

# **Additional Information<sup>1</sup> submitted by Alana Institute for the 99th session of the Committee on the Rights of the Child regarding Brazil's review**

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<sup>1</sup> Focal point contact: Letícia Carvalho Silva ([leticia.silva@alana.org.br](mailto:leticia.silva@alana.org.br))

## Summary

Below are summaries of the three main items of this report — (i) children's rights in the digital environment, (ii) children's rights to a clean, healthy, and sustainable environment, and (iii) children's right to education — as well as suggested questions for the dialogue session between the Committee and the Brazilian State. The full document includes specific recommendations for each item.

Theme	Proposed question
Brazil faces significant challenges in protecting <b>children in the digital environment</b> from commercial exploitation, artistic child labor (especially involving child influencers), the proliferation of gambling content and advertising, and the rapid development of artificial intelligence (AI). These challenges are exacerbated by regulatory gaps, weak oversight, and inequalities between the Global North and South in terms of protection.	What concrete measures is the Brazilian State adopting to ensure that children are protected from commercial exploitation, artistic child labor, access to gambling-related content, and the risks posed by the development and use of artificial intelligence? Also what concrete measures has the State been taking to ensure the protection of children's personal data within the educational sphere, especially considering that, currently, technological and governance guidelines are imposed by contracted companies, with limited oversight from state and municipal Departments of Education?
As Brazil prepares to host COP30 and advances its climate adaptation plan, recent data reveal alarming <b>climate vulnerabilities</b> in school environments—particularly affecting children of african descent and low-income communities. Over one-third of schools in Brazilian capitals lack green areas, and many are located in heat islands or disaster-prone zones, exposing children to severe health and educational risks. This situation demands immediate action to integrate schools into national and local adaptation plans, expand equitable access to green infrastructure, and ensure meaningful child participation in climate policy.	What measures has the Brazilian State taken to ensure children's right to a clean, healthy, and sustainable environment, including their right to access and connect with nature in schools? Furthermore, how does the State plan to ensure that the National Adaptation Plan, other related policies and local strategies will address the specific needs and vulnerabilities of children?
Despite progressive legal frameworks such as Law 10.639/2003 and the Brazilian Inclusion Law (Law 13.146/15), Brazil still faces serious challenges in ensuring <b>inclusive and anti-racist education for all children</b> . Law 10.639/2003 mandates the teaching of African and Afro-Brazilian history and culture, but implementation remains weak, with limited training, resources, and political commitment at the municipal level. Similarly, while the inclusion of children with disabilities in regular classrooms has increased, disparities persist.	What concrete measures is the State taking to combat structural racism and ableism in the education system, ensuring that children of African descent and children with disabilities have access to quality, inclusive, and culturally relevant education from early childhood onwards?

## Introduction

1. The Alana Institute<sup>2</sup> 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 the current status of Brazil's obligations to protect, respect, and fulfill children's rights under the Convention on the Rights of the Child (CRC). This document brings comprehensive information on children's rights in Brazil with a focus on **(i)** children's rights and the digital environment, **(ii)** children's rights to a clean, healthy and sustainable environment and **(iii)** children's rights to education.
3. This additional information will present recently published research, ongoing cases in the Brazilian Judiciary, newly approved or debated laws, as well as a general overview of the state of children's rights in Brazil, considering the List of Issues, as well as the responses submitted by the Brazilian State. After each topic, we provide recommendations for the Committee to address to the State.
4. As evidenced by the data below, Brazil has yet to effectively implement the constitutional duty established in Article 227 of the Federal Constitution, which mandates absolute priority in guaranteeing the rights of children and adolescents, as well as to fully comply with the provisions of the CRC.
5. Therefore, the Alana Institute recommends that the Committee urge the government — at all levels (federal, state, and municipal) and across all branches (legislative, executive, and judicial) — as well as private stakeholders, especially corporations, to implement and explicitly reference the principle of absolute priority for children's rights in their policies, actions, and decisions.

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

6. Although the Committee did not include specific questions on children's rights and the digital environment in the List of Issues, as presented in paragraph 125 of Brazil's responses to the List of Issues, one of the priority areas identified by the State for the implementation of the CRC was about this topic. In this sense, we aim to highlight certain points that were voluntarily raised in Brazil's responses so that the Committee may consider issuing recommendations to the State in this regard.

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<sup>2</sup> <https://alana.org.br/>.

7. A survey published last year by Datafolha<sup>3</sup>, commissioned by the Alana Institute, found that **87% of parents surveyed agree that companies are not doing enough to protect children on the internet, 92% agree that it is very difficult for children to defend themselves alone from violence and inappropriate content for their age on social media, and 93% agree that children are becoming addicted to social media**<sup>4</sup>. These numbers highlight the concern of the Brazilian population regarding the issue and demand responses from both companies and the State.
8. Regarding addressing some of these issues, the Brazilian government has recently taken some important **steps toward promoting the safe and balanced use of digital technologies, as by launching the Guide for Healthy Screen Use by Children and Adolescents**<sup>5</sup>, developed by the Secretariat of Social Communication (SECOM), with the participation of six other ministries – the Chief of Staff of the Presidency, the Ministries of Health, Justice and Public Security, Human Rights and Citizenship, Education, and Social Development, Family and the Fight Against Hunger. The publication provides guidance for families, caregivers, and educators to encourage healthier screen habits, mitigate the risks of excessive use, and support child development, aligning with the principles of the best interests of the child and the right to access appropriate and reliable information.
9. In addition, the government has publicly supported local initiatives and **approved Bill No. 15,100/2025**<sup>6</sup> **aimed at restricting the use of mobile phones and other portable devices in schools, with the goal of improving students' concentration, socialization, and mental health**. One of the objectives is also to encourage the pedagogical use of mobile phones in schools as an educational tool used in moderation, including during recess and breaks. These measures align with the Convention's provisions on the right to education and protection in digital environments and represent an effort to create school settings that foster learning and healthy development.
10. Despite recent positive initiatives, Brazil still faces significant challenges in ensuring children's rights in the digital environment. These include the **commercial exploitation of children through targeted advertising and influencer marketing, unregulated digital labor involving child content creators, the impact of artificial intelligence**

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<sup>3</sup> Datafolha is a Brazilian research institute known for conducting public opinion polls, especially related to politics, elections, and social issues. It is one of the most respected and widely cited polling organizations in Brazil. Datafolha is part of the Grupo Folha, which also owns one of Brazil's largest newspapers, *Folha de S.Paulo*.

<sup>4</sup> Agência Brasil. Companies do not protect children on the internet, say 9 out of 10 people. Available at: <https://agenciabrasil.ebc.com.br/geral/noticia/2024-09/empresas-nao-protegem-criancas-na-internet-dizem-9-em-cada-10-pessoas>. Accessed on: 12.9.2024.

<sup>5</sup> Secretariat of Social Communication. Government launches guide for healthy screen use by children and adolescents. Available at: <https://www.gov.br/secom/pt-br/assuntos/noticias/2025/03/governo-lanca-guia-para-uso-saudavel-de-telas-por-criancas-e-adolescentes>. Accessed on: 07.4.2025.

