

Brazil

National Child Protection Legislation

National Legislation

- Age of Child – **Child – under 12 years; Adolescent – Between 12 and 18 years of age**
[Act No. 8.069 – Statute of the Child and Adolescent of 1990](#)
Art. 2
For the purposes of this Law, the child is considered as the person who has not yet completed twelve years of age and the adolescent as that between twelve and eighteen years of age.
- Age of Consent – **14 years**
[Criminal Code](#)
Art. 217-A – Statutory Rape
Having sexual intercourse or practicing other lewd acts with a person who is less than 14 (fourteen) years:
Penalty – imprisonment of 8 (eight) to 15 (fifteen) years.
- Age of Marriage – **16 years**
[Civil Code](#)
Art. 1.517
The man and the woman at the age of sixteen may marry, requiring authorization from both parents or their legal representatives, while not reaching the civilian majority.
Art. 1.518
Until the wedding celebration, parents, guardians or conservators may revoke the authorization.
Art. 1.519
The denial of consent, when unfair, can be granted by a judge.
Art. 1.520
Exceptionally, the marriage of those who have not yet reached the age of marriage (Art. 1517) will be allowed to avoid imposition or fulfillment of criminal penalty or in case of pregnancy.
- Age of Criminal Responsibility – **18 years**
[Criminal Code](#)
Art. 27 – Under eighteen
Children under eighteen (18) years are criminally incompetent and are subject to the rules laid down in special legislation.

- **Extraterritoriality**

[Criminal Code](#)

Art. 7 – Extraterritoriality

The following are subject to Brazilian law, although committed abroad:

I - crimes:

- a) against the life or liberty of the President of the Republic;
- b) against the patrimony or public faith of the Union, Federal District, State, Territory, Municipality, public company, mixed economy society, autarky or foundation instituted by the Public Power;
- c) against the public administration, by whom it is in its service;
- d) of genocide, when the agent is Brazilian or domiciled in Brazil;

II - crimes:

- a) that, by treaty or convention, Brazil was obliged to repress;
- b) practiced by Brazilian;
- c) practiced in Brazilian merchant or privately-owned aircraft or vessels, when in foreign territory and there they are not tried there.

§1 In the cases of item I, the agent is punished according to Brazilian law, even if acquitted or convicted abroad.

§2 In the cases of subsection II, the application of Brazilian law depends on the following conditions:

- a) the agent entered into the national territory;
- b) it is punishable also in the country where it was practiced;
- c) is a crime included among those for which Brazilian law authorizes extradition;
- d) the person has not been acquitted abroad or has not served his sentence;
- e) the agent was not pardoned abroad or, for another reason, the punishment, according to the most favorable law, was not extinguished.

§3 Brazilian law also applies to the crime committed by a foreigner against a Brazilian outside Brazil, if, when the conditions set forth in the previous paragraph are met:

- a) extradition was not sought or refused;
- b) there was a request from the Minister of Justice.

▪ **Dual Criminality**

[Constitution](#)

Art. 5

...

LI - no Brazilian will be extradited, except for a naturalized Brazilian, if requested for a common crime, committed prior to naturalization, or for proven involvement in illicit traffic in narcotics and related drugs, as provided by law.

[Criminal Code](#)

Art. 8 – Penalty fulfilled abroad

The sentence served abroad reduces the penalty imposed in Brazil for the same crime, when several, or it is computed, when identical.

Art. 9 – Effectiveness of foreign judgment

The foreign judgment, when the application of Brazilian law produces the same consequences, may be approved in Brazil:

- I - to oblige the condemned person to recover damages, restitutions and other civil effects;
- II - to subject it to safety measures.

Sole Paragraph – The approval depends on:

- a) for the purposes set forth in item I, at the request of the interested party;
- b) for the other purposes, of the existence of an extradition treaty with the country whose judicial authority issued the sentence, or, in the absence of a treaty, a request from the Minister of Justice.

