches on the subject in Brazil.⁵⁶ Moreover, tests conducted using simulated accounts of 11 and 14-year-old adolescents on YouTube revealed a strong recommendation for violent content involving weapons and cults advocating for real or simulated school attacks.⁵⁷
78. In light of the violent attacks against schools in Brazil and the rise of hate speech and extremist recruitment, both the Education Ministry and the Human Rights and Citizenship Ministry of the Federal Government have established multi-sectoral working groups to develop recommendations for addressing the issue from a multidisciplinary perspective.

⁵¹ POVO, Correio. On how Brazil has reached extremism. Available at: <https://www.correiodopovo.com.br/especial/sobre-como-o-brasil-chegou-ao-extremismo-1.972394>. Accessed on February, 21, 2024

⁵² BRASIL, Agencia. School attacks on the rise: experts tell us what to do. Available at: <https://agenciabrasil.etc.com.br/geral/noticia/2023-04/crescem-casos-de-ataques-em-escolas-especialistas-dizem-o-que-fazer>. Accessed on February, 21, 2024

⁵³ Networks without law: at Discord, criminals commit violence and humiliate underage girls. Available at: <https://g1.globo.com/fantastico/noticia/2023/06/25/rede-sem-lei-no-discord-criminosos-violentam-e-humilham-meninas-menos-de-idade.ghtml>. Accessed on February, 21, 2024

⁵⁴ VEJA. Wave of fake news causes schools to change routines and scares parents and students. Available at: <https://veja.abril.com.br/coluna/maquiavel/onda-de-fake-news-faz-escolas-mudar-rotina-e-assusta-pais-e-alunos>. Accessed on February, 21, 2024

⁵⁵ NÚCLEO. Gore content floods Twitter. Available at: <https://nucleo.jor.br/reportagem/2023-05-31-twitter-gore/>. Accessed on February, 21, 2024

⁵⁶ NÚCLEO. On Google, a social network promoting school massacres sits at the top of searches. Available at: <https://nucleo.jor.br/reportagem/2023-04-19-clone-do-twitter-abertamente-nazista-e-indexado-pelo-google/>. Accessed on February, 21, 2024

⁵⁷ NÚCLEO. YouTube recommends school violence videos to gamers, report reveals. Available at: <https://nucleo.jor.br/curtas/2023-05-17-youtube-recomenda-conteudo-de-violencia-para-gamers-mostra-relatorio/>. Accessed on February, 21, 2024

Both working groups have produced reports⁵⁸⁵⁹ which analyzes the problem and outlines recommendations to various stakeholders for tackling the growing extremism affecting children in the country.

79. Recent data also reveals that children in Brazil are particularly vulnerable to crimes of sexual exploitation and abuse in the digital environment. According to Safernet, the number of unique reports regarding these offenses is the highest in the past 18 years, totaling 71,867⁶⁰. Among the issues contributing to these high numbers, specialists point to the lack of regulation and security on digital platforms, the use of artificial intelligence for the creation of such content,⁶¹ the excessive sharing of information by parents or children on the Internet, which aids in the practice of gaining trust by sexual predators, as well as the presence of increasingly younger children unaccompanied on social media. The origins of CSAM content in Brazil comes from both criminal activities and self-generated voluntary production by the youth, which is associated with behaviors such as fame and attention seeking, the need for belongingness, family vulnerability and early access to pornography. Cases of sextortion practiced among peers are also on the rise in Brazil.⁶² A major challenge is ensuring protocols and proper training for teachers and schools to identify signs of abuse and understand how to refer the child to the protection network.
80. Despite there being concerning data about the violation of children's rights in the digital environment, which also indicates that Brazil would be the 2nd country with the highest number of cyberbullying cases in the world⁶³, there is a lack of an Observatory or a single place to compile data on violations of children's rights in the digital environment. This absence hinders a more integrated visibility across different databases and research, aimed at better understanding the reality of Brazilian childhoods in the digital environment, to enable more robust evidence-based public policies.
81. At last, Brazil already possesses relevant legislation to guarantee digital platforms can be held accountable for systemic risks affecting children and adolescents. This legislation

⁵⁸ GOV. Report “Attacks on schools in Brazil: Analysis of the phenomenon and recommendations for government action”, Produced by the Working Group of Experts on School Violence, established by the Ministry of Education. Available at: <https://www.gov.br/mec/pt-br/aceso-a-informacao/participacao-social/grupos-de-trabalho/prevencao-e-enfrentamento-da-violencia-nas-escolas/resultados/relatorio-ataque-escolas-brasil.pdf>. Accessed on February, 21, 2024.