<sup>6</sup> Câmara dos Deputados. Bill nº 15.100/2025. Available at: <https://www2.camara.leg.br/legin/fed/lei/2025/lei-15100-13-janeiro-2025-796892-publicacaooriginal-174094-pl.html>. Accessed on: 07.4.2025.

**and algorithmic systems on children’s rights, and the growing exposure of children to online betting and gambling content.** These areas require urgent attention and regulation to prevent harm and uphold children’s rights to protection, development, and participation in safe digital spaces and will be further detailed in specific sections below.

## **A. Commercial Exploitation in the Digital Environment**

11. In paragraph 125, Brazil highlighted that the National Data Protection Authority (ANPD) is prioritizing children’s data privacy for the 2024–2025 biennium to ensure compliance with regulations.
12. In this sense, we would like to draw the Committee’s attention to two cases currently under review by the National Data Protection Authority (ANPD), which provide concrete examples of the significant challenges that persist in ensuring the effective protection of children from commercial exploitation in the digital environment — particularly in light of the regulatory asymmetries between the Global North and South in addressing major digital platforms.
13. **The first case** is the inspection proceedings against TikTok, in which Alana Institute participated as an interested third party. The case revealed that the company implemented stronger protective measures for children in Global North countries than it did in Brazil<sup>7</sup>. In the Brazilian context, TikTok allowed the use of the feed without registration, without any age restrictions or verification, and produced and targeted advertisements on the platform with clear child appeal.
14. **The second case** Alana Institute acts as an interested third party involves an inspection procedure against Meta, which led the ANPD to issue a preventive order to prevent the use of children's data in training its generative AI – a practice that had already been banned in Europe<sup>8</sup>.
15. **The third case** concerns an investigation into EdTechs –applications and platforms used in the field of education–, which were adopted by Departments of Education during the COVID-19 pandemic. The administrative procedure was initiated following the publication of a Human Rights Watch report<sup>9</sup>, which identified violations of children's privacy and personal data protection.

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<sup>7</sup> Autoridade Nacional de Proteção de Dados(ANPD). Official document. 2024. Available at: <[https://anpd-super.mj.gov.br/sei/modulos/pesquisa/md\\_pesq\\_documento\\_consulta\\_externa.php?yPDszXhdoNcWOHJaQIHJmJIqCNXRK\\_Sh2SMdn1U-tzPPLq0PyP\\_BSHssWWFIYCTHd0V937ogw0BJoPSLIBGzlPsS\\_ar eaAmzM9eLYI7Xr66CAtgU-hxoJ0OHSyN4uCG](https://anpd-super.mj.gov.br/sei/modulos/pesquisa/md_pesq_documento_consulta_externa.php?yPDszXhdoNcWOHJaQIHJmJIqCNXRK_Sh2SMdn1U-tzPPLq0PyP_BSHssWWFIYCTHd0V937ogw0BJoPSLIBGzlPsS_ar eaAmzM9eLYI7Xr66CAtgU-hxoJ0OHSyN4uCG)> Accessed on: 04.4.2025.

<sup>8</sup> Carro, Rodrigo. Meta's Policy to Train AI Blocked by European Regulators. Valor Econômico. Available at: <<https://valor.globo.com/empresas/noticia/2024/06/25/politica-da-meta-para-treinar-ia-e-barrada-na-europa.gh tml>>. Accessed on 04.4.2025.

<sup>9</sup> Human Rights Watch. “How Dare They Peep into My Private Life?”: Children’s Rights Violations by Governments that Endorsed Online Learning During the Covid-19 Pandemic. Disponível em: <https://www.hrw.org/report/2022/05/25/how-dare-they-peep-my-private-life/childrens-rights-violations-governm ents>. Acesso em: 14 abr. 2025

16. Indeed, the protection of children from commercial exploitation in the digital environment is a principle supported by various normative sources, including the Convention on the Rights of the Child (CRC) itself, as reinforced by General Comment No. 25. At the national level, it is important to highlight the comprehensive protection with absolute priority guaranteed by the Brazilian Constitution, as well as Resolutions No. 163<sup>10</sup>, No. 245<sup>11</sup> and No.257<sup>12</sup> of the National Council for the Rights of Children and Adolescents (Conanda), and the Child and Adolescent Statute (ECA).
17. However, in order to specifically address the challenges, it is worth providing further detail on **Bill No. 2628/2022**, which the Brazilian State referenced in response to question 14(a) of the List of Issues, noting it as a new law aimed at “establishing measures for the protection of children and adolescents in digital environment”.
18. Inspired by international references, including General Comment No. 25, the current version of the text includes within its scope all products and services that may be accessed by children (Article 1) and proposes significant advancements in protecting these individuals in their interactions with the digital environment.
19. The bill is currently awaiting the rapporteur’s report in the CCom<sup>13</sup> of the Chamber of Deputies. However, Big Tech lobbying efforts have been coordinated to reduce their legislative responsibilities, issuing joint statements aimed at weakening corporate accountability obligations and eliminating the prohibition on commercial profiling. In response, Alana Institute has published a study<sup>14</sup> advocating for strengthening the bill’s text and proposing improvements aligned with General Comments No. 16 and 25.
20. Furthermore, it is essential for Brazil to fulfill the commitments made at the Ministerial Conference on Ending Violence<sup>15</sup>. Under Commitment IV, the Brazilian government pledged to develop, by December 2026, a solution to improve age verification in digital environments, aiming to restrict children's access to age-inappropriate content while

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<sup>10</sup> Conanda. Resolution nº 163/2014, which addresses child-targeted advertising. Available at: <<https://www.gov.br/mdh/pt-br/acao-a-informacao/participacao-social/conselho-nacional-dos-direitos-da-crianca-e-do-adolescente-conanda/resolucoes/resolucao-163-publicidade-infantil.pdf/view>> Accessed on 07.4.2025.

<sup>11</sup> Conanda. Resolution nº 245/ 2024, which addresses the protection of children and adolescents in the digital environment. Available at: <https://www.in.gov.br/en/web/dou/-/resolucao-n-245-de-5-de-abril-de-2024-552695799>. Accessed on: 07.4.2025.

<sup>12</sup>Conanda. Resolution nº 257/2024, which establishes guidelines for the elaboration of public policies to guarantee the rights of children and adolescents in the digital environment. Available at: <https://www.gov.br/participamaisbrasil/blob/baixar/61597>. Accessed on: 14.4.2025.

<sup>13</sup> The Communication Committee (CCom) is a permanent committee of the Brazilian Chamber of Deputies, responsible for analyzing and deliberating on legislative proposals related to social communication, including broadcasting, the press, telecommunications, and freedom of expression. It also addresses issues such as intellectual property, broadcasting, scientific research, and international agreements in the technological field. See: <https://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/ccom>

<sup>14</sup> Instituto Alana. PL 2628: Statement by Instituto Alana with recommendations to ensure the full protection of the rights of children and adolescents. Available at: <https://criancaeconsumo.org.br/biblioteca/nota-tecnica-pl2628/>. Accessed on 01.07.2024.

