



Developing plans to address sexual violence against children and adolescents in Brazil

A summary briefing on the process for reformulating key state and national plans to address sexual violence against children and adolescents in Brazil.¹

Brazil is currently undergoing a critical phase of consultation on key policies aiming to address the Commercial Sexual Exploitation of Children and Adolescents (CSEC). This briefing discusses the development processes for Brazil's national plan and the state plan for Pernambuco in Northeast Brazil.

Key findings

- Analysis of the effectiveness of past CSEC plans at state and national levels in Brazil is currently limited by the absence of robust evaluations.
- Effective monitoring of approaches to address CSEC have been severely hampered by a lack of quantitative and qualitative outcome indicators.
- There is a strong belief in the need to integrate participatory approaches in the development of new plans that draw on inputs from a wide range of stakeholders, including adolescent survivors of sexual violence.
- The conservative positions adopted by the previous Brazilian government weakened the participatory process, and subsequently the content of the new national CSEC plan.
- The Pernambuco State Plan needs to be prioritised by the State's Council for the Rights of the Child and Adolescent (CEDCA PE) and the Pernambuco State Government, which must respond quickly to ensure an effective CSEC response.

Why is this important?

Brazil is currently undergoing a critical review phase to develop new state and national plans to address CSEC. Three key public policy planning processes underpinning the country's response to CSEC are undergoing consultation and reformulation at the national level and within the state of Pernambuco. These are:

- 1 The National Plan for Addressing Sexual Violence against Children and Adolescents.
- 2 The State Plan for Addressing Sexual Violence against Children and Adolescents in Pernambuco.
- 3 The State Plan for the Eradication of Child Labour and Protection of Adolescent Workers in Pernambuco.²

The scheduled reformulation process for these key plans has created a window of opportunity to influence policies that will shape Brazil's response to CSEC for the next decade. However, there is a lack of data and research upon which to develop new and more effective plans, particularly in response to the rapidly growing threats and vulnerabilities posed by Brazil's ongoing economic crisis, natural disasters in Pernambuco, and the Covid-19 pandemic.

Recommendations for the federal and state governments

- **Recommendation 1:**
Review the National and State Plans for addressing Sexual Violence against Children and Adolescents in a participatory and democratic way, taking steps to ensure they are implemented effectively.
- **Recommendation 2:**
Improve the collection and availability of data on current efforts to address CSEC.
- **Recommendation 3:**
Strengthen the Councils for the Rights of Children and Adolescents, and the Child Guardianship Councils.
- **Recommendation 4:**
Implement sex education in schools and prioritise the school environment in the prevention of sexual violence against children and adolescents, applying child self-protection methodologies.
- **Recommendation 5:**
Strengthen the policy to combat sexual violence against children and adolescents, its structure, and the capacity of protection networks.

Context

The issue of sexual violence against children and adolescents first gained visibility in Brazil during the 1990s. This was attributed to three main events.

- 1 The creation of Federal Law 8069/1990, the Statute of the Child and Adolescent, and its article 5, which established that children and adolescents should not be subject to any form of neglect, discrimination, exploitation, violence, cruelty, oppression, or attack.
- 2 When Brazil's Chamber of Deputies created the Parliamentary Inquiry Commission (CPI) on child prostitution between May 1993 and March 1994, with the objective of identifying those responsible for the exploitation and prostitution of children and adolescents. CPI's work received significant media coverage, alerting the public to the problem.
- 3 The organisation of the first World Congress against Commercial Sexual Exploitation of Children in 1996. Brazil was one of 122 countries that participated in the Congress and adopted the resulting declaration and agenda for action (the Stockholm Declaration).³ The Stockholm Declaration established countries' obligations to develop and implement clear plans and programmes to prevent CSEC, and to protect and assist CSEC victims to recover and reintegrate socially. The Agenda for Action also highlighted the need to create National Plans to Combat Sexual Violence and to develop public policies to assist children and adolescents who are identified as victims of CSEC.

First National Plan to Confront Sexual Violence against Children and Adolescents

In 2000, following commitments made during the first World Congress, Brazil prepared its First National Plan to Confront Sexual Violence against Children and Youth.⁴ In the same year, the Federal Government also implemented the Sentinel Program, under the coordination of the State Secretariat for Social Assistance (SEAS), a part of the Ministry of Social Welfare and Assistance. By establishing the Sentinel Programme, Brazil prioritised specialised multidisciplinary care for children and adolescents, their families, as well as for perpetrators of sexual violence.