▪ **Mandatory reporting requirements**

[Constitution of Brazil](#)

Art. 227

It is the duty of the family, of society, and of the State to ensure children and adolescents with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom, and family and community life, in addition to safeguarding them against all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

[Act No. 8.069 – Statute of the Child and Adolescent of 1990](#)

Art. 11

Full access to health care for children and adolescents through the Unified Health System is ensured, observing the principle of equity in access to actions and services for promotion, protection and recovery of health.

§3 Professionals who work in the daily or frequent care of infants will receive specific and permanent training in the detection of signs of risk for psychological development, as well as the necessary follow-up.

Art. 13

Cases of suspected or confirmed physical punishment, cruel or degrading treatment and ill-treatment against children or adolescents shall be reported to the Guardianship Council of the respective locality, without prejudice to other legal measures.

Art. 56

The principals of primary education establishments will communicate to the Guardian Council the cases of:

- I - maltreatment involving his students
- II - repetition of unjustified absences and school drop-outs, once school resources are exhausted

Art. 70

The prevention of the occurrence of a threat or violation of the rights of children and adolescents is everyone's duty.

Art. 70-B

The entities, public and private, that work in the areas referred to in art. 71, among others, must have, in their cadres, persons trained to recognize and communicate to the Guardianship Council suspicions or cases of ill-treatment against children and adolescents.

Sole paragraph – Also responsible for the communication referred to in this article are persons entrusted by virtue of their position, function, office, ministry, profession or occupation, care,

assistance or custody of children and adolescents, punishable under this Statute, the unjustified delay or omission, culpable or malicious.

Art. 71

Children and adolescents have the right to information, culture, leisure, sports, entertainment, shows and products and services that respect their peculiar condition as a person in development.

Art. 245

Failure by the doctor, teacher or caretaker responsible for health care and elementary education, preschool or day care, to communicate to the competent authority cases that are known, involving suspicion or confirmation of child abuse or adolescent:
Penalty - fine of three to twenty reference salaries, double tax in case of recidivism.

[Law No. 13.431, of April 4, 2017](#)

[Establishes the system of guarantee of rights of the child and adolescent victim or witness of violence and amends the 8,069, July 13, 1990](#)

Art. 13

Any person who has knowledge of or witnesses an act or omission, practiced in a public or private place, that constitutes violence against a child or adolescent, has the duty to communicate the fact immediately to the service of receiving and monitoring complaints, to the Guardianship Council or to the police authority, who, in turn, shall immediately inform the Public Prosecutor's Office.

▪ **Obligations of Educational Institutions**

[Act No. 8.069 – Statute of the Child and Adolescent of 1990](#)

Art. 56

The principals of primary education establishments will communicate to the Guardian Council the cases of:

I - maltreatment involving his students

[Law No. 9,394 of December 20, 1996](#)

[Establishes the guidelines and bases for national education](#)

Art. 12

The educational establishments, respecting the common norms and those of its educational system, will have the responsibility of:

VIII - notify the Municipal Guardianship Council of the students who present a number of absences above 30% (thirty percent) of the percentage allowed by law;

IX - promote measures to raise awareness, prevent and combat all forms of violence, especially **bullying**, within schools; ...

Art. 26

The curricula of pre-primary, secondary and secondary education must have a common national basis, to be complemented by a diversified part in each school system and in each school establishment, as required by the regional and local characteristics of the school, society, culture, economy and learners.

...

§ 9 – Contents relating to human rights and the prevention of all forms of violence against children and adolescents will be included as cross-cutting themes in school curricula in the beginning of this article, with the guideline to [Law No. 8.069, of July 13, 1990 \(Statute of the Child and Adolescent\)](#), observing the production and distribution of adequate didactic material.