<sup>15</sup>Brasil. Brazil pledges eight commitments to eliminate violence against children during the 2024 global conference in Colombia. Available at: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2024/novembro/brasil-firma-oito-compromissos-pela-eliminacao-da-violencia-contra-criancas-durante-conferencia-global-na-colombia>. Accessed on: 04.4.2025.

ensuring the protection of their personal data. This commitment must be upheld and integrated into national child protection policies in the digital environment, reinforcing the need for robust regulations and effective enforcement mechanisms.

**21.** Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:

- a.** To adopt concrete and effective measures to ensure the protection of children from commercial exploitation in the digital environment, in full compliance with the principles of the CRC and other relevant international and national legal frameworks.
- b.** Strengthens its regulatory framework to prevent the adoption of double standards by digital platforms, ensuring that companies do not apply weaker protections for children in the Global South compared to those implemented in the Global North.
- c.** Strengthen and expand public policies that promote children's digital well-being, with special attention to the prevention of excessive screen use, which can negatively impact physical and mental health, socialization, and learning. In line with the principles of the CRC and General Comment No. 25, such policies should be evidence-based, intersectoral, and include educational campaigns, support for families and schools, and regulatory measures to ensure that digital environments respect children's developmental needs and rights.
- d.** To create a specific committee, as recommended in Article 6 of Resolution No. 257/2024, which calls on the federal government to manage the National Policy for the Protection of the Rights of Children and Adolescents in the Digital Environment through an Intersectoral Committee to ensure the coordination, articulation, and monitoring of joint and integrated actions aimed at guaranteeing the rights of children and adolescents in the digital environment.

## **B. Artistic child labor in the digital environment**

**22.** Considering that, in the List of Issues, the Committee requested updated information on child labor, we would like to highlight available data on a specific type of child labor: artistic child labor in the digital environment, which can only be considered lawful if it meets certain requisites; notably, an authorization from a competent authority, under Article 8 of ILO's Convention No. 138. Brazil is currently facing major challenges concerning children's presence on social media, particularly in relation to the phenomenon of so-called "child influencers". This invites reflection on the need for more specific regulation on the matter, as seen in France, for example.

23. According to Infr, in 2022, 75% of Brazilian youth expressed a desire to become digital influencers<sup>16</sup>. However, there is a glaring absence of specific legislation guaranteeing safeguards and protections for children who create content online. This gap highlights the urgent need for more robust regulatory measures by competent authorities.
24. These measures should ensure the protection of child content creators in accordance with international standards, including the ILO's Convention No. 138, and establish clear responsibilities for platforms regarding the safety and rights of these children.
25. Recently, a labor court in Brazil ruled that TikTok is responsible for ensuring that the activities of child influencers on its platform do not violate ILO Convention No. 138 or Article 149 of the Statute of the Child and Adolescent (ECA), and ensuring they are preceded by an authorization issued by a competent authority. This is in line with Brazil's Federal Constitution and CRC's General Comments No. 16 and 25, which rule on the responsibility of business enterprises of protecting and promoting children's rights. It is imperative that similar standards are applied consistently across all platforms which benefit from the presence of child influencers, and incorporated into national legislation by the appropriate regulatory bodies.
26. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:
  - a. To ensure the consistent application of child protection standards across all digital platforms and incorporate these standards into national legislation through appropriate regulatory bodies.

### **C. Online gambling**

27. Brazil is also currently facing a growing epidemic of online gambling among children<sup>17</sup>, a situation that has significantly worsened since the enactment of Law No. 14.790 in December 2023.
28. With the legalization of "online casinos" in the country, numerous cases have emerged involving serious harm to children, including financial losses through gambling apps<sup>18</sup> and, in extreme cases, incidents of suicide. This alarming scenario is exacerbated by the lack of adequate regulatory measures to protect children from exposure to gambling-related content<sup>19</sup>.

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<sup>16</sup> Infr. A survey by Infr reveals that 75% of Brazilian youth want to become digital influencers. Available at: <https://infr.com/na-midia/pesquisa-da-infr-revela-que-75-dos-jovens-brasileiros-querem-ser-influenciadores-digitais/>> Accessed on: 04.4.2025.

<sup>17</sup> Brasil. The Brazilian Observatory on Drug Information compiles data to inform and support Federal Government policies and actions. <<https://www.gov.br/mj/pt-br/assuntos/noticias/observatorio-brasileiro-de-informacoes-sobre-drogas-reu-ne-dados-para-subsidiar-acoes-do-governo-federal>> Accessed on: 04.4.2025.

<sup>18</sup> Senado. Pé de Meia: the risks of online gambling <<https://www12.senado.leg.br/radio/1/conexao-senado/2024/12/10/pe-de-meia>> Accessed on: 04.4.2025.

<sup>19</sup> G1. Fortune Tiger: the 'Tigrinho Game' led users to lose large sums of money, and police are investigating a pyramid scheme.



29. Despite the well-documented risks associated with gambling, casino advertisements are widely disseminated across public spaces and social media platforms. This raises serious concerns and highlights the urgent need for stricter regulation of gambling promotion, especially in environments accessible to children. On that note, Brazil's Supreme Court ruled, in November 2024, that gambling advertising to children must be immediately prohibited and repressed, even before the new legislation was in full effect.
30. Notably, as mentioned, Alana Institute has identified several instances in which child influencers were found promoting gambling services on social media, further highlighting the critical gaps in oversight and the pressing need for comprehensive protective legislation in relation to gambling, child influencers, content moderation, and platform accountability. Conanda has also recently issued a warning regarding advertising of gambling services at sports events, highlighting how such practices jeopardize children's rights.
31. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:
  - a. To ensure social media accountability to prevent gambling and betting access or advertising targeting children and guarantee effective policies against children's access to gambling.

## D. Artificial Intelligence and children's rights

32. The rapid advancement of artificial intelligence (AI) has brought significant challenges to the protection of children in Brazil. The lack of protective regulations for AI has already led to harmful consequences, including the spread of deepfake images<sup>20</sup>, the generation of inappropriate AI-generated content, and the exploitation of children's vulnerabilities in digital environments<sup>21</sup>. Without clear guidelines, companies continue to profit from AI tools that put children and adolescents at risk and compromise their fundamental rights.
33. To address these challenges, it is crucial for Brazil to continue advancing its regulatory framework for AI, particularly through the discussion of **Bill 2338/2023**<sup>22</sup>. This bill represents an important step in establishing safeguards against the negative effects associated with AI, promoting the ethical development of AI, and implementing

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<<https://g1.globo.com/ma/maranhao/noticia/2023/09/29/jogo-do-tigrinho-fez-usuarios-perderem-grandes-quantias-de-dinheiro-e-levou-pessoas-ao-suicidio.ghtml>> Accessed on: 04.4.2025.

<sup>20</sup> Núcleo. Deepfakes involving child sexual exploitation are increasingly appearing on Instagram.". 2024. Available at: <<https://nucleo.jor.br/reportagem/2023-10-23-perfis-no-instagram-divulgam-arte-feita-com-ia-que-sexualiza-criancas-e-adolescentes/>>. Accessed on: 04.4.2025.