The Plan was developed after national meetings, seminars, and discussions, and with the participation of governmental institutions, non-governmental organisations, legislators, and international organisations. These events culminated in a debate, which took place in June 2000 in the city of Natal, Rio Grande do Norte. 160 institutional representatives took part in the debate, which led to the finalisation of the first version of the National Plan.

After several consultation processes, the National Plan was finally deliberated upon by the National Council for the Rights of Children and Adolescents—"CONANDA"—in July 2000. In Brazil, all public policies related to children and adolescents must be approved by the Councils of Rights.

The first National Plan was implemented between 2000/01 and 2003. The document presented six strategic fronts to address sexual violence: situation analysis; mobilisation and articulation; defence and accountability; assistance; prevention; and protecting young people. The Plan established an operational structure for each topic, defining objectives, actions, goals, deadlines, and partnerships. The document also presented indicators to measure the effectiveness of the National Plan.

In 2003, the National Committee to Combat Sexual Violence against Children and Adolescents started a process to update the National Plan. The Committee reviewed actions under the current plan, and held meetings, seminars, workshops, and assemblies. The 2006 monitoring report highlighted ongoing difficulties in monitoring and evaluating the effectiveness of the plans, and challenges related to the collection of quantitative data on CSEC and the response actions taken at the federal, state, and municipal levels.

The third World Congress Against the Sexual Exploitation of Children and Adolescents was held in Brazil in 2008. Both the discussions and results accelerated the review process for the national plan, which had stalled since the 2006 monitoring report. In 2010, regional meetings to review the National Plan were initiated again, followed by public consultations and national meetings with experts.

The participatory process for the revision of plans

The latest National Plan (2013-2020) emphasised the importance of adopting a participatory and collaborative approach to the development of state plans.⁵

The methodology adopted in the development of the National Plan involved holding regional and national consultations with experts to understand appropriate measures that should be adopted against CSEC. The involvement of adolescents in the debates that took place was key to the process. CONANDA's involvement during the process was also fundamental, making the National Plan for Confronting Sexual Violence against Children and Adolescents more credible and robust as a guide for public policies in this field. CONANDA developed the most recent National Plan (2013-2020) with the participation of a wide variety of collaborating stakeholders and adolescents, demonstrating a greater emphasis on measures to monitor the implementation of the Plan's actions.

Criticisms to approaches to address CSEC

Despite positive developments, the implementation and monitoring of the 2013 National Plan was subject to criticism. Although this period was extremely important for the advancement of the fight against sexual violence, many consider the plan's implementation to have been slow and fragmented.

One important advance was the creation of an Intersectoral Commission to Combat Sexual Violence against Children and Adolescents. The Commission was established by decree on October 11, 2007, with the purpose of,

"articulating actions and public policies in line with the National Plan to Combat Sexual Violence against Children and Adolescents."

The Commission also established permanent dialogue with the National Committee, particularly in relation to the review process of the 2000 and 2013 Plans.

In 2018, Brazil's Ministry of Human Rights published a Monitoring and Evaluation Report of the National Plan to Combat Sexual Violence against Children and Adolescents, covering the period between 2013 and 2018. Within the report, the Brazilian government acknowledged the existence of gaps in the monitoring process, stating:

"In addition to comprehensively enumerating the intersectoral actions on the theme, the report also exposes the limitations of the Brazilian State that make it difficult to collect thematic data in various areas necessary for the composition of the diagnosis".⁶

Dialogue between the Brazilian government and the National Committee was flawed, and the Intersectoral Commission was dissolved in 2020. The Commission was later recreated, but halved in size, and with several other changes that

prevented it from properly considering the intersectionality of various public policies aimed at combating sexual violence.

Currently in Brazil, government actions to combat sexual violence fall within the responsibility of the Ministry of Women, Family and Human Rights (MMFDH). However, the Ministry, and its policies are considered some of the most conservative in the government. For example, one Minister commented on the issue of sexual violence:

"In this government, girls will be princesses and boys will be princes... nobody will stop us from calling our girls princesses and our boys princes, because in Brazil there are boys and girls... the ideological indoctrination of children and adolescents is over".

Thus, in recent years, the government has continued to set back the advancement of child and adolescent rights under the justification of opposing a so-called "gender ideology".