⁵⁹ GOV. Report on Recommendations for Combating Hate Speech and Extremism in Brazil, produced by the Working Group (WG) established by the Minister of Human Rights and Citizenship (MDHC). Available at: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2023/julho/mdhc-entrega-relatorio-com-propostas-para-enfrentar-o-discurso-de-odio-e-o-extremismo-no-brasil>. Accessed on February, 21, 2024

⁶⁰ SAFERNET. Safernet receives record number of new reports of images of child abuse and exploitation on the internet. Available at: <https://new.safernet.org.br/content/safernet-recebe-recorde-historico-de-novas-denuncias-de-imagens-de-abuso-e-exploracao-sexual#:~:text=As%20den%C3%Bancias%20%C3%BAnicas%20de%20imagens,em%20rela%C3%A7%C3%A3o%20ao%20ano%20anterior>. Accessed on February, 21, 2024

⁶¹ CNN BRASIL. Students from a traditional school in Rio use AI to create intimate images of girls; police investigate. Available at: <https://www.cnnbrasil.com.br/nacional/alunos-de-colegio-tradicional-do-rio-usam-ia-para-criar-imagens-intimas-de-meninas-policia-investiga/>. Accessed on February, 28, 2024.

⁶² Information presented by Rafaella Parca, from the Coordination for Repression of Cybercrimes Related to Child Sexual Abuse of the Brazilian Federal Police, at the 1st Extraordinary Assembly of the National Council for the Rights of Children and Adolescents (2024). Available at: <https://www.youtube.com/watch?v=00rky4dI-R8>. Accessed on February, 28, 2024.

⁶³ EXAME. Brazil ranks second in global ranking of online offenses. Available at: <https://exame.com/brasil/brasil-fica-em-segundo-lugar-em-ranking-global-de-ofensas-na-internet/>. Accessed on February, 21, 2024

ensures oversight, information requests, accountability, and the enforcement of adaptive practices by those responsible for upholding the rights of minors within the country. This shared corporate responsibility aligns with Article 227 of the Federal Constitution, obligations outlined in the ECA and the Consumer Defense Code, and the application of CCPR's GC 16 and GC 25, which have been previously mentioned.

82. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

- a. What data does the State have on child online violence, how often are they updated and what are the sources?
- b. What is the implementation status of the reports on combating violence from the Ministry of Education and the Ministry of Human Rights?
- c. What actions are being undertaken by the State to ensure accountability of digital platforms for tackling online violence?
- d. What measures are being taken to implement General Comment No. 25?

83. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. To adopt measures to ensure that automated search and information filtering, including recommendation systems, do not prioritize paid content with a commercial or political motivation over children's choices or at the cost of children's right to information, as per paragraph 53 of General Comment No. 25;
- b. To require the implementation of regulatory frameworks, industry codes, and terms of service that adhere to the highest standards of ethics, privacy, security, and accountability concerning the design, engineering, development, operation, distribution, and marketing of products and services, including those targeted at children, used by children, or affecting children.
- c. To ensure transparent information about investment in safety and content moderation practices by large digital platforms, also ensuring that investment in Brazil does not fall short of that made proportionally in countries in the Global North;
- d. To request from major digital platforms, especially social networks, the availability of an Impact Assessment on the Rights of Children, specifically designed for the Brazilian context, as well as monitoring the implementation of risk mitigation measures in an action plan to make digital products and services used more by children safer;
- e. To ensure funding avenues for research and risk assessments concerning children affected by digital technologies, establishing both quantitative and qualitative methods for participation;