<sup>21</sup> Núcleo. Character.AI é usado para simular atiradores escolares. 2025. Available at: <<https://nucleo.jor.br/reportagem/2025-02-20-character-ai-atiradores-escolares/?ref=prensadao-newsletter>>. Accessed on: 04.4.2025.

<sup>22</sup> Senado. Bill 2338/2023. Available at: <<https://www25.senado.leg.br/web/atividade/materias/-/materia/157233>> Accessed on: 04.4.2025

risk-based regulation. In its latest versions, it includes the guarantee of the best interests of the child as one of its fundamental principles. It's important to highlight that the Alana Institute also contributed to strengthening the text and suggested a full chapter dedicated to child rights<sup>23</sup>.

34. In the same vein, the Brazilian AI Plan (PBIA)<sup>24</sup> also plays a key role in guiding the development of AI aimed at the well-being of all, with a central focus on improving people's lives. While these advancements are positive, existing regulatory gaps must be urgently addressed, as there can be no safe future for developing individuals without AI that protects and promotes their rights.
35. Thus, recognizing the absolute priority of children's rights, it is essential to ensure the approval of an AI Regulatory Framework, as this is the ideal path to building a safe future. The CRC establishes in its Article 3 that all actions concerning children must prioritize their best interests. This obligation also extends to private entities, which must align their practices with these international standards, avoiding the reinforcement of asymmetries between Global South and Global North countries <sup>25</sup>.
36. Furthermore, General Comment No. 14 of the CRC emphasizes the need for transparency and accountability in decision-making processes that affect children, stating that compliance with their best interests must be ensured and documented. This principle should guide AI governance, ensuring the documentation of AI systems and the implementation of participatory audits involving civil society, experts, and young people themselves. Additionally, Article 227 of the Brazilian Federal Constitution mandates that the family, society, and the State guarantee children's rights with absolute priority, reinforcing the need for strong AI regulations that reflect this commitment.
37. General Comment No. 25 also establishes the best interests of the child as a guiding principle, requiring that its proper application take into account the concrete and specific contexts of the children affected by a given action or decision, prohibiting generic considerations. Thus, in impact assessment processes conducted throughout the AI system's lifecycle, the specific realities of Brazil and the local context in which the system is used must be considered, ensuring that the diverse experiences of childhood across the country are not overlooked.
38. The proper application of the best interests principle also requires listening to children, ensuring that their voices are heard throughout the entire lifecycle of AI systems. Thus, their input should inform both the design and development of the system as well as its

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<sup>23</sup> Instituto Alana. Technical Note by Instituto Alana on Bill 2338.. 2024. Available at: <<https://criancaeconsumo.org.br/biblioteca/nota-tecnica-do-instituto-alana-sobre-o-pl-2338/>>. Accessed on 27.06.2024

<sup>24</sup> Brasil. Brazilian Artificial Intelligence Plan (PBIA) 2024-2028. 2024. Available at: <<https://www.gov.br/lncc/pt-br/assuntos/noticias/ultimas-noticias-1/plano-brasileiro-de-inteligencia-artificial-pbia-2024-2028>>. Accessed on: 04.4.2025.

<sup>25</sup> FAIRPLAY. Design Discriminations Report. 2022. Available at: <<https://fairplayforkids.org/wp-content/uploads/2022/07/design-discriminations.pdf>>. Accessed on: 04.4.2025.

continuous monitoring through the implementation of feedback mechanisms that help combat discrimination.<sup>26</sup>

39. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:

- a. Strengthening and implementing legal and policy measures to ensure that the development and deployment of AI always prioritize the protection and rights of children and adolescents, making a safe future for them possible.

## **II. Children's rights to a clean, healthy and sustainable environment (arts. 6, 24, 27, 28, 29 and GC26)**

40. As mentioned in paragraph 125, Brazil has identified several priority areas for the implementation of the CRC, and climate change and children's rights have gained prominence. In this regard, we would like to draw the Committee's attention to some data related to this topic, considering the reality of children's rights in Brazil, in order to provide further information to answer question 10(a).

41. It is worth noting that Brazil will host COP30 in 2025. We also welcome Brazil's response informing that CONANDA is advancing this project to ensure meaningful youth participation in COP30. In this regard, we take the opportunity to suggest that the Committee recommend Brazil to ensure meaningful participation of children in COP30 by conducting an official child consultation process, creating nature-based decompression spaces within COP30, and establishing safeguards for children, as outlined in General Comment No. 26.

### **A. Climate resilience in schools**

42. At the end of 2023, the report *"Access to Green Spaces and Climate Resilience in Schools in Brazilian Capitals"*<sup>27</sup>, developed by MapBiomias in partnership with the Alana Institute, was launched. The report analyzes over 20,000 early childhood and elementary school units across all Brazilian capitals and reveals how green infrastructure in schools is linked to socio-environmental inequalities and climate risks.

43. The data are organized into four main themes: (i) green areas within school premises; (ii) distribution of parks and public squares around schools; (iii) schools located in areas at risk of climate-related disasters; and (iv) schools situated in urban heat island zones.

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<sup>26</sup> ESafety Commissioner Australia: Tech Trends Position Statement Generative AI Available at: <https://www.esafety.gov.au/sites/default/files/2023-08/Generative%20AI%20-%20Position%20Statement%20-%20August%202023%20.pdf> Accessed on: 04.4.2025.

<sup>27</sup>Alana. Mapbiomas. Access to Green Spaces and Climate Resilience in Schools in Brazilian Capitals, November 2024. Available at: [https://alana.org.br/wp-content/uploads/2024/12/Relatorio\\_O\\_acesso\\_ao\\_verde.pdf](https://alana.org.br/wp-content/uploads/2024/12/Relatorio_O_acesso_ao_verde.pdf) Accessed 28.3.2025.