Review of the National Plan under development

In November 2021 the MMFDH, through the National Secretariat for the Rights of Children and Adolescents (SNDCA), invited experts to participate in meetings to develop the National Plan to Combat Violence against Children and Adolescents. The new plan covers various types of sexual violence, including abuse and exploitation, physical violence, neglect, psychological, and parental alienation. However, the government's approach failed to include two fundamental tools used as part of the methodology for reviewing the National Plan: working together with the National Committee; and enabling broad social participation in the process.

The ECPAT Brazil Network and the National Committee to Combat Sexual Violence against Children and Adolescents released a strong public statement on November 30, 2021.⁷ They rejected the proposed event due to its lack of transparency,

"and disrespect for the historical process of building the revision of the National Plan initiated by the National Council for the Rights of Children and Adolescents - CONADA in 2020."

The official statement also confirmed that:

"It is essential to emphasize that carrying out such activities, with this model, without dialogue with civil society, representation of national networks or other institutions that aim to protect the rights of children and adolescents, violates legal principles and mandates established more than 30 years ago, since the enactment of the Statute of the Child and Adolescent."

The latest National Plan to Combat Violence against Children and Adolescents was launched by the Federal Government on the 18th of May 2022 – Brazil's National Day to Combat Sexual Abuse and Exploitation of Children and Adolescents.

State-level approach: Pernambuco

The creation of the National Plan prompted Brazilian states and municipalities to develop state and local plans. The first Plan to Combat Sexual Violence against Children in the state of Pernambuco was created in 2003. The State Network to Combat Sexual Violence against Children and Adolescents, made up of both non-governmental and governmental institutions, set the grounds for the creation of a commission to prepare a draft of the document. A State congress was also convened, and gathered 106 institutions representing State regions, with the purpose of analysing the draft, modifying, complementing, and introducing new ideas. Save the Children and USAID's Partners of the Americas Program for At-Risk Youth in North-eastern Brazil also supported the Network to prepare the State Plan.

While the first State Plan, which was to come into effect in 2003, was undergoing an approval process in Pernambuco, the National Plan was due to expire.

The process of reviewing the First State Plan

In Pernambuco, the State Network to Combat Sexual Violence against Children and Adolescents, partnering with the State Government, State Council for the Rights of Children and Adolescents, and Childhood Brazil, promised to review the State Plan, which had been implemented between 2003 and 2005. Following the review, the new Plan, developed in 2008, was recognised as being,

"the result of a participative process of joint preparation, involving representatives from different segments of civil society and governmental organizations at the municipal and state levels, strategically organized in four distinct but complementary stages".

Four steps were taken in the preparation of the State Plan 2008-2017:

Stage 1:

A state congress was held to evaluate the State Plan (2003-2005). It was attended by 300 representatives from across the 184 state municipalities. Six workshops were held, each one aligned with the strategic axes of the Plan: situation analysis; assistance; defence and accountability; mobilisation and articulation; prevention; and children and youth as leaders.

Stage 2:

Regional seminars and a district meeting were held to adapt the State Plan to the specificities of the different regions of Pernambuco and attended by representatives from each municipality. All seminars followed the same structure and were made possible through partnerships between the Municipal Governments and the Municipal Councils for the Rights of Children and Adolescents in each region.

Stage 3:

Members of the regional seminars participated in a state-wide consultation process, totalling 600 people from different areas of Pernambuco. The results of the discussions were systematised in a document and sent to the

State Council for the Defence of the Rights of Children and Adolescents and the State Council for Social Assistance for analysis and deliberation.

Stage 4:

The State Council for the Defence of the Rights of the Child and Adolescent and the State Council for Social Assistance discussed the document separately and then finalised the discussion in a joint assembly, where the new State Plan was deliberated. This resulted in Joint Resolution No. 01 of June 10th, 2008.⁸ While Pernambuco approved its new State Plan in 2008, other states subsequently went through similar processes to formulate their state plans.

Next steps

In 2021, the Pernambuco State Network to Combat Sexual Violence against Children and Adolescents moved to mobilise the State Council for the Rights of Children and Adolescents to review the (now expired) State Plan. The prior plan expired in 2017, four years later than originally planned, due to lack of an established process for evaluation and revision. The Network's efforts generated a positive outcome, and the State Council created an Interinstitutional Commission to coordinate the reformulation of the Plan in December 2021.

Representatives from the Network, various civil society and government institutions, councillors and the Study, Research and Extension Group in the field of Child and Adolescent Policy (*Gecria*) from the Federal University of Pernambuco are participating in the Commission. In 2021, the Network created working groups to evaluate the topics of the 2008 Plan, and proposals for the new Plan are currently being discussed internally. The Network's work is based on its participating institutions' memories and records, as the State Council for the Rights of Children and Adolescents has no system in place to monitor the State Plan.