- f. To ensure the accountability and responsibility of digital platforms for systemic risks created by lack of due diligence, and especially, for the disparity in safety policies for Brazilian children and adolescents. Appropriate redress includes restitution, compensation, and satisfaction, which may require apologies, corrections, removal of illegal content, and access to psychological support services;
- g. To provide children with information on creating content safely, respecting the rights of others, without hate speech or violence, and to protect them from virtual attacks, mobbing, and censorship;
- h. To ensure that digital literacy is taught at schools, as part of basic education curricula, from the preschool level and throughout all school years, including content creation, participation, socialization, civic engagement, critical education, understanding how to find reliable sources of information and ways to identify and remedy violations, ensuring financial, informational, and material support to teachers to conduct these activities, and developing care policies, protocols, and measures to strengthen the capacities of education professionals;
- i. To establish support and communication channels for educators and families within the integrated network of the Guarantee System, with a special focus on the network of the Public Prosecutor's Office and the Guardianship Council;
- j. To strengthen the reporting structure, data, and evidence-based research on CSAM (Child Sexual Abuse Material) and CSEA (Child Sexual Exploitation and Abuse), as well as prevention strategies, education, and awareness-raising efforts for children, families, caregivers, and society;
- k. To provide specialized training for justice system actors on violations of children's rights in the digital environment;
- l. To develop deradicalization and resocialization programs for children involved in extremist groups and online subcultures;
- m. To ensure the existence of disaggregated and regularly updated indicators on violence against Brazilian children in the digital environment.

C. Regulation of digital platforms in Brazil

84. The regulation of digital platforms is a topic that advances in Brazil with more obstacles than in other jurisdictions. The lobbying efforts of Big Tech companies against regulatory initiatives have proven to be particularly intense in the country⁶⁴, prompting authorities to act to curb abuses. Google and Telegram have leveraged their widespread usage in the

⁶⁴ ESTADÃO. Lira says Google and Meta 'overstepped limits' in lobbying against Fake News PL. Available at: <https://www.estadao.com.br/politica/arthur-lira-diz-que-google-meta-ultrapassaram-limites-lobby-pl-2630-fake-news-nprp/>. Accessed on February, 26, 2024.

country to direct messages opposing platform regulation to all their users, leading to the initiation of a police inquiry to investigate the conduct of these companies⁶⁵. Despite the reaction from the government, legislative initiatives aimed at regulating these economic players continue to face difficulties in moving forward.

85. The intense lobbying efforts of Big Tech companies against regulation in Brazil, reported to be greater than those in Europe⁶⁶, pose the risk that children residing in the country may continue to receive less protection in the digital environment than those residing in the global north. Statements from Frances Haugen, a whistleblower from Meta, have confirmed that the efforts made by the company to ensure safety and combat misinformation in its products in Brazil are minimal compared to those directed at English-speaking countries⁶⁷. Adding to this, the fact that companies like Twitter have shut down their headquarters in Brazil and laid off entire teams dedicated to safety in the Global South⁶⁸ makes it evident that major technology companies are prioritizing their profits over the rights and best interests of children.
86. The corporate responsibility to respect children's rights is widely recognized under international law. Within the scope of digital products and services, such responsibility is expressly affirmed by GC 25, in paragraphs 35 and following, under art. 227 of the Federal Constitution. The document states that it is the responsibility of states to ensure that companies conduct impact assessments of their products on children's rights and make them available to the public (para. 37), ensuring social control, as well as to “implement regulatory frameworks, industry codes and terms of services that adhere to the highest standards of ethics, privacy, and safety concerning the design, engineering, development, operation, distribution, and marketing of their products and services” (para. 39).
87. To ensure that these responsibilities are respected by the business sector, it is essential to establish a democratic and independent regulatory body, as well as one that is open to listening to and involving children and adolescents, as mandated by the CRC Convention and General Comment No. 25, as well as in article 227 of the Brazilian Federal Constitution and the ECA. This listening process should inform legislative initiatives already underway, with the Brazilian state adopting measures to ensure respect for this right.
88. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

⁶⁵ DESINFORMANTE. Google and Telegram abused their economic power in campaigns against PL 2630. Available at: <https://desinformante.com.br/google-telegram-abuso-economico/#:~:text=A%20Pol%C3%ADcia%20Federal%20concluiu%2C%20no.das%20plataformas%20digitais%20no%20pa%C3%ADs>. Accessed on February, 26, 2024.

