

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

The Government of Brazil has been a member of ILO-IPEC since 1992.⁵⁶⁴ In 2003, USDOL funded an ILO-IPEC program to support the government's Timebound Program to eliminate the worst forms of child labor within a specified time period.⁵⁶⁵ Also in 2003, USDOL funded a program to improve access to and quality of basic education in areas with a high incidence of child labor.⁵⁶⁶ In past years, USDOL funded projects in Brazil through ILO-IPEC including a regional program to combat the problem of hazardous child domestic work; a program that addresses the commercial sexual exploitation of minors in two border cities between Brazil and Paraguay;⁵⁶⁷ and a child labor survey. The survey report was published in April 2003.⁵⁶⁸ In addition, the Government of Brazil, along with ILO-IPEC, the other MERCOSUR governments and the Government of Chile, has developed a 2002–2004 regional plan to combat child labor.⁵⁶⁹

The federal government administers numerous programs under different ministries and has formed various commissions to combat and address issues related to child labor in Brazil.⁵⁷⁰ These programs to eradicate child labor are listed in the Government of Brazil's multi-year plan.⁵⁷¹ The 2004 – 2007 multi-year plan, which is currently being formulated through a process of popular consensus, will include funds for programs to combat child labor.⁵⁷²

⁵⁶⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited August 28, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁵⁶⁵ ILO-IPEC, *Eliminating the Worst Forms of Child Labor in Brazil - Support for the Time-Bound Program on the Elimination of the Worst Forms of Child Labor*, Project document, 03-K110-RWBR-4143-SF601-000, September 30, 2003.

⁵⁶⁶ U.S. Department of Labor, *Cooperative Agreement*, E-9-K-3-0060, Washington, DC, August 20, 2003.

⁵⁶⁷ The program for children involved in domestic work is also being implemented in Colombia, Paraguay, and Peru. ILO-IPEC, *The Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, program document, Geneva, September 2000. See also ILO-IPEC, *The Prevention and Elimination of Child Domestic Labour in South America*, program document, RLA/00/P53/USA, Geneva, September 2000. The Government of Argentina is also participating in the project with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40.

⁵⁶⁸ The survey was collaboration between the Brazilian Institute of Geography and Statistics and the ILO's SIMPOC. Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios: Trabalho Infantil 2001*, Instituto Brasileiro de Geografia e Estatística - IBGE, Rio de Janeiro, 2003. See also U.S. Department of Labor, *International Child Labor Technical Assistance- Statistical Information and Monitoring Program on Child Labor (SIMPOC)*, internal document, Washington, D.C., August 2002. See also ILO-IPEC official, electronic communication with USDOL official, August 28, 2002. See also The Brazilian Institute of Geography and Statistics, *Em 2001, o Brasil tinha 2,2 milhões de crianças de 5 a 14 anos de idade trabalhando*, Instituto Brasileiro de Geografia y Estadísticas, [online] [cited July 1, 2003]; available from <http://www.ibge.gov.br/>.

⁵⁶⁹ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros*, Año 2, Numero 6 (August 2002), [cited August 29, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeccacciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, "Plan Subregional para la Erradicación del Trabajo Infantil en los países del MERCOSUR y Chile," Lima, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

⁵⁷⁰ Among these is the Executive Group to Combat Forced Labor and the National Office of Coordination for Combating the Exploitation of Child and Adolescent Labor. State governments have also formed local commissions, such as the State of Rio de Janeiro's Commission on the Prevention and Eradication of Child Labor. See Public Labor Ministry, *Quadro de Representações*, [previously online] November 14, 2001 [cited September 13, 2002]; available from <http://www.pgt.mpt.gov.br/comissoes.html> [hard copy on file].

⁵⁷¹ Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, online, 1 [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Conteudo/Publicacoes.asp?Acao=Imprimir&>.

⁵⁷² Ministry of Labor and Employment, *Notícias*, Ministério do Trabalho e Emprego, [online] 2002 [cited June 12, 2003]; available from <http://www.mte.gov.br/Noticias/Conteudo/1534.asp?Acao=Imprimir&>. See also Ministry of Labor and Employment, *Notícias*, [online] [cited June 30, 2003]; available from <http://www.mte.gov.br/Noticias/Conteudo/1546.asp?Acao=Imprimir&>.