44. Within the first theme mentioned, the report shows that more than one-third of schools (37.4% of the total) do not have any green area within their premises. Among the schools that do have green areas, 33% have up to 20% of their plot covered by greenery, while only 20.6% have more than 30% green coverage. The situation is particularly concerning in early childhood education, where 43.5% of schools lack any green space. Furthermore, over half (52.4%) of schools located in favelas and urban communities do not have any green area. Only 10% of schools in favelas have more than 30% of their premises covered by greenery.
45. Data on the distribution of parks and public squares around schools indicate that 20% of schools do not have any such green spaces within a 500-meter radius, directly affecting more than 1.5 million students in 4,144 schools across Brazilian capitals. The absence of vegetation within school grounds could be mitigated by green areas in the surroundings: 77.2% of early childhood education schools without green areas on their premises have access to more than 1,000 m<sup>2</sup> of parks or squares within 500 meters. Similarly, 89.9% of elementary schools without internal green spaces have access to over 5,000 m<sup>2</sup> of such areas within a 1-kilometer radius. However, **racial disparities are evident**: while 30.1% of predominantly black schools lack parks or squares within 500 meters, this occurs in only 11.4% of predominantly white schools.
46. Regarding **schools in areas at risk of climate-related disasters**, the report indicates that 370,530 children enrolled in early childhood and elementary education attend schools located in risk zones within Brazilian capitals. These areas are vulnerable to hydrometeorological and climatic events that can trigger floods, flash floods, and landslides. Additionally, 51.3% of the schools in at-risk areas are predominantly of people of african descent, compared to only 4.7% of predominantly white schools. This represents 14.4% and 2.4% of the total number of people from african descent and white schools, respectively<sup>28</sup>.
47. As for schools located in urban heat island zones, 64% are in areas at least 1°C warmer than the average temperature of their respective urban perimeters. Approximately 35% of the schools in hotter areas are predominantly black, while only 8.6% are predominantly white. From a relative standpoint, 16.5% of white schools are located in areas at least 3.57°C above their city's average temperature, compared to 36.4% of black schools.
48. The data underscore the urgency of implementing measures that ensure equitable access to nature in school environments, especially in the most vulnerable regions. Providing green areas in schools is essential not only for learning, but also for the health, well-being, and climate adaptation of children and adolescents.

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<sup>28</sup>Analysis inspired and supported by the methodology created by CEDRA, which aggregates schools based on the self-declared race of their students. Predominantly people of african descent schools are those with 60% or more self-declared people from african descent. Predominantly white schools are those with 60% or more self-declared white students. Mixed schools are those with no predominance. The data on students' self-declared race was obtained from the 2023 School Census.

49. In the city and State of Rio de Janeiro, which reached a temperature of 42°C, students from hundreds of schools have had their studies disrupted, without proper and consistent action on the part of the government to address the situation. Faced with this scenario, in March of this year, representatives of student unions from many public schools joined forces with the Alana Institute, civil society, and parliamentary mandates to file a complaint with the Rio de Janeiro Public Prosecutor's Office (MPRJ).
50. The document makes recommendations for action by the public authorities to ensure that children exercise their rights to adequate educational spaces, student permanence, and climate justice. With the complaint, the students and organizations hope that the government will draw up an action plan that contains specific targets and budget forecasts, as well as a broad and transparent debate with all the social and environmental actors involved, with qualified social participation, to address short, medium and long-term solutions and measures to adapt schools to climate risks.
51. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:
- a. Regarding green areas within school premises, the distribution of parks and public squares and concerning schools located in urban heat island zones, it is recommended that the Brazilian state adopt, within the scope of the current National Resilient Green Cities Program, as well as other related urban and environmental policies, objectives, guidelines and priority actions for children and their school environments.
  - b. National and sub-national policies should be articulated to promote the removal of concrete from available open spaces to create new green areas, with a preference for native species and the preservation of existing vegetation. These interventions should be prioritized in areas with fewer green spaces and higher socioeconomic and environmental vulnerability, and pursue that school infrastructure be designed with thermal comfort in mind, including the use of cool pavements, white or reflective roofs, insulating materials, natural ventilation and lighting, and open classrooms.
  - c. In the context of schools located in areas at risk of climate-related disasters, it is necessary that public risk reduction policies, contingency, civil defense and climate adaptation plans include school environments as priority spaces for preventing and mitigating extreme events.
  - d. To develop clear disaster response protocols involving the entire school community, with effective communication channels and specific training, promoting a culture of prevention and risk awareness, encouraging active participation by students, families, and educators.
  - e. To promote policies and guidelines for a Nature-Based Education, which brings principles for Nature based Solutions within the education system as a means of

implementing natural infrastructure to build climate-resilient school communities and also promote the connection of children with nature. The proposed Bill 2225/2024, which integrates these solutions, is currently under discussion in the Brazilian Parliament and could be supported by the national government.

## **B. Climate Change Adaptation Plans**

52. The Brazilian federal government has launched a public consultation for the development of the National Adaptation Strategy, part of the Climate Plan, with the goal of gathering contributions from society to define targets, actions, and responsibilities aimed at adapting the country to the impacts of climate change. Below, we present the references made to children in the initial draft of the document submitted for consultation.
53. In paragraph 29, under topic 2.2 “Climate Justice” in the section *Impacts, Vulnerability, and Adaptation*, children are briefly and vaguely mentioned, grouped together with the elderly under the generic expression “age-related issues,” within the broader context of populations vulnerable to the climate crisis. Again, in paragraph 31, under topic 3.4 “Water Scarcity and Supply” in the section *Main Risks, Impacts, and Vulnerabilities in Brazil*, children are mentioned only as part of a vulnerable group alongside the elderly, in the context of the consequences of the drought in the Northeast between 2011 and 2017. The text notes that outbreaks of diarrhea, hospitalizations, and deaths affected “children and the elderly,” but once again fails to treat childhood as a group with distinct and specific needs.
54. In paragraph 32, under topic 4.3 “Risks and Vulnerabilities of Socio-Ecological Systems,” in the section *Main Risks, Impacts, and Vulnerabilities in the World*, children and adolescents are listed among a long enumeration of socially vulnerable groups, appearing after references to gender, race, ethnicity, age, and mobility. In paragraph 38, under topic 6.6 “Knowledge Management and Transparency” in the section *Plan Management*, children are mentioned as part of the vulnerable populations for whom there are still significant data gaps and lacking risk assessments.
55. Therefore, the **references to children in the initial draft of the National Adaptation Strategy are limited and lack depth**. Although they are acknowledged as part of vulnerable groups, the document does not address childhood as a category with specific needs in the face of climate change, highlighting the urgent need for a more qualified and child-centered approach based on children's rights within adaptation policies.
56. In response to the public consultation launched by the Brazilian federal government for the development of the National Adaptation Strategy, the Alana Institute submitted contributions to the initial proposal, with a particular focus on protecting the rights of children and adolescents in the context of climate change. The suggestions aimed to address the invisibility of childhood in the original text by incorporating legal guidelines and international references, such as General Comment No. 26 of the UN Committee on

the Rights of the Child, which advises States to adopt child-centered climate adaptation policies that ensure effective participation, access to essential services, and environmental education.

57. Among the main proposed changes are: the replacement of the generic term “age-related issues” with “children, adolescents, and older adults”; the inclusion of the term “childhoods” as a social marker; the recognition of climate vulnerability in schools, particularly in at-risk areas; and the incorporation of Nature-Based Education as a priority adaptation strategy focused on resilient school infrastructure and outdoor learning. Alana Institute also proposed the inclusion of Article 227 of the Brazilian Federal Constitution—which guarantees the absolute priority of children's rights—as a guiding principle of the Plan. Additionally, guarantees were proposed to ensure that the voices of children and adolescents are heard in decision-making spaces concerning climate policies.
58. In Brazil, the development of state-level climate adaptation plans remains limited and uneven across the country. Only eight states have officially adopted such plans<sup>29</sup>, and several others are still in the process of formulating them. The absence of adaptation frameworks is especially notable in the North and Northeast regions. Among the states that have established plans, some have taken recent steps to revise or expand their strategies following major environmental events, indicating a reactive rather than preventive approach to climate governance.
59. Of the few Brazilian states and regions analyzed that have developed or published climate adaptation plans—Minas Gerais, Rio de Janeiro, São Paulo, Baixada Santista, Paraná, Rio Grande do Sul, and Pernambuco—only Minas Gerais, Rio de Janeiro, Rio Grande do Sul, and Baixada Santista explicitly mention children, adolescents, or schools in the context of climate vulnerability. However, these mentions are limited to general risk assessments and do not extend to the plan's strategic guidelines or objectives. Only Rio de Janeiro and Rio Grande do Sul present concrete actions addressing school infrastructure or emergency response protocols, and only Baixada Santista includes indicators.
60. Mentions of environmental and climate education are somewhat more frequent. All states include actions related to environmental education, though they often appear without integration into broader strategic objectives or measurable outcomes. Paraná is the only state that has established a specific goal for climate education. Baixada Santista stands out for including indicators tied to education and community participation.