[Law 13.005 of 2014 – Approves the National Education Plan](#)

Goal 2, Strategy 2.4

To strengthen the monitoring of the access, permanence and achievement of the beneficiaries of income transfer programs, as well as situations of discrimination, prejudices and violence in the school, aiming to establish adequate conditions for the school success of the students, in collaboration with families and with public agencies of social assistance, health and protection for children, adolescents and youth;

Goal 3, Strategy 3.8

To structure and strengthen the monitoring of the access and permanence of the young people who are beneficiaries of income transfer programs in high school in terms of attendance, school use and interaction with the collective, as well as situations discrimination, prejudice and violence, irregular labor exploitation practices, drug use, early pregnancy, in collaboration with families and with public welfare agencies, health and protection of adolescents and youth;

Goal 4, Strategy 4.9

4.9) strengthen the monitoring and supervision of access to school and specialized educational services, as well as the permanence and school development of students with disabilities, global developmental disorders and high skills or giftedness, of income transfer programs, together with the fight against discrimination, prejudice and violence, with a view to establishing adequate conditions for educational success, in collaboration with families and public welfare, health and childhood, adolescence and youth;

Goal 7, Strategy 7.23

To guarantee policies to combat violence at school, including the development of actions aimed at training educators to detect signs of their causes, such as domestic and sexual violence, favoring the adoption of appropriate measures to promote the construction of a culture of peace and a school environment with security for the community;

- **Prohibition to hold certain positions**

No information found.

- **Employment Law**

[Labour Code](#)

The Effects of the Termination of the Work Contract

Art. 146

At the termination of the employment contract, whatever its cause, the employee will be paid a simple or double remuneration, as the case may be, corresponding to the vacation period for which the right has been acquired.

Sole Paragraph - Upon termination of employment contract, after 12 (twelve) months of service, the employee, provided that he has not been dismissed for just cause, will be entitled to the remuneration related to the incomplete period of leave, in accordance with art. 130, in the proportion of 1/12 (one twelfth) per month of service or fraction greater than 14 (fourteen) days.

Art. 147

An employee who is dismissed without just cause, or whose employment contract expires within a predetermined period, before completing 12 (twelve) months of service, shall be entitled to remuneration for the incomplete period of leave, in accordance with the in the previous article.

Art. 148

The remuneration of vacations, even when due after the termination of the employment contract, will have a salary nature, for the purposes of art. 449.

Art. 482

The employer is entitled to terminate the employment contract as a just cause

- a) act of improbity;
- b) conduct incontinence or poor procedure;
- c) habitual negotiation on his own account or on his own behalf without permission of the employer, and when it constitutes an act of competition to the company to which the employee works, or is harmful to the service;
- d) criminal conviction of the employee, which is final and unappealable, if there has been no suspension of execution of the sentence;
- e) depreciation in the performance of their functions;
- f) habitual drunkenness or in service;
- g) breach of company secrecy;
- h) act of indiscipline or insubordination;
- i) abandonment of employment;
- j) act prejudicial to the honor or good reputation practiced in the service against any person, or physical offenses, under the same conditions, except in case of self-defense, own or others;
- k) act prejudicial to the honor or good reputation or physical offenses committed against the employer and hierarchical superiors, except in case of self-defense, own or others;
- l) constant practice of games of chance.
- m) loss of the qualification or of the requirements established by law for the exercise of the profession, as a result of willful misconduct of the employee. (Included by Law No. 13,467 of 2017)

Sole paragraph - It is also just cause for dismissal of employees to practice, duly proven in administrative investigation, acts that infringe national security.

- **Private Fostering**

[Act No. 8.069 – Statute of the Child and Adolescent of 1990](#)

Art. 19

It is the right of the child and the adolescent to be raised and educated in the bosom of his family and, exceptionally, in a substitute family, ensuring the family and community coexistence, in an environment that guarantees its integral development.

§1 Every child or adolescent who is included in a family or institutional care program will have his / her situation re-evaluated at the most every 3 (three) months, and the competent judicial authority, based on a report prepared by an interprofessional or multidisciplinary team, shall decide based on the possibility of family reintegration or placement in a surrogate family, in any of the modalities provided in art. 28 of this Law.