In September 2002, the Ministry of Labor and Employment (MTE) created the National Commission to Eradicate Child Labor (CONAETI), whose main goal is to implement ILO Conventions 138 and 182. The CONAETI will also work to increase coordination among federal efforts to address child labor and elaborate a National Plan for the Eradication of Child Labor.⁵⁷³ In May 2000, the MTE established the Tripartite Commission,⁵⁷⁴ which produced a list of 81 activities in September 2001 defined as “worst forms” of child labor.⁵⁷⁵ The CONAETI will reevaluate this list in 2003.⁵⁷⁶

Each Brazilian state has a Special Group to Combat Child Labor and Protect the Adolescent Worker (GECTIPA), which is responsible for reporting upcoming local activities and their outcomes to the MTE.⁵⁷⁷ In 2003, the GECTIPAs will be responsible for raising awareness and working with the private sector to set up a framework for a youth apprenticeship program. In addition, these groups will produce a child labor mapping system, which will be available in November.⁵⁷⁸ In some regions, councils defend the rights of children and adolescents at the federal, state, and municipal levels.⁵⁷⁹

In 2003, the President of Brazil issued an Executive Order for a government-wide initiative to combat the sexual exploitation of minors.⁵⁸⁰ The Federal Ministry of Social Assistance (MAS) oversees a program to create centers and networks to assist children and adolescents who are victims of sexual abuse and exploitation.⁵⁸¹ Government service providers are receiving training from USAID on the special needs of child and youth victims of

⁵⁷³ U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*, October 23, 2002. See also Ministry of Labor and Employment, *Notícias*.

⁵⁷⁴ The Tripartite Commission is made up of members from the federal government, workers and employers organizations. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 9.

⁵⁷⁵ Ibid. The list includes such activities as harvesting citrus fruits and cotton, driving tractors, performing civil construction, picking garbage, cutting sugar cane, selling alcohol, and working in bars, underground or with toxic chemicals. Ministry of Labor and Employment, *Manual de Orientação do PETI: Quadro Descritivo dos Locais e Serviços Considerados Perigosos ou Insalubres para Menores de 18 (dezoito) Anos.*, Ministério do Trabalho e Emprego, [cited August 29, 2003], 39-44; available from <http://www.mte.gov.br/Temas/FiscaTrab/CombateTrabalhoInfantil/PETI/Conteudo/543.pdf>. See also Ministry of Labor and Employment, *Portaria No. 20, de 13 de Setembro de 2001*, Secretaria de Inspeção do Trabalho, 2001 [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Downloads/Portaria20.pdf>.

⁵⁷⁶ Ministry of Labor and Employment, *Notícias*.

⁵⁷⁷ Within the Ministry, the Secretariat of Labor Inspection uses the data from the GECTIPA reports to update a map of child and adolescent labor, which is then used to select locations and identify activities for future eradication of child labor programs. Ministry of Labor and Employment, *Trabalho Infantil no Brasil*, 2, 3.

⁵⁷⁸ Ministry of Labor and Employment, *Notícias*.

⁵⁷⁹ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*, September 18, 2000.

⁵⁸⁰ U.S. Department of State, *Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report: Brazil (Tier 2)*, U.S. Department of State, Washington D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.

⁵⁸¹ The *Sentinela Program* provides child/adolescent victims of commercial sexual exploitation with psychological, social and legal counseling and safer environments for victims. Centers work with a network of NGOs and public officials to guarantee the rights of child victims of abuse and of children working as prostitutes. The program also works with victims' families to help raise incomes. See U.S. Consulate - Sao Paulo official, electronic communication to USDOL official, September 28, 2001. The program has 323 reference centers in capital cities, particularly in areas where commercial sexual exploitation and trafficking occur most frequently. See U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*. See also The Secretariat of Social Assistance, *Combate ao Abuso e à Exploração Sexual e Comercial de Crianças e Adolescentes*, [online] [cited June 30, 2003]; available from http://www.assistenciasocial.gov.br/iframe/acoes_seas/Combate_abuso_expl_sexual/combate_abuso_expl_sexual.htm. The Ministry of Welfare and Social Assistance (MPAS) became the Ministry of Social Assistance (MAPS) in January 2003 with the new Lula Administration. Brazilian Embassy in Washington, *Senior Brazilian Government Officials*, [online] 2003 [cited July 1, 2003]; available from http://www.brasilemb.org/novo_governo.shtml. The MAPS was modified to become the Ministry of Social Assistance on May 28, 2003. Ministério da Assistência Social, *Sobre o MAS*, [online] 2003 [cited November 5, 2003]; available from <http://www.assistenciasocial.gov.br/optimalview/optimalview.urd/portal.show>.