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<sup>29</sup> Brasil de Fato. Only eight Brazilian states have climate change adaptation plans, study shows. Available at: <https://www.brasildefato.com.br/2025/01/30/somente-oito-estados-brasileiros-tem-plano-de-adaptacao-as-mudancas-climaticas-aponta-estudo/#:~:text=Anu%C3%A1rio%20in%C3%A9dito%20traz%20dados%20que,cada%20uma%20das%20unidades%20federativas&text=Dos%2026%20estados%20brasileiros%20mais,plano%20em%20fase%20de%20desenvolvimento>. Accessed 28.3.2025.

61. Overall, the integration of child-sensitive approaches and educational strategies in state-level climate planning in Brazil remains insufficient. Even where vulnerabilities are acknowledged, they are rarely accompanied by concrete commitments or monitoring tools. There is a clear need for more comprehensive and inclusive adaptation policies that recognize and prioritize children and education as essential dimensions of climate resilience.
62. Therefore, the Alana Institute respectfully request the Committee to recommend the State of Brazil the following:
- a. Strengthen its focus on children, schools, and environmental/climate education in its National, State and Municipal Adaptation Plan in an integrated, cross-cutting, and coherent manner, considering CG26.
  - b. Recognize in the National Adaptation Plan the climate agenda as intersectional, and include children among the most affected population groups.
  - c. Acknowledge climate-related school vulnerability in Brazil as one of the main risks to the population, especially for children studying in climate-risk areas. Consequently, adopt an integrated strategy of Nature-Based Education (NBE), with an emphasis on school infrastructure, combined with outdoor learning proposals, as mentioned in paragraph 51 of this document.
  - d. Establish governance based on intersectoral collaboration and meaningful participation of children, parents, and caregivers in decision-making, ensuring adequate spaces with funding, structure, and appropriate dynamics for different age groups and safety.

### **C. Environmental protection and the health of Indigenous children (arts. 2, 3, 6, 19, 30, 24, 36 and GC11)**

63. The protection of the environment is intrinsically linked to the guarantee of Indigenous children's right to health. Therefore, in this section, we intend to focus primarily on question 8(b).
64. 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 circumstances<sup>303132</sup>.

65. 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) estimate<sup>33</sup>. Data from the 2022 Census already indicate an increase in the indigenous population to 1.7 million<sup>34</sup>.
66. 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 activities<sup>35</sup>. According to the Mercury Observatory, in the Brazilian Amazon, there are 860 points with information from studies assessing the occurrence of mercury contamination, 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 fish<sup>36</sup>.
67. Also the numbers indicate that more than half of the population of 32,012 Indigenous people suffered from malaria: in 2024, there were 18,310 reported cases of the disease in the Yanomami Territory, compared to 14,450 in 2023. Nine of them died from the disease last year, while another ten died from malnutrition and 22 from acute respiratory infections<sup>37</sup>.
68. Therefore, the Alana Institute respectfully request the Committee to recommend the State of Brazil the following:

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<sup>30</sup> 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](https://ds.saudeindigena.iciet.fiocruz.br/bitstream/bvs/3749/1/CP8_18020.pdf). Accessed on 9.2.2025.

<sup>31</sup> UN. General Comment No. 11: Indigenous Children and their Rights under the Convention (50th session, 2009), UN. Doc. CRC/C/GC/11, February 12, para. 35.

<sup>32</sup> 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 19.2.2025.

<sup>33</sup> 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%20%C3%A9%20crian%C3%A7a>. Accessed on 19.2.2025.

<sup>34</sup> 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 19.2.2025.

<sup>35</sup> UNEP, 2013. Global Mercury Assessment 2013: Sources, Emissions, Releases and Environmental Transport. UNEP Chemicals Branch, Geneva, Switzerland.

<sup>36</sup> 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 Munduruku Indigenous Communities in the Brazilian Amazon*. International Journal of Environmental Research and Public Health, 18(15), 7940. 2021.

<sup>37</sup> O Globo. STF cobra governo Lula por agravamento da crise humanitária na Terra Yanomami. Available at: <https://oglobo.globo.com/blogs/malu-gaspar/post/2025/02/stf-cobra-governo-lula-por-agravamento-da-crise-humanitaria-na-terra-yanomami.ghtml>. Accessed on 15.4.2025

- 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.

### **III. Children's rights to education (arts. 2, 28-31 and GC1)**

#### **A. Education for Ethnic-Racial Relations**

69. In this section, we intend to provide information related to question 11(c)<sup>38</sup>, considering that this specific question was not addressed by the Brazilian State.
70. In 2003, Brazil made a commitment to bring about a historic change in education by making it compulsory to teach African and Afro-Brazilian history and culture in public and private education. The legal framework responsible for this is Law No. 10.639/03, which amended the National Education Guidelines and Bases Law (LDB), as a result of much struggle by the Black Movement for an education that enables new race relations in the school space.
71. Although Law No. 10.639/03 provides for the teaching of African and Afro-Brazilian history and culture, there are profound structural and human resource deficits in the supply, training and valorisation of teachers, which demand rapid and effective responses to the implementation of education for ethnic-racial relations.
72. Also Law 11.645/08 makes the teaching of Indigenous history and culture mandatory in the basic education curriculum throughout Brazil. It amends the LDB and expands upon Law 10.639/03, which established the teaching of African and Afro-Brazilian history and culture. This law recognizes the heritage and importance of the different cultural roots that make up the population as a learning right for all students.
73. In total, 26 Brazilian states and the Federal District provide for implementation actions for Law No. 10.639/2003 and Law No. 11.645/2008 in their State Education Plans, but this figure is not reflected in the reality of municipal policies. Only 20.4% of municipalities have training aimed at Education for Ethnic-Racial Relations; 26% have a specific structure for Education for Ethnic-Racial Relations in school management; 33.7% adopt teaching and learning materials dedicated to supporting Education for Ethnic-Racial Relations; 20.6% have a budget earmarked for the implementation of Education for Ethnic-Racial Relations; 42.6 per cent have local regulations and 15.5 per

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<sup>38</sup> 11. Please provide additional information on the measures taken:

(c)To protect the exercise of the right to culture, in particular by Afro-Brazilian, Indigenous children, and to assess the impact of Law No. 10,639/2003 and Law No 11,645/2008, establishing that the teaching of Afro-Brazilian and Indigenous histories and culture is compulsory in education curricula.

cent have specific teams for racial equity policies<sup>39</sup>. In addition, 71% of municipal education departments take little or no action to implement Law No. 10.639/2003, which made the teaching of Afro-Brazilian and African history and culture compulsory in schools<sup>40</sup>.