Art. 19-B

The child and adolescent in an institutional or family care program may participate in a “godfather”/sponsorship program [apadrinhamento afetivo].

§1 The “Godfather”/Sponsorship consists in establishing and providing the child and adolescent with links external to the institution [they are interned in] for the purpose of family and community coexistence and collaboration with its development in social, moral, physical, cognitive, educational and financial aspects.

§2 Persons over 18 (eighteen) years old who are not registered in the adoption registers may be godparents, provided they fulfill the requirements of the sponsorship program of which they are a part.

§3 Legal entities may sponsor children or adolescents in order to collaborate in their development.

§4 The profile of the child or adolescent to be sponsored shall be defined within each sponsorship program, with priority for children or adolescents with remote possibility of family reintegration or placement in foster families.

§5 Sponsorship programs or services supported by the Justice of Childhood and Youth may be implemented by public bodies or by civil society organizations.

§6 If there is a breach of the rules of sponsorship, those responsible for the program and the host services should immediately notify the competent judicial authority.

Art. 25

The natural family is understood as the community formed by the parents or any of them and their descendants.

Sole paragraph – Extended or extended family is understood as extending beyond the unit of parents and children or the unity of the couple, formed by close relatives with whom the child or adolescent lives and maintains bonds of affinity and affectivity.

Art. 28

The placement in a substitute family will be done through guardianship, custody or adoption, regardless of the legal situation of the child or adolescent, under the terms of this Law.

§1 Whenever possible, the child or adolescent shall be previously heard by an interprofessional team, respecting their stage of development and degree of understanding of the implications of the measure, and shall have their opinion duly considered.

- §2 In the case of a person over 12 years of age, his or her consent shall be required.
- §3 In assessing the application, the degree of kinship and the relationship of affinity or affectivity shall be taken into account in order to avoid or lessen the consequences of the measure.
- §4 The sibling groups shall be placed under the adoption, guardianship or custody of the same substitute family, except for the proven existence of a risk of abuse or another situation that fully justifies the exceptionality of a different solution, in any case attempting to avoid disruption of fraternal bonds.
- §5 The placement of the child or adolescent in a substitute family shall be preceded by their gradual preparation and subsequent follow-up, carried out by the interprofessional team in the service of the Juvenile and Youth Justice, preferably with the support of the technicians responsible for the implementation of the municipal guarantee policy. right to family life.
- §6 In the case of an indigenous child or adolescent or from a remaining quilombo community, it is also mandatory:
- I - that their social and cultural identity, their customs and traditions, as well as their institutions, are considered and respected, provided they are not incompatible with the fundamental rights recognized by this Law and by the Federal Constitution;
 - II - that family placement takes place primarily within the community or with members of the same ethnic group;
 - III - the intervention and hearing of representatives of the federal agency responsible for indigenous policy, in the case of indigenous children and adolescents, and anthropologists, before the interprofessional or multidisciplinary team that will follow the case.

Art. 29

No substitution shall be granted to a person who reveals, in any way, incompatibility with the nature of the measure or does not offer an adequate family environment.

Art. 30

Placement in a surrogate family will not allow the transfer of the child or adolescent to third parties or to governmental or non-governmental entities, without judicial authorization.

Article 31

Placement in a foreign surrogate family is an exceptional measure, only admissible in the adoption modality.

Art. 32

Upon assuming custody or guardianship, the person responsible shall render a good and faithful commitment to carry out the assignment, by means of a written order.

Art. 33

Guardianship obliges the provision of material, moral and educational assistance to the child or adolescent, giving the holder the right to oppose third parties, including parents. (See Law No. 12.010, of 2009)

- §1 The custody is intended to regularize the possession of fact, and may be granted, injunctive or incidental, in the proceedings of guardianship and adoption, except in the case of adoption by foreigners.