trafficking.⁵⁸² At the end of 2002, the Ministry of Justice, in cooperation with the UN Drug Control Program, announced a program to combat trafficking in persons for sexual exploitation, funded in part by the government of Portugal.⁵⁸³ Early in 2002, Brazil initiated a Global Program to Prevent and Combat Trafficking in Human Beings, which includes the targeting of victims who are trafficked for commercial sexual exploitation and forced labor.⁵⁸⁴ The Ministry of Tourism implemented an international campaign to raise awareness on sex tourism, and the National Human Rights Secretariat mounted a national awareness raising campaign against the sexual exploitation of children.⁵⁸⁵ Also during the year, federal and state police monitored the internet for sex traffickers.⁵⁸⁶ A Parliamentary Investigative Commission on Sexual Tourism began functioning in September 2001 in the city of Fortaleza.⁵⁸⁷

The MAS Program on the Eradication of Child Labor (PETI) gives stipends to families who remove children from work and keep them in school.⁵⁸⁸ In addition, PETI offers target children an after school program which includes school reinforcement, sports and art-related activities.⁵⁸⁹ In October 2003, PETI had provided services to approximately 810,000 children.⁵⁹⁰ In cooperation with the MTE, MAS also has a program that provides skills training to adolescents between the ages of 15 and 17 for future employment and encourages them to become involved in the social development of their communities.⁵⁹¹ The Ministry of Education (MEC) has developed Bolsa Escola, a preventive counterpart to the PETI program, which provides mothers with a monetary stipend. In return, the mothers agree to ensure that their children maintain at least an 85 percent attendance rate in school.⁵⁹² Bolsa Escola, now providing stipends to mothers for nearly nine million children throughout Brazil, is the largest program of its kind in the world.⁵⁹³ The government has also designed special classes to address the problem of

⁵⁸² U.S. House of Representatives, Committee on Government Reform, Subcommittee on Wellness and Human Rights, Statement by Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, USAID, October 29, 2003.

⁵⁸³ The program has suffered from a lack of funding and interagency cooperation. U.S. Department of State, *Country Reports on Human Rights Practices - 2002*, U.S. Department of State, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18322.htm>. See also United Nations Office on Drug and Crime, *Latin America: Brazil*, [cited July 3, 2003]; available from http://www.unodc.org/unodc/trafficking_projects.html.

⁵⁸⁴ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 868*, September 6, 2002.

⁵⁸⁵ U.S. Department of State, *Trafficking in Persons Report*. USAID has a Memorandum of Understanding with the Ministry of Social Assistance and the National Secretariat of Human Rights to collaborate to improve social and psychological services for trafficking victims, assist the Government of Brazil to strengthen national laws on domestic trafficking, and support a national trafficking in persons awareness campaign. See Statement by Kent R. Hill.

⁵⁸⁶ U.S. Department of State, *Country Reports 2002*, Section 6f.

⁵⁸⁷ Viviane Lima, *O Povo, CE*, September 20, 2001, 18, as cited in CPI do Turismo Sexual em Fortaleza já tem denúncias, "Agência de Notícias dos Direitos da Infância".

⁵⁸⁸ U.S. Embassy- Rio de Janeiro, *unclassified telegram no. 1715*, November 9, 2000. While state and municipal governments are responsible for implementing a large part of the program at the local level, the Federal Ministry of Welfare and Social Assistance provides guidelines and most of the funding. See U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*. In 2002, the PETI program adopted the MTE list of worst forms of child labor as a framework for selecting labor activities to include in the program. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁵⁸⁹ Ministry of Welfare and Social Assistance, *Programa de Erradicação do Trabalho Infantil - PETI: Manual de Orientações*, Brazil, May 2002, 1st Edition, 9-10.

⁵⁹⁰ The Ministry of Social Assistance expects to provide services to 1,113,000 children and adolescents in 2003 through the PETI program. Ministério da Assistência Social, *Programa de Erradicação do Trabalho Infantil - PETI*, [online] 2003 [cited November 4, 2003]; available from <http://www.assistenciasocial.gov.br/optimalview/optimalview.urd/portal.show>.

⁵⁹¹ Ministry of Labor and Employment, *Programas em Parcerias: Agente Jovem*, online, [cited August 29, 2003]; available from <http://www.mte.gov.br/Temas/TrabInfantil/Programas/Conteudo/agente.asp>. See also Secretariat of Social Assistance, *Agente Jovem de Desenvolvimento Social e Humano*, [online] [cited June 30, 2003]; available from http://www.assistenciasocial.gov.br/iframe/acoes_seas/Agente_Jovem/agente_desenv_social_humano.htm.