74. This data demonstrates the challenge of implementing an education policy for ethnic-racial relations, which is why it is important to guarantee the implementation of Law No. 10.639/03 and Law No. 11,645/2008, considering not only compliance with the Basic Education Guidelines Law, but also the commitment of a society committed to tackling racism and recognising black and indigenous contributions in the country's social, economic and political spheres.
75. According to a survey carried out by the Alana Institute and Geledés Black Women's Institute, despite the Law having been in effect for over 20 years, the main obstacles to the implementation of Law No. 10.639 are: (a) little knowledge about the legislation; (b) the lack of technical and financial cooperation from the federal and state governments; (c) the absence of training processes on ethnic-racial issues and the teaching of Afro-Brazilian and African history and culture; (d) implementation that is not rooted in classroom actions and the curriculum; and (e) religious intolerance from families.
76. The Federal Government formulated the National Policy for Equity, Education for Ethnic-Racial Relations, and Quilombola School Education. This policy aims to implement educational programs and initiatives to address ethnic-racial inequalities and racism within educational settings, while also advancing specific educational policies for Quilombola communities. Nevertheless, a significant gap persists with regard to the inclusion of Indigenous populations within the scope of this policy.
77. Also is worth noting that a study conducted by the Instituto de Referência Negra Peregrum (Ipec) and Projeto SETA shows that 38% of respondents reported that schools are the first places where they have experienced the most racial discrimination<sup>41</sup>. In this regard, only last year, multiple cases of racism in schools were reported, involving bullying and racial slurs by teachers and peers. These cases resulted in students refusing to return to school<sup>42</sup>, dropping out<sup>43</sup>, and, in one particularly severe case, the suicide of a

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<sup>39</sup> Brasil. Ministério da Educação. Assessment of Education on Ethnic-Racial Relations (ERER) in Basic Education in Brazil. Brasil: 2024.

<sup>40</sup> Instituto Alana; Geledés Instituto da Mulher Negra. Law 10.639/03: The Role of Municipal Departments of Education in Teaching African and Afro-Brazilian History and Culture.. São Paulo: Instituto Alana, 2023. Available at: <<https://alana.org.br/wp-content/uploads/2023/04/lei-10639-pesquisa.pdf>>. Accessed on: 07.4.2025

<sup>41</sup> Portal Geledés. School environment is where racism is most prevalent, says survey. Available at: <<https://www.geledes.org.br/ambiente-escolar-e-onde-mais-se-sofre-racismo-diz-pesquisa/>>. Accessed on 20.3, 2025.

<sup>42</sup> AGÊNCIA BRASIL. 8-year-old girl victim of racism no longer wants to go to school in Rio. Available at: <<https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2024-06/menina-de-8-anos-vitima-de-racismo-nao-quer-mais-ir-escola-no-rio>>. Accessed on 20.3 2025. .

<sup>43</sup> BATISTA JR., João. His withdrawal is a collective failure. Available at: <<https://piaui.folha.uol.com.br/a-saida-dele-e-um-fracasso-coletivo/>>. Accessed on 20.3 2025.

boy just 12 years old<sup>44</sup>.

78. Also, another analysis conducted by the Observatório da Branquitude<sup>45</sup> showed that 100% of the poorest schools are predominantly Black: they lack garbage collection, sewage systems, and one-third of them do not have access to drinking water. They do not have sports courts, libraries, or computer labs. Meanwhile, 100% of the wealthiest schools are predominantly white. More than 70% of them have libraries, garbage collection, computer labs, and sports courts. All of these schools have access to drinking water.

79. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:

- a. Regulate Law No. 10.639/03 and Law No. 11.645/2008 at municipal level to bring the federal law closer to the reality of the territories, for example in curricula, school political pedagogical projects or other municipal instruments, also carrying out a diagnosis with schools to identify the challenges and practices already being carried out in education networks.
- b. Budget provision for the fulfilment of actions, with the production of qualified data and the use of educational indicators by race and colour to guide educational policies.
- c. Creation and/or strengthening of a team responsible for the issue to coordinate actions in favour of African, Afro-Brazilian and Indigenous histories and cultures, with partnerships with other entities, organisations, universities and representatives of Black and Indigenous Movements that can contribute to the issue.
- d. Preparation and/or acquisition of teaching materials that are in line with the national curriculum guidelines for Education on Ethnic-Racial Relations<sup>46</sup> and that allow for a broadening of the repertoire on the contributions of African and Afro-Brazilian peoples to the country's history, with partnerships with other entities, organisations, universities and representatives of black movements that can contribute to the issue.

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<sup>44</sup> PIAUÍ. **Tragedy before class.** Available at: <https://piaui.folha.uol.com.br/suicidio-aluno-colegio-bandeirantes/>. Accessed on 20.3.2025.

<sup>45</sup> Observatório da Branquitude. The color of school infrastructure: differences between white and Black schools. Available at: <https://observatorioda-branquitude.com.br/a-cor-da-infraestrutura-escolar-diferencas-entre-escolas-brancas-e-negras/>. Accessed on 20.3.2025.

<sup>46</sup> National curriculum guidelines for Education on Ethnic-Racial Relations [https://download.inep.gov.br/publicacoes/diversas/temas\\_interdisciplinares/diretrizes\\_curriculares\\_nacionais\\_para\\_a\\_educacao\\_das\\_relacoes\\_etnico\\_raciais\\_e\\_para\\_o\\_ensino\\_de\\_historia\\_e\\_cultura\\_afro\\_brasileira\\_e\\_africana.pdf](https://download.inep.gov.br/publicacoes/diversas/temas_interdisciplinares/diretrizes_curriculares_nacionais_para_a_educacao_das_relacoes_etnico_raciais_e_para_o_ensino_de_historia_e_cultura_afro_brasileira_e_africana.pdf). Accessed on: 14.04.2025.