§2 Exceptionally, custody, apart from guardianship and adoption cases, shall be granted to attend to specific situations or to remedy the eventual lack of parents or guardian, and the right of representation may be granted for the practice of certain acts.

§3 The guard confers on the child or adolescent the condition of dependent, for all purposes and effects of law, including social security.

Art. 34

The public power will encourage, by means of legal assistance, fiscal incentives and subsidies, the reception, in the form of guardianship, of a child or adolescent away from family life.

§1 The inclusion of the child or adolescent in family care programs shall be preferred to their institutional care, in any case observing the temporary and exceptional nature of the measure, in accordance with this Law.

§2 In the case of paragraph 1 of this article, the person or couple registered in the family shelter program may receive the child or adolescent through custody, subject to the provisions of arts. 28 to 33 of this Law.

Art. 165

Requirements for granting applications for substitute family placement are:

- I - complete qualification of the applicant and of his eventual spouse, or companion, with express agreement of this one;
- II - indication of possible kinship of the applicant and his / her spouse, or companion, with the child or adolescent, specifying whether or not he or she has a living relative;
- III - complete qualification of the child or adolescent and their parents, if known;
- IV - indication of the registry where the birth was registered, attaching, if possible, a copy of the respective certificate;
- V - statement on the existence of assets, rights or income related to the child or adolescent.

▪ **Criminal Law – Defamation**

Criminal Code

Art. 138 – Slander

Slandering someone, falsely imputing to him a fact defined as a crime:

Penalty - detention, from six months to two years, and fine.

§1 In the same sentence incurs anyone who, knowing falsification of the imputation, propagates it or divulges it.

§2 Slander against the dead is punishable.

Exception of truth

§3 The proof of the truth is admitted, except:

- I - if, being the alleged crime of private action, the offended was not convicted by an unappealable sentence;
- II - if the fact is imputed to any of the persons indicated in number I of art. 141;
- III - if of the imputed crime, although of public action, the offended was acquitted by an unappealable sentence.

Art. 139 – Defamation

To defame someone, imputing him offensive fact to his reputation:

Penalty - detention, from three months to one year, and fine.

Exception of truth

Sole paragraph - The exception of the truth is only admitted if the offended is civil servant and the offense is relative to the exercise of its functions.

Art. 140 – Injury

Injuring someone, by offending his dignity or propriety:

Penalty - detention, from one to six months, or fine.

§1 The judge may stop applying the sentence:

I - when the offended, in a reprehensible way, directly provoked the injury;

II - in the case of immediate retaliation, which consists of another injury.

§2 If the injury consists of violence or de facto routes that, by their nature or by the means employed, are considered degrading:

Penalty - detention, from three months to one year, and fine, in addition to the penalty corresponding to the violence.

Sexual Offenses Against Children

Criminal Code

Art. 149-A – Trafficking in Persons (included by Law 13344 of 2016)

By means of serious threat, violence, coercion, fraud or abuse, for the purpose of:

I - remove organs, tissues or parts of the body;

II - submitting it to work under conditions analogous to slavery;

III - submit it to any type of servitude;

IV - illegal adoption; or

V - sexual exploitation

Penalty - imprisonment, from 4 (four) to 8 (eight) years, and fine.

§1 The penalty is increased by one third to one half if

I - the crime is committed by a civil servant in the exercise of his functions or under the pretext of exercising them;

II - the crime is committed against a child, adolescent or elderly person or with a disability;

III - the agent prevails in relations of kinship, domestic relations, cohabitation, hospitality, economic dependence, authority or hierarchical superiority inherent in the exercise of employment, position or function; or

IV - the victim of trafficking in persons is removed from the national territory.

§2 The penalty is reduced by one to two thirds if the agent is primary and not integrate criminal organization.

Art. 213 – Rape

To coerce someone, through violence or serious threat, to have sexual intercourse or to perform or allow him to practice other lewd acts.