⁵⁹² U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁵⁹³ *Ibid.* U.S. Department of State, *Country Reports 2002*. Municipal governments are responsible for the day-to-day management of the program.

students who are forced to repeat grades,⁵⁹⁴ created a school lunch program which seeks to promote children's attendance,⁵⁹⁵ and raised the average wage paid to teachers by 12.9 percent nationally and up to 49.2 percent in the Northeast region.⁵⁹⁶ These programs are partly supported through the Fund to Combat Poverty.⁵⁹⁷

The World Bank provides loans to the government of Brazil for projects that aim to improve primary education mainly in the poorer region of the Northeast.⁵⁹⁸ In June 2003, the Bank approved a USD 60 million loan to the state of Bahia for a second phase of a program to improve access, quality and management of primary and secondary schools in the region.⁵⁹⁹ The IDB is assisting the MEC with three projects that address shortcomings in secondary and higher education.⁶⁰⁰ In addition, the IDB approved a USD 500 million loan to Brazil in August 2002 to support country investment in monetary transfer payment programs for poor families.⁶⁰¹

Incidence and Nature of Child Labor

In 2001, based on statistics from the Brazilian Institute of Geography and Statistics, it is estimated that 12.7 percent of children ages 5 to 17 years in Brazil were working.⁶⁰² Of all males between the ages of 5 and 17 years, 16.4 percent were working; of all females between the ages of 5 and 17, 9 percent were working.⁶⁰³ Child labor occurs

⁵⁹⁴ Ministry of Education/Secretary of Basic Education, *Ensino Fundamental, Programa de Aceleração da Aprendizagem*, [online] [cited August 29, 2003]; available from <http://www.mec.gov.br/sef/fundamental/proacele.shtm>.

⁵⁹⁵ Fundo Nacional de Desenvolvimento da Educação, *Merenda Escolar*, [online] 2003 [cited October 9, 2003]; available from <http://www.fnede.gov.br/programas/pnae/index.html>.

⁵⁹⁶ UNESCO, *Education for All 2000 Assessment: Country Reports- Brazil*, prepared by National Institute for Educational Studies and Research, pursuant to UN General Assembly Resolution 52/84, [cited October 9, 2003]; available from http://www2.unesco.org/wef/countryreports/brazil/rapport_2_4_4.htm.

⁵⁹⁷ *Emenda Constitucional N.31, de 14 de Dezembro de 2000*, No. 31, (December), article 79; available from <http://www.pge.sp.gov.br>.

⁵⁹⁸ These projects include the Projeto Nordeste and FUNDESCOLA. World Bank, *Memorandum of the President of the International Bank for Reconstruction and Development and the International Finance Corporation to the Executive Directors on a Country Assistance Strategy Progress Report for the Federative Republic of Brazil*, online, 22116-BR, May 1, 2001, 7, [cited October 4, 2002]; available from http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2001/05/19/000094946_01050804481522/Rendered/PDF/multi0page.pdf.

⁵⁹⁹ The World Bank, *World Bank Supports Education In Northeast Brazil With US\$60 Million*, [online] [cited June 27, 2003]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20117797~menuPK:34463~pagePK:34370~piPK:34426~theSitePK:4607,00.html>. See also The World Bank, *Northeast Basic Education Project (03)*, August 29, 2003 [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P006452>. See also The World Bank, *Third School Improvement Project - Fundescola (03)*, [cited August 29, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&theSitePK=40941&menuPK=228424&Projectid=P057653>.

⁶⁰⁰ These projects address impoverished regions and disadvantaged groups. Inter-American Development Bank, *Diversity in Access to Higher Education*, 1406/OC-BR, June 7, 2002, [cited August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1406e.pdf>. See also Inter-American Development Bank, *Improvement and Expansion Program for Secondary Education*, BR-0300, November 1999, [cited August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1225e.pdf>. See also Inter-American Development Bank, *Sector Program to Build Human Capital*, BR-0360, December 2001, [cited August 29, 2003]; available from <http://www.iadb.org/exr/doc98/apr/br1378e.pdf>.