⁶⁶ GLOBO. The 'big tech' lobby is bigger in Brazil than it was in the European Union, says MEP. Available at: <https://oglobo.globo.com/politica/noticia/2023/05/lobby-das-big-techs-e-maior-no-brasil-do-que-foi-na-uniao-europeia-diz-eurodeputada.ghml>. Accessed on February, 26, 2024.

⁶⁷ WORLD, Rest of. Stat of the day. Available at: <https://restofworld.org/stat-of-the-day/haugen-facebook-moderation/>. Accessed on February, 26, 2024.

⁶⁸ LINEA, Bloomberg. Mass Layoffs at Twitter Ordered by Elon Musk Hit Employees in Latin America. Available at: <https://www.bloomberglinea.com/english/massive-layoffs-at-twitter-ordered-by-elon-musk-hit-employees-in-latin-america/>. Accessed on February, 26, 2024.

- a. What initiatives are being undertaken to ensure the participation and hearing of children in the regulatory initiatives currently underway regarding digital platforms?

89. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. To adopt regulatory frameworks involving the undertaking of public and transparent child rights impact assessments by businesses, as laid out in General Comment No. 25.
- b. To establish a democratic, independent regulatory body, open to the participation of children and civil society.
- c. To adopt measures to ensure that the existing Guarantee System is integrated into the enforcement of regulation of digital platforms, in order to assure the integral protection of children.
- d. To adopt measures to ensure that the best interests of the child and their rights are a primary consideration in every decision taken by technology enterprises, as well as in the regulatory processes related to them.

D. Digital economic exploitation, advertising and its impacts on children

90. In Brazil, the 2023 edition of the TIC Kids Online survey revealed that 81% of children and adolescents aged 11 to 17 reported having seen products and brands being advertised on the Internet in the last year. Additionally, 73% of the respondents stated that they felt upset about not being able to purchase a product they saw advertised in the digital environment⁶⁹.

91. Advertising targeted at children under 12 is considered illegal in Brazil, due to the harm such practice can cause to the development of younger kids as well as their inability to properly form a critical view on marketing. Still, as pointed out by the TIC Kids Online survey, the digital environment has facilitated the circulation of unlawful advertising targeted at children, including disguised marketing practices, behavioral advertising and marketing of unhealthy food products, contrary to WHO recommendations⁷⁰. The profiling of children of all ages for marketing purposes is yet to be prohibited by law in Brazil, potentially creating disparities in how platforms protect children from commercial exploitation in the Global South. For instance, the recently enacted Digital Services Act in Europe prohibits profiled advertising targeting children.

⁶⁹ Núcleo da Informação e Coordenação do Ponto BR - NIC.br. Pesquisa sobre o uso da Internet por crianças e adolescentes no Brasil: TIC Kids Online Brasil 2023. Available at: <https://cetic.br/pt/pesquisa/kids-online/>. Accessed on March, 1st, 2024.

⁷⁰ ORGANIZATION, World Health. Policies to protect children from the harmful impact of food marketing: WHO guideline. Available at: <https://www.who.int/publications/i/item/9789240075412>. Accessed on February, 19, 2024.

92. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

- a. What actions is Brazil undertaking to strengthen the protection of children's consumer rights online and the protection of children from commercial and/or economic exploitation in the digital environment?
- b. How is Brazil implementing the WHO recommendations on harmful marketing targeted at children?

93. Also we respectfully request the Committee to recommend the State of Brazil on the following:

- a. To ensure children and their families are provided with information about the business model of large companies operating in the digital environment, data surveillance, commercial practices, and the potential negative consequences of digitization on society.
- b. To adopt measures to ensure that sponsorship, product placement, and all other forms of commercially driven content should be clearly distinguished from all other content and should not perpetuate gender or racial stereotypes, as per para. 41 of GC25.
- c. To prohibit by law the profiling or targeting of children of any age for commercial purposes on the basis of a digital record of their actual or inferred characteristics, including group or collective data, targeting by association or affinity profiling, as per para. 42 of the GC25.
- d. To prohibit practices that rely on neuromarketing, emotional analytics, immersive advertising and advertising in virtual and augmented reality environments to promote products to engage with children, as per para. 42 of the GC 25.