Despite mismatches between national and state plans in relation to proposed actions, the participatory methodology was considered the cornerstone of both approaches. Each plan was brought closer to reality through meetings, workshops, and seminars that allowed different institutions to contribute, whilst also facilitating input from children and adolescents who had experienced sexual violence. However, due to MMFDH's latest decisions, the participatory methodology is being withdrawn from discussions on national strategies to combat sexual violence against children and adolescents, while current proposals for the new plan address sexual violence in a fragmented way. In Pernambuco, the participatory methodology remains key to the Inter-Institutional Commission's approach.

Elections for the State of Pernambuco governor's office will be held in 2022, including for the positions of state and federal deputies. It will be key for the network and the members of the Commission to ensure that the State Plan is a priority for both the State Council for the Rights of Children and Adolescents and the State Government's agendas, to foster the necessary conditions to enable of the Plan's construction.

Recommendations for the government

- Use a participatory and democratic process to review the National and State Plans for Addressing Sexual Violence against Children and Adolescents, to ensure effective implementation.

Governments need to develop plans to address sexual violence against children and adolescents informed by effective and broad participation from all sectors of society. This should include listening to the voices of survivors and respecting the role held by the Councils for the Rights of Children and Adolescents in this process. Governments should guarantee a non-regression principle regarding social participation. Plans should be adequately funded and resourced, with measurable targets, transparently implemented, and monitored by civil society.

- Improve collection and availability of data.

Reliable data on the status of CSEC in Brazil is currently lacking. The government should conduct a national CSEC prevalence study to address the issue in a comprehensive way. Recent changes to the *Disque 100* reporting hotline data categories were made without consulting a wide range of stakeholders and have made it more difficult to compare and analyse data on previous years' reports in a disaggregated way. The government should ensure strict compliance with the Access to Information Law, to ensure transparency of critical data, and easier and faster access to official data.

- Strengthen the Guardianship Councils and the Councils for the Rights of Children and Adolescents in the municipal, state, and federal spheres.

The federal government should provide adequate infrastructure to the Guardianship Councils and the Councils for the Rights of Children and Adolescents, as well as resources and training for appointed counsellors that enable them to correctly fulfil their role in the System for Guaranteeing the Rights of Children and Adolescents.

- Implement sex education as part of school curricula.

Schools should have access to curricula that respect and promote the sexual and reproductive rights of all people, especially women and girls, in all their diversity. The school environment's role in the prevention of sexual violence against children and adolescents should also be emphasised. Applying self-protection methodologies has proven to be an important tool to assist in the prevention of sexual violence, especially with children in early childhood.

- Strengthen the policy to combat sexual violence against children and adolescents and expand the structures and response capacities of agencies that receive complaints, including protection networks

Endnotes

¹ This research briefing was prepared by Professor Valeria Nepomuceno Teles de Mendonca (Professor of the Social Services Department from the Federal University of Pernambuco), with contributions by Dr. Ben Brewster and Dr. Katarina Schwarz from the University of Nottingham Rights Lab, and researchers at the Freedom Fund. The project "Approaching Commercial and Sexual Exploitation of Children and Adolescents in Brazil" is funded by the Arts and Humanities Research Council (AH/V01336X/1).

² The plan's review process will not be discussed here, as it is still in its initial stages.

³ First World Congress against Commercial Sexual Exploitation of Children. Stockholm Declaration and Agenda for Action. Sweden, 1996.

⁴ National Plan for Confronting Sexual Violence against Children and Adolescents. Brasília: Conanda, 2000.

⁵ National Plan for Confronting Sexual Violence against Children and Adolescents. Brasília: Conanda, 2013.

⁶ Monitoring and Evaluation Report of the National Plan to Confront Sexual Violence against Children and Adolescents: 2013 - 2018/ Ministry of Rights.

⁷ ECPAT Network Brazil and the National Committee for Confronting Sexual Violence against Children and Adolescents. PUBLIC NOTE. 30 November 2021.

⁸ Plano Decenal de Enfrentamento à Violência Sexual contra Crianças e Adolescentes do Estado de Pernambuco (2008-2017). Joint Resolution N°01, of June 10, 2008 of the State Council for Social Assistance and the State Council for the Defense of the Rights of Children and Adolescents.

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