⁶⁰¹ Inter-American Development Bank, *IDB Disburses \$250 Million to Support Investment in Human Capital in Brazil*, [press release] August 2, 2002 [cited August 29, 2003]; available from <http://www.iadb.org/exr/PRENSA/2002/cp16202e.htm>. These projects make up part of the federal social service umbrella program, *Projeto Alvorada*, which attempts to integrate the various education, health, income and employment generation, and social development cash-grant projects financed by the federal government for states and municipalities with families living below the average Brazilian human development index. See also Projeto Alvorada, *Descrição do Projecto*, [online] [cited August 29, 2003]; available from http://alvorada.planejamento.gov.br/frame_descricao.asp?Opcao=Descricao.

⁶⁰² Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 48.

⁶⁰³ The total number of working children between the ages of 5 and 17 is 5,482,515. The total number of working girls in this age group is 1,912,299 and the total number of boys is 3,570,216. Ibid.

more frequently in northeastern Brazil than in any other region and is particularly common in rural areas.⁶⁰⁴ The number of working boys is nearly double that of working girls.⁶⁰⁵ Children work on commercial citrus, sugar cane, and sisal⁶⁰⁶ farms; in traditional sectors of the Brazilian economy, including the footwear, mining and charcoal industries;⁶⁰⁷ and as domestic servants⁶⁰⁸ and scavengers in garbage dumps.⁶⁰⁹ Children are involved in prostitution,⁶¹⁰ pornography,⁶¹¹ and the trafficking of drugs,⁶¹² and are victims of internal trafficking networks that transport them to mining and construction sites and tourist areas for the purposes of prostitution.⁶¹³ A 2002 report revealed that adolescent girls are being trafficked internationally with falsified documents for the purposes of prostitution.⁶¹⁴ Children are also reported to serve as “soldiers” in drug gangs that control most of Rio de Janeiro’s shantytowns.⁶¹⁵ Many working children are found in the informal sector, and nearly half receive no income.⁶¹⁶

Basic education (grades 1 through 8) is free and compulsory for children between the ages of 7 and 14.⁶¹⁷ In 2000, the gross primary enrollment rate was 162.3 percent, and the net primary enrollment rate was 97.0 percent.⁶¹⁸ Child labor contributes to the “age-to-grade” distortion of children in school, a widespread characteristic of the Brazilian education system. This distortion refers to the large number of children in the country who are enrolling and/or attending school at a grade level below that which is considered appropriate for their age group.⁶¹⁹ In 2001, 80.3 percent of working children between the ages of 5 and 17 were attending school.⁶²⁰

⁶⁰⁴ Ministry of Labor and Employment, *Quantitativo dos Ocupados na Semana de Referência, PNAD - 1999*, September 26, 2001. In 1999, an estimated 57 percent of working boys and 52 percent of working girls between ages 5 and 15 lived in rural regions. See Ministry of Labor and Employment, *Ocupados por área geoeconômica Rural ou Urbana, PNAD - 1999*, September 26, 2001. For a breakdown by region, see also Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 74.

⁶⁰⁵ In 2001, 3,570,216 boys aged 5 to 17 years were working and 1,912,299 girls of the same age group were working. ILO-IPEC Official, Sumário - PNAD/SIMPOC 2001: Pontos Importantes, Attachment USDOL Official, April 16, 2003.

⁶⁰⁶ A plant that yields a stiff fiber used for cordage and rope.

⁶⁰⁷ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶⁰⁸ Presidência da República, *Pesquisa revela perfil do trabalho infantil doméstico*, Agência Brasil, [online] 2002 [cited December 5, 2003]; available from <http://www.radiobras.gov.br/abrn/brasilagora/materia.phtml?materia=6980>. ILO estimates indicate that there are over 500,000 children and adolescents employed as domestic servants in Brazil. U.S. Consulate- Sao Paulo, *unclassified telegram no. 1394*.

⁶⁰⁹ “Brazil: Children Put to Work in Dump, Official Says,” *South Florida Sun-Sentinel*, July 14, 2002.

⁶¹⁰ U.S. Department of State, *Country Reports 2002*, Section 6d. See also Protection Project, “Brazil,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002; available from <http://209.190.246.239/ver2/cr/Brazil.pdf>.

⁶¹¹ Xisto Tiago de Medeiros Neto, *A crueldade do Trabalho infantil*, (Diário de Natal, Opinião), [previously online] October 21, 2000 [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/noticias/noticia17.html> [hard copy on file]. See also UNICEF, *Pornografia Infantil é Crime Denuncie!*

⁶¹² Dr. Jailson de Souza e Silva and Dr. André Urani, *Brazil: Children in Drug Trafficking: A Rapid Assessment*, ILO, Geneva, February 2002.