E. Data protection

94. The protection of the personal data of children, both individually and as a group, is a fundamental right in Brazil, being essential in the context of deepening the presence of technologies in multiple spheres of life. Emblematic cases of violating the protection of the personal data of Brazilian children have occurred in recent years and require an extremely diligent approach from the State.

95. In the context of the COVID-19 pandemic, educational platforms targeted at children in Brazil, including two developed by state education departments, monitored and collected their personal data and sold personal data to advertising companies. These sites not only observed their activities in virtual classrooms but also tracked them during their internet browsing outside of the school environment, invading their privacy. Initially, as indicated

by a report produced by Human Rights Watch⁷¹, the education departments of the states of Minas Gerais and São Paulo authorized the use of these sites during the COVID-19 pandemic, and some of the platforms remain in use to this day.

96. Another concern is the increase in monitoring and surveillance technologies in public spaces and in the educational context. In a report published in 2023, the use of facial recognition technologies in the educational environment was found in 15 different Brazilian municipalities.⁷² The report questions the value of facial recognition technology as an educational tool, arguing that the technology represents a “*surveillance technology whose use has been questioned worldwide, from which allegations of discriminatory bias and issues related to the security, transparency and effectiveness of the system emerges*”.
97. In the State of Paraná, a pilot project of a facial recognition tool was installed within classrooms with, among its purposes, measuring the quality of classes through the analysis of students' emotions, implemented without consultation or consent from the educational community.⁷³ This practice is directly contrary to the interpretation given by GC 25 on the protection of freedom of thought, conscience and religion of children (item 62), which orients member States to prohibit the emotion analytics processes.
98. Cases of violation of children's data protection rights are already under review by Brazil's DPA. A compliance assessment procedure is currently underway to evaluate the processing of children's personal data by TikTok under the LGPD⁷⁴. A procedure has also been established to evaluate the conduct of the Edtech companies recommended by the São Paulo State Department of Education⁷⁵, in response to complaints from Human Rights Watch.
99. Last year, Brazil's DPA released an understanding that the legal basis of legitimate interest is appropriate for the processing of personal data of children, provided that their best interests are observed. Given that whether or not the best interest is being observed will depend on a case-by-case analysis by the authority, it is safe to say that this understanding tends to increase the number of cases that come under its scrutiny, considering the breadth of the legal basis and the potential for abuse in its use.

⁷¹ WATCH, Human Rights. “How Dare They Peep into My Private Life?” Children's Rights Violations by Governments That Endorsed Online Learning During the Covid-19 Pandemic. Available at: https://www.hrw.org/sites/default/files/media_2022/10/HRW_20220711_Students%20Not%20Products%20Report%20Final-IV-%20Inside%20Pages%20and%20Cover.pdf. Accessed on February, 19, 2024.

⁷² INTERNETLAB. “In a new report, InternetLab maps the use of facial recognition in Brazilian public schools.” Available at: <https://internetlab.org.br/pt/noticias/em-novo-relatorio-internetlab-mapeia-o-uso-de-reconhecimento-facial-em-escolas-publicas-brasileiras/>. Accessed on February, 23, 2024.

⁷³ PÚBLICA, Agência. “Facial recognition in Paraná imposes emotion monitoring in schools“. Available at: <https://apublica.org/2023/10/reconhecimento-facial-no-parana-impo-e-monitoramento-de-emocoes-em-escolas/>

⁷⁴ GLOBO, Valor. TikTok must process personal data of children and adolescents as per ANPD guidance. Available at: <https://valor.globo.com/legislacao/noticia/2023/09/24/tiktok-deve-tratar-dados-pessoais-de-criancas-e-adolescentes-conforme-orientacao-da-anpd.ghtml>. Accessed on February, 23, 2024.

⁷⁵ GOV. National Data Protection Authority. Available at: <https://www.gov.br/anpd/pt-br/composicao-1/coordenacao-geral-de-fiscalizacao/processos-de-fiscalizacao>. Accessed on February, 23, 2024.