Penalty – imprisonment from 6 (six) to 10 (ten) years.

1. If the conduct results in bodily injury of a serious nature or if the victim is under eighteen (18) or over fourteen (14) years:

Penalty – imprisonment from 8 (eight) to 12 (twelve) years.

2. If the conduct results in death:

Penalty – imprisonment from 12 (twelve) to 30 (thirty) years.

Art. 215 – Sexual violation through fraud

Have a carnal conjunction or practice another libidinous act with someone, through fraud or other means that prevents or hinders the free manifestation of the victim's will:

Penalty - imprisonment, from two (2) to six (6) years.

Sole paragraph. If the crime is committed in order to obtain economic advantage, fine also applies.

Art. 216-A – Sexual harassment

To coerce someone with the intention of gaining advantage or sexual favor, whichever is the agent of superior status or ancestry or inherent in the exercise of employment, position or function.

Penalty – detention from 1 (one) to 2 (two) years.

2. the penalty is increased by up to a third if the victim is under eighteen (18) years.

Art. 216-B – Unauthorized recording of sexual intimacy

Producing, photographing, filming or recording, by any means, content with nudity or a sexual or lewd act of an intimate and private nature without the participants' permission:

Penalty - detention, from 6 (six) months to 1 (one) year, and fine.

Sole paragraph. In the same sentence, anyone who assembles a photograph, video, audio or any other record in order to include a person in a nudity scene or an intimate sexual or lewd act.

Art. 217-A – Rape of vulnerable

Having sexual intercourse or practicing other lewd acts with a minor of fourteen (14) years:

Penalty – imprisonment from 8 (eight) to 15 (fifteen) years.

Art. 218 – Corruption of minors

Inducing someone under fourteen (14) years to satisfy someone else's lasciviousness.

Penalty – imprisonment from 2 (two) to 5 (five) years.

Art. 218-A – Satisfaction of lasciviousness through presence of child or adolescent

To practice, in the presence of someone under fourteen (14) years of age, or to induce him to witness, a carnal conjunction or other libidinous act, in order to satisfy one's own or another's lewdness:

Penalty - imprisonment, from 2 (two) to 4 (four) years.

Art. 218-B – Favoring prostitution or other sexual exploitation of children or adolescents or vulnerable

To submit, induce or attract to prostitution or another form of sexual exploitation someone under the age of eighteen (18) or who, due to illness or mental deficiency, does not have the necessary discernment to practice the act, to facilitate it, to prevent or hinder abandon.

Penalty - imprisonment, from four (4) to ten (10) years.

§2 - The same penalties shall apply:

- I - who practices a carnal or other libidinous act with someone under 18 (eighteen) and greater than 14 (fourteen) years in the situation described in the beginning of this article;
- II - the owner, the manager or the person in charge of the place in which the practices referred to in the beginning of this article are verified.

Art. 218-C – Disclosure of scene of rape or scene of rape of vulnerable, sex scene or pornography

Offer, exchange, make available, transmit, sell or exhibit for sale, distribute, publish or divulge, by any means - including by mass communication or computer or telematic system -, photography, video or other audiovisual record containing scene of rape or rape of vulnerable or apologetic or induces their practice, or, without the consent of the victim, sex scene, nudity or pornography:

Penalty - imprisonment, from 1 (one) to 5 (five) years, if the fact does not constitute a more serious crime.

Increase of penalty

§1 The penalty is increased from 1/3 (one third) to 2/3 (two thirds) if the crime is committed by an agent who maintains or has maintained an intimate relation of affection with the victim or for the purpose of revenge or humiliation.

Exclusion of unlawfulness

§2 There is no crime when the agent practices the conduct described in the beginning this article in a journalistic, scientific, cultural or academic publication with the adoption of a resource that makes it impossible to identify the victim, except for prior authorization, if greater than 18 eighteen years.