⁶¹³ Protection Project, “Brazil,” 79.

⁶¹⁴ PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres, Crianças e Adolescentes para Fins de Exploração Sexual Comercial: Relatório Nacional*, Brasília, June 2002, 48, 49 and 51.

⁶¹⁵ *Report Spotlights Children in Rio’s Drug War*, CNN Online, [previously online] September 10, 2002; available from <http://www.cnn.com/2002/WORLD/americas/09/10/brazil.child.soldiers.ap/index.html> [hard copy on file].

⁶¹⁶ U.S. Department of State, *Country Reports 2002*, Section 6d. See also Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 88.

⁶¹⁷ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

⁶¹⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁶¹⁹ For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

⁶²⁰ Calculated from the Brazilian Institute of Geography and Statistics, *Pesquisa Nacional por Amostra de Domicílios*, 76.

Child Labor Laws and Enforcement

After a 1998 Constitutional amendment, the minimum age for general employment was raised from 14 to 16 years and the minimum age for apprenticeships from 12 to 14 years.⁶²¹ The 1990 Statute on Children and Adolescents prohibits children under the age of 18 from working in unhealthy, dangerous and arduous conditions, at night, or for long hours that impede school attendance. It also prohibits children less than 18 years of age from carrying heavy loads and working in settings where their physical, moral or social being is at risk.⁶²² Trafficking is also addressed in Brazilian laws. Under the Penal Code, it is illegal to hire workers with the intention of transporting them to another state or national territory.⁶²³ However, the Code does not address the issue of internal sex trafficking.⁶²⁴ Brazil's Federal Criminal Statute provides for prison terms and fines to anyone caught prostituting or trafficking another individual (internationally), or running a prostitution establishment with increased penalties for adolescents between the ages of 14 and 18 years.⁶²⁵ Located throughout the country, offices of the Centers for the Defense of Children and Adolescents are responsible for reporting violations of children's rights.⁶²⁶

The Ministry of Labor and Employment (MTE) is responsible for training inspectors to determine child labor work site violations.⁶²⁷ In the first 8 months of 2002, an estimated 3,250 inspectors conducted more than 19,500 inspections involving cases in which workers were under the age of 18.⁶²⁸ Employers that violate Brazil's child labor laws are subject to monetary fines, but the initial levying of fines usually occurs only after several violations.⁶²⁹ In 2002, labor inspectors from the MTE worked with prosecutors from the Federal Labor Prosecutor's Office (MPT),⁶³⁰ who can impose larger fines than labor inspectors.⁶³¹ The MPT's National Commission to fight Child Labor focuses its strategy in specific sectors, including trash picking, commercial sexual exploitation, apprenticeships, and family-based work.⁶³²

The Government of Brazil ratified ILO Convention 138 on June 28, 2001 and ILO Convention 182 on February 2, 2000.⁶³³

⁶²¹ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*. See also Public Labor Ministry, *O Ministério Público do Trabalho na Erradicação do Trabalho Infantil e na Proteção do Trabalho do Adolescente*, [previously online] [cited March 27, 2002]; available from <http://www.pgt.mpt.gov.br/trabinfantil/index.html> [hard copy on file].

⁶²² Public Labor Ministry, *Erradicação do Trabalho Infantil*.

⁶²³ Violators can be fined and incarcerated for one to three years. The punishment increases if the victim is younger than age 18. See Public Labor Ministry, *Trabalho Escravo: O Ministério Público do Trabalho na Erradicação do Trabalho Forçado*, [previously online] [cited October 7, 2002]; available from <http://www.pgt.mpt.gov.br/trabescravo/atuacao.html> [hard copy on file].

⁶²⁴ PESTRAF-BRASIL, *Pesquisa sobre Tráfico de mulheres*, 118.

⁶²⁵ Such offenses are punishable by prison terms of 1 to 10 years. See *Federal Criminal Statute*, Articles 227-231, [cited August 23, 2002]; available from <http://209.190.246.239/protectionproject/StatutesPDF/Brazilf.pdf>.

⁶²⁶ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶²⁷ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1439*.

⁶²⁸ U.S. Consulate - Sao Paulo, *unclassified telegram no. 1394*.

⁶²⁹ *Ibid.*

⁶³⁰ The Federal Labor Prosecutor's Office is an independent government agency responsible for the prosecuting of labor infractions.

⁶³¹ U.S. Department of State, *Country Reports 2002*, Section 6d.

⁶³² *Ibid.*

⁶³³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 13, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.