100. It's important to note that the protection of children's data was included in the regulatory agenda of the ANPD for the biennium 2023/2024. There is already, therefore, a commitment established for the defense of the interests of these individuals, whose realization will depend on the strengthening of the authority's capacities. Many efforts still need to be made for this reality to materialize; so far, not even the advisory board of the authority has been effectively established.⁷⁶ On this point, it is worth highlighting the need for institutional strengthening and investment in the DPA, in order to guarantee its independent action and effective capacity to monitor the protection of children's data in Brazil. Brazil's DPA today suffers from the lack of personnel, investments, and resources to guarantee data protection and oversight processes for Brazilian children.⁷⁷ In a public statement, the President of the Authority stated that he had only 5 employees dedicated to oversight.⁷⁸

101. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:

- a. To ensure children and their families are provided with information about the business model of large companies operating in the digital environment, data surveillance, commercial practices, and the potential negative consequences of digitization on society.
- b. What measures are in place to assure Brazil's national DPA is capable of adequately handling the cases related to violations of children's right to data protection?
- c. What methods and data does the State have in place to monitor children's data protection in Brazil?

102. Also, we respectfully request the Committee to recommend the State of Brazil on the following:

- a. To implement measures in order to assure that the business sector adopts privacy-by-design standards, assuring the highest level of privacy for child users of their services.

⁷⁶ CONVERGENCIA DIGITAL. Government locks names and paralyzes National Data Protection Council. Available at: <https://www.convergenciadigital.com.br/Governo/Governo-trava-nomes-e-paralisa-Conselho-Nacional-de-Protecao-de-Dados-63313.html?UserActiveTemplate=mobile>. Accessed on February 23, 2024.

⁷⁷ TELE.SÍNTESE. On its 3rd anniversary, ANPD claims a structure proportional to the challenge. Available at: <https://www.telesintese.com.br/em-aniversario-de-3-anos-anpd-reivindica-estrutura-proporcional-ao-desafio/>. Accessed on February 23, 2024.

⁷⁸ CÂMARA NOTÍCIAS. President of ANPD calls for competition for agency; inspection division has only 5 employees. Available at: <https://www.camara.leg.br/noticias/1014383-presidente-da-anpd-pede-concurso-para-agencia-divisao-de-fiscalizacao-tem-5-funcionarios/>. Accessed on February 23, 2024.

- b. To implement legislation including strong safeguards, transparency, independent oversight and access to remedy, as per para. 70 of General Comment No. 25.
- c. To provide children and their families with information on the importance of privacy and the protection of their personal data.
- d. To have processes that guarantee the protection of child's criminal records, without the retention for longer than necessary.
- e. To introduce codes of design, co-built with society, that identify, define and prohibit practices that manipulate or interfere with child's data protection rights, guiding the Brazilian innovation sector and prohibiting emotional analysis and other discriminatory practices;
- f. To create standards and orientations for hiring education technologies in schools, guaranteeing the respect for a child's best interest and right to be heard;
- g. To strengthen the National Data Protection Authority, guaranteeing a specific budget for guaranteeing children's data protection rights with absolute priority.

VI. Children's rights, the environment, and climate change (arts. 2, 3, 24, 26-27, 31 and GC26)

*I would invest in improving society's relationship with nature. Nowadays, there is a lot of deforestation, and the fires in the Amazon rainforest have increased a lot. I would create a method for people to feel more connected with the environment, to take more care of it. Maybe sustainable energy.*⁷⁹ - Hátilla, 15 years

*I didn't walk to my school because it's too far. (...) I wish there were more garbage cans, because there's a lot of garbage in the street; I wish there was more lighting because the street is very dark. I wish there was a little square*⁸⁰ - Luíza, 11 years old

103. Among the segments most affected by climate change, children and adolescents, particularly those living in the Global South, are especially facing severe consequences, as highlighted by the [Legal Policy Brief](#) from the Alana Institute regarding the right of children to a healthy environment.
104. The report “The climate crisis is a children's rights crisis” by UNICEF further reveals that approximately 1 billion of them—almost half of the world's 2.2 billion girls and boys—live in one of the 33 countries classified as "extremely high risk." Out of 163 countries in the climate vulnerability ranking, Brazil is positioned at 70th place, presenting

⁷⁹Ibid, note 4

⁸⁰Ibid, note 4

a highly concerning indicator of 7.3 (on a scale of 0 to 10) for environmental and climate-related risks for children and adolescents⁸¹.