## **B. Inclusive education and children with disabilities (arts. 2, 23, 28 e GC 9)**

80. In this section, we intend to provide information related to question 7<sup>47</sup>, considering that this specific question was not addressed by the Brazilian State.
81. Inclusive education, provided for in the Brazilian Inclusion Law (Law No. 13.146/2015), has shown great progress in recent years, but in order to be guaranteed in the country, it needs political commitment so that all children are together in the same classroom. It is important to understand that inclusive education is a right for all students and that it is not only linked to guaranteeing enrollment and the possibility of people with disabilities attending ordinary schools. Inclusive education involves much more than that: it seeks to transform, among other things, the physical structures of schools, teaching methods, funding and teacher training<sup>48</sup>.
82. The number of special education enrollments reached 1.8 million in 2023. The largest number is in primary education, which accounts for 62.9% of these enrolments. When assessing the increase in enrolment between 2019 and 2023, it can be seen that in early childhood education there was a 193% increase in nursery enrolment and a 151% increase in pre-school enrolment<sup>49</sup>.
83. The percentage of enrolments of students included in ordinary classes has gradually increased over the years. In 2019, the percentage of students included was 92.7% and rose to 95% in 2023. The percentage of students included in ordinary classes with access to specialised educational care (AEE) went from 40.6% in 2019 to 42% in 2023<sup>50</sup>.
84. The percentage of students with disabilities, autism spectrum disorders or high abilities enrolled in ordinary classes has gradually increased for most stages of education. With the exception of Education for Young People and Adults (EJA), the other stages of basic education have more than 90 per cent of students included in ordinary classes by 2023. The highest proportion of students included is observed in secondary education, with 99.5% included. The biggest increase in the proportion of students included between 2019 and 2023 occurred in early childhood education, an increase of 4.8<sup>51</sup>.

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<sup>47</sup> 7. Please provide updated information on the progress made to ensure inclusive education and the deinstitutionalization of children with disabilities.

<sup>48</sup> Instituto Alana; Alana Foundation (Org.). Políticas públicas e formação continuada de professores para a educação inclusiva. São Paulo: Instituto Alana, 2024. Available at: <https://alana.org.br/pesquisa-internacional-educacao-inclusiva.pdf>. Accessed on: 14.4.2025.

<sup>49</sup> Ministério da Educação; Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP); Diretoria de Estatísticas Educacionais (DEED). 2023 School Census of Basic Education: Technical Summary. 2023. Available at: [https://download.inep.gov.br/publicacoes/institucionais/estatisticas\\_e\\_indicadores/resumo\\_tecnico\\_censo\\_escolar\\_2023.pdf](https://download.inep.gov.br/publicacoes/institucionais/estatisticas_e_indicadores/resumo_tecnico_censo_escolar_2023.pdf). Accessed on: 07.4.2025.

<sup>50</sup> Idem.

<sup>51</sup> Idem.

85. When comparing the provision of inclusive education by administrative dependency, it can be seen that the state (97.8%) and municipal (97.3%) networks have the highest percentages of students included. However, in the private network the reality is still different: of the total of 263,874 special education enrolments, only 148,308 (56.2%) are in ordinary classes<sup>52</sup>.
86. In 2016, research prepared for the Alana Institute, presented by professors of Practice in Learning Differences at the Harvard Graduate School of Education in partnership with Abt Associates, revealed that inclusive education is beneficial for children without disabilities and for children with disabilities.
87. Based on research into 26 studies conducted in the United States, Australia, Canada and Ireland, the authors found that a large proportion (81%) of students without disabilities who were in the same classroom as students with disabilities did not suffer any detriment (58% of the studies) or even had positive effects (23% of the studies) on their academic development<sup>53</sup>.
88. In addition, the same research indicated that inclusion can support the socioemotional development of students without disabilities, such as a reduction in fear of human differences, accompanied by greater comfort and awareness (less fear of people who look or behave differently); growth in social cognition (increased receptivity to others, more effective communication with all peers); improvements in self-concept (increased self-esteem, perceived status and sense of belonging); development of personal moral and ethical principles (less prejudice, greater ability to respond to the needs of others); and affectionate friendships<sup>54</sup>.
89. In relation to children with disabilities, the research indicated that, with inclusive education, academically included students with disabilities perform better than segregated students, students with Down syndrome benefit academically from inclusion and that inclusion can also promote the socio-emotional development of students with disabilities, as maintaining positive relationships with their peers has important implications for the child's learning and psychological development<sup>55</sup>.
90. 57.9% of teachers in Special Educational Care (AEE) have not received any ongoing training in special education. This figure rises to 93.9% for head teachers in basic education who lack ongoing training in special education.

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<sup>52</sup> Idem.

<sup>53</sup> Instituto Alana; ABT Associates. The Benefits of Inclusive Education for Students With and Without Disabilities. 2016. Available at: [https://alana.org.br/wp-content/uploads/2016/11/Os\\_Beneficios\\_da\\_Ed\\_Inclusiva\\_final.pdf](https://alana.org.br/wp-content/uploads/2016/11/Os_Beneficios_da_Ed_Inclusiva_final.pdf) Accessed on: 07.4.2025

<sup>54</sup> Idem.

<sup>55</sup> Idem.

91. According to the research carried out by the Alana Institute “Public policies and ongoing teacher training for inclusive education”<sup>56</sup> training should be considered essential to strengthen the inclusive political-pedagogical project of the whole school, and should not only focus on improving individual teachers.
92. The research analysis concludes that in order for teachers to have quality continuing training and to promote inclusive education, training must: be connected to the routine of schools and their professionals, stimulate exchanges between the entire school team, be offered to all professionals in the school community (and not just teachers) and be done taking into account career progression. In addition, there must be a budget set aside for actions that strengthen inclusive education, especially for teacher training and support for teaching practice<sup>57</sup>.
93. Therefore, the Alana Institute respectfully requests the Committee to recommend the State of Brazil the following:
- a.** Comply with Target 04 of the National Education Plan: universalise access to basic education and Specialised Educational Care (AEE) for the population aged 4 (four) to 17 (seventeen) with disabilities, autistic spectrum disorder (ASD) and high abilities or giftedness, preferably in the regular school system, with the guarantee of an inclusive educational system, multifunctional resource rooms, classes, schools or specialised services, public or contracted.
  - b.** Ensure that public resources are allocated exclusively to schools and common classes for the enrolment of the special education public from an inclusive perspective, in order to strengthen inclusive education and improve it according to the demands and needs of children with disabilities and the school community as a whole.
  - c.** Ensure accessible infrastructure for children with disabilities, so that schools and their spaces are an incentive and vector for inclusion and are not an impediment or complicating factor for children and adolescents with disabilities to have their right to education guaranteed and realised.
  - d.** Offer educators a training programme for inclusive education, making training in inclusive education compulsory for Specialised Educational Assistance teachers, with a minimum course load: there is a positive correlation between levels of teacher qualification or training in education for students with disabilities and positive attitudes towards inclusion. It is therefore necessary for mainstream educators to have training and resources in order to create effective and inclusive

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<sup>56</sup> Instituto Alana; Alana Foundation (Org.). Inclusive Education and ongoing teacher training: National and international lessons learned. São Paulo: Instituto Alana, 2024. Available at:

<<https://alana.org.br/wp-content/uploads/2024/11/alana-digital-miolo-ING-03.pdf>>. Accessed on: 14.4.2025.

<sup>57</sup> Idem.

learning environments that promote the academic and social growth of students with disabilities.

- e. Establishing public campaigns to promote inclusive education, given that it requires a cultural change, especially with regard to children with intellectual disabilities. Thus, designing and making available research and building a data collection system on inclusive schools and children with disabilities are tools for establishing inclusive education as a cultural norm among teachers, educators, families and society in general.