Art. 227 – Mediation to serve another's lust

Inducing someone to satisfy someone else's lasciviousness:

Penalty - imprisonment of one to three years.

§1 If the victim is older than 14 (fourteen) and under 18 (eighteen) years, or if the agent is your parent, child, spouse or partner, brother, guardian or trustee or person to whom is entrusted for the purpose of education, treatment or custody:

Penalty - imprisonment from two to five years.

§2 If the crime is committed by means of violence, serious threat or fraud:

Penalty - imprisonment of two to eight years beyond the penalty corresponding to violence.

§3 If the crime is committed for the purpose of profit, applies also fine.

[Law No. 13.431, of April 4, 2017](#)

[Establishes the system of guarantee of rights of the child and adolescent victim or witness of violence and amends the 8.069, July 13, 1990](#)

Art. 2

Children and adolescents enjoy the fundamental rights inherent to the human person, and are afforded the protection integral and the opportunities and facilities to live without violence and to preserve their physical and mental health and their development moral, intellectual and social rights, and enjoy specific rights condition of victim or witness.

Sole paragraph – The Union, the States, the Federal District and Municipalities will develop integrated and coordinated policies aimed at ensure the human rights of children and adolescents in the domestic, family and social relationships, to safeguard them of all forms of neglect, discrimination, exploitation, violence, abuse, cruelty and oppression.

Art. 3

In the application and interpretation of this Law, the social purpose for which it is intended and, in particular, the peculiar to children and adolescents as developing people, to which the State, the family and society must ensure the enjoyment of fundamental rights with absolute priority.

Sole paragraph – The application of this Law is optional for victims and witnesses of violence between 18 (eighteen) and 21 (twenty one) years, as provided in the sole paragraph of art. 2 of the Law on 8,069, of July 13, 1990 (Statute of the Child and Adolescent).

Art. 4

For the purposes of this Law, without prejudice to the of criminal conduct, are forms of violence:

- I - physical violence, understood as the action inflicted on the child or to the adolescent that offends his integrity or bodily health or that causes him physical suffering;
- II - psychological violence:

III - sexual violence, understood as any conduct that confines the child or adolescent to practice or witness carnal or any other libidinous act, including exposure of the body in photo or video by electronic means or not, comprising:

- a) sexual abuse, understood as any action that child or adolescent for sexual purposes, whether it be a carnal or another libidinous act, carried out in person or by electronic means, for sexual stimulation of the agent or third party;
- b) commercial sexual exploitation, understood as the use of child or adolescent in sexual activity in return for remuneration or any other form of compensation, independently or under sponsorship, support or encouragement of a third party, whether in person or by electronic means;
- (c) trafficking in persons, such as recruitment, transportation, transfer, accommodation or reception of the child or the adolescent, within the national territory or abroad, for the purpose of sexual exploitation, through threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of authority, exploitation of vulnerability or delivery or acceptance payment, among the cases provided for in the legislation;

IV - institutional violence, understood as that practiced by an institution public or contractual, including when it causes revictimization.

§1 For the purposes of this Law, the child and adolescent shall be hearing about the situation of violence through specialized listening and special testimony.

§2 The organs of health, social assistance, education, security and justice will adopt the necessary procedures by spontaneous revelation of violence.

§3 In the case of spontaneous disclosure of violence, the child and the adolescent will be called to confirm the facts in the specified way in paragraph 1 of this article, except in the case of health interventions.

§4 Failure to comply with the provisions of this Law shall application of the penalties provided for in Law 8,069 of July 13, 1990 (Statute of Children and Adolescents).

[Act No. 8.069 – Statute of the Child and Adolescent of 1990](#)

Art. 240

Producing, reproducing, directing, photographing, filming or recording, by any means, an explicit or pornographic sex scene, involving a child or adolescent:

Penalty - imprisonment, from 4 (four) to 8 (eight) years, and fine.