105. In Brazil, the 1988 Federal Constitution is one of the outcomes of this mobilization. Article 225 enshrines the fundamental right to a balanced environment as a common good of the people, essential to the quality of life and to be defended for present and future generations. Subsequently, Article 227 establishes the absolute priority of the rights of this population. Considering the relationship between quality of life in a stable climate and the development of children and adolescents, as deepened by the aforementioned Legal Policy Brief, there is an intimate connection between the cited articles, revealing the state's paramount duty to implement climate adaptation policies that prioritize the well-being of children.
106. As stated by Justice Rosa Weber of the Supreme Federal Court during the judgment of ADI 6148, on air quality control standards, "effective environmental protection ensures a dignified existence for present and future generations: the preservation of the environment is inseparable from the defense of human rights."
107. However, children have been the primary victims of extreme climate effects. For example, due to heavy rains in Petropolis, a city in the State of Rio de Janeiro, in 2022, 44 children, out of 232 individuals⁸², lost their lives. In 2023, due to heavy rains in São Sebastião, a city in the State of São Paulo, there was 39 deaths, including at least 4 children⁸³. Moreover, there were not infrequent cases of classes being suspended due to heavy rains⁸⁴. These events are, therefore, also a result of the absence of public climate adaptation policies to mitigate the effects of the climate crisis. The main public affected is black and marginalized children who already live in a situation of vulnerability.
108. Schools and the educational sector has a fundamental role in the adaptation and risk reduction policies. A powerful alternative when it comes to this theme is [nature-based schools](#). It is a concept that proposes a change in pedagogical practices, school spaces, and their surroundings to include more nature. The aim is to transform school spaces and their surroundings into a hub for climate adaptation and resilience actions, combined with education strategies that promote unwalling⁸⁵. The goal is to make schools a place where children can play and learn with and in nature.

⁸¹ UNICEF. The Climate Crisis is a Child Rights Crisis. 2021. Available at: <https://www.unicef.org/reports/climate-crisis-child-rights-crisis>. Accessed on February, 19, 2024.

⁸² TRIBUNA. 44 children among the 232 dead in the rain tragedy. 2022. Available at: <https://tribunadepetropolis.com.br/noticias/42-criancas-entre-os-232-mortos-na-tragedia-das-chuvas/>. Accessed on February, 19, 2024.

⁸³ G1. Tragedy on the North Coast of São Paulo: NGO shelters bodies, dozens of survivors, and makeshift hospital for the wounded. Available at: <https://g1.globo.com/sp/vale-do-paraiba-regiao/noticia/2023/02/20/corpos-de-vitimas-de-temporal-devastador-chegam-ao-im-l-de-sao-sebastiao-ao-menos-4-sao-criancas.ghtml>. Accessed on February 29, 2024.

⁸⁴ CNN. Rain suspends classes in São Sebastião and puts the city on high alert. Available at: <https://www.cnnbrasil.com.br/nacional/chuva-suspende-aulas-em-sao-sebastiao-e-deixa-cidade-em-estado-de-alerta/>. Accessed on February, 29, 2024.

⁸⁵ See more at: Unwalling childhood: Schools as a place to encounter to nature. Available at: https://criancaenatureza.org.br/wp-content/uploads/2018/12/Unwalling_Childhood.pdf. Accessed on February, 29, 2024.

109. Therefore, the Alana Institute recommends that the committee pose the following questions to the government:
- a.** Does the Brazilian government have data on climate vulnerability for children and adolescents?
 - b.** What measures have been taken to include schools and the education system in the national climate policies?
110. Also, we respectfully request the Committee to recommend the State of Brazil on the following:
- a.** Develop a Climate Adaptation Plan considering the rights of children and adolescents;
 - b.** Promote a Nature-based education, involving the integration of nature into teaching and the naturalization of school spaces, through the transformation of pedagogical practices, educational spaces, and their surroundings;
 - c.** Develop a priority focus on corporate social responsibility and sustainability management programs that ensure due diligence regarding the rights of children and adolescents, incorporating all aspects of business activities, including comprehensive protection against the socio-environmental effects and risks of their operations;
 - d.** Prioritize the protection of child socio-environmental defenders and their families, especially indigenous and other traditional peoples and communities.