§1 - The same penalties shall be imposed on any person who facilitates, recruits, coerces, or in any way mediates the participation of a child or adolescent in the scenes referred to in the beginning of this article, or even those with such agreements.

§2 - The penalty is increased by 1/3 (one third) if the agent commits the crime:

I - in the exercise of public office or function or under the pretext of exercising it;

II - prevailing in domestic relations, cohabitation or hospitality; or

III - prevailing from relations of kinship or affinity to the third degree, or by adoption, of guardian, healer, tutor, employer of the victim or who otherwise has authority over it, or with their consent.

Art. 241

Selling or exposing to the sale of a photograph, video or other record that contains an explicit or pornographic sex scene involving a child or adolescent:

Penalty - imprisonment, from 4 (four) to 8 (eight) years, and fine.

Art. 241-A

Offer, exchange, make available, transmit, distribute, publish or disclose by any means, including by computer system or telematics, photography, video or other record that contains explicit sex scenes or pornography involving children or adolescents:

Penalty - imprisonment, from 3 (three) to 6 (six) years, and fine.

§1 The same penalty will be incurred by anyone who:

- I – provides the means or services for the storage of the photographs, scenes or images noted in the beginning of this article;
- II - provides, by any means, the access by computer network to the photographs, scenes or images noted in the beginning of this article.

§2 The conduct typified in items I and II of §1 of this article are punishable when the legal guardian for the service has been officially notified, fails to disable access to illegal content referred to in the beginning of this article.

Art. 241-B

Acquire, possess or store, by any means, photograph, video or other form of record that contains an explicit or pornographic sex scene involving a child or adolescent:

Penalty - imprisonment, from 1 (one) to 4 (four) years, and fine.

§1 The penalty is reduced by one (1) 2/3 (two thirds) are small amount of material referred to in the beginning of the article.

§2 No crime is the possession or storage is intended to provide the competent authorities the occurrence of the acts described in articles. 240, 241, 241-A and 241-C of this Law, when the communication is made by:

- I - public agent in the performance of his duties;
- II - legally constituted member of entity, including, among its institutional purposes, the receipt, processing and forwarding of news of the crimes referred to in this paragraph;
- III - legal representative and responsible officials of access provider or service provided through a computer network, until receipt of the material related to the news made to the police authority, the Public Prosecutor's Office or the Judiciary.

§3 Persons referred to in §2 of this article shall keep confidential the said infringing material.

Art. 241-C

Simulate the participation of a child or adolescent in a sexually explicit or pornographic scene through adulteration, assembly or modification of a photograph, video or any other form of visual representation:

Penalty - imprisonment, from 1 (one) to 3 (three) years, and fine.

Sole paragraph – Anyone who sells, exhibits, sells, makes available, distributes, publishes or divulges by any means, acquires, possesses or stores the material produced in the form noted in the beginning of this article.

Art. 241-D

Entice, harass, instigate or coerce, by any means of communication, a child, with the purpose of practicing a libidinous act:

Penalty - imprisonment, from 1 (one) to 3 (three) years, and fine.

Sole paragraph – In the same penalties incurs who:

- I - facilitates or induces access to the child of material containing explicit or pornographic sex for the purpose of practicing libidinous act;
- II - practices the behaviors described in the beginning of this article in order to induce a child to exhibit in a pornographic or sexually explicit way.

Art. 241-E

For the purpose of the crimes contemplated in this Law, the term "explicit or pornographic sex scene" includes any situation involving a child or adolescent in explicit or simulated real sexual activity or display of the genital organs of a child or adolescent for primarily sexual purposes.

[Constitution of Brazil](#)

Art. 16 – Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Art. 227

It is the duty of the family, the society and the State to ensure children and adolescents, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom and family and community life, as well as to guard them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

§4 The law shall severely punish abuse, violence, and sexual exploitation of children and adolescents.

▪ **Female Genital Mutilation (FGM)**

No information found.