



**DEFENSORIA PÚBLICA  
DO ESTADO DE SÃO PAULO**



**SPECIALIZED CENTER OF CHILDREN'S RIGHTS OF THE PUBLIC  
DEFENDER'S OFFICE OF THE STATE OF SÃO PAULO**

**Report to the 99th Pre-Session of the Committee on the Rights of the Child**

**Analysis on the compliance with the rules set forth in the CRC – Convention on the  
Rights of the Child by Brazil**

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**Committee on the Rights of the Child – Convention on the Rights of the Child (CRC)**

1. **THE PUBLIC DEFENDER'S OFFICE OF THE STATE OF SÃO PAULO** is a permanent institution, essential to the State's jurisdictional function. Article 134 of the Brazilian Federal Constitution of 1988 provides, amongst the Office of the Public Defender's duties, as an expression and instrument of democracy, fundamentally, the legal guidance, the promotion of human rights and the defense of individual and collective rights of those in need, in all judicial and extrajudicial instances. As an autonomous institution, the Office of the Public Defender is not part of the government, but a body composed by legal professionals selected through a rigorous public process, to whom it is also granted functional independence. The Constitution ensures functional and administrative autonomy to the Office of the Public Defender making it, therefore, an independent (public) human rights monitoring body. In accordance with this essential role, federal legislation (Complementary Law No. 80/1994) enables the Office of the Public Defender to act before international human rights mechanisms. In that sense, Article 4, VI, of the mentioned federal law states, as one of its institutional functions, to access the international systems of human rights protection, postulating before their bodies.

2. NEIJ of the Public Defender's Office is a specialized, permanent center with the primary mission of promoting, monitoring and inspecting public policies directed at children, especially the most vulnerable, aiming the guarantee and consolidation of their rights through judicial and extrajudicial action.

3. Taking into to account, the proximity to the sessions in which Brazil's report will be analyzed and the increase of the complaints regarding the CRCS recommendations, **NEIJ of the Public Defender's office of the State of São Paulo** respectfully come to the **CRC COMMITTEE**, to present this brief document, hoping to contribute with the review of Brazil's report during the 99<sup>th</sup> Pre-Session.



## **1. VIOLATIONS OF CHILDREN'S RIGHTS IN THE CHILD JUSTICE SYSTEM**

### **1.1. MINIMUM AGE FOR CHILD (INFRACTIONAL) RESPONSIBILITY (GENERAL COMMENT No. 24)**

4. Initially, for the analysis of Brazil's compliance with the international precepts outlined in the CRC, the parameters in General Comment No. 24 of the Committee on the Rights of the Child are also considered:

*“21. Under article 40 (3) of the Convention, States parties are required to establish a minimum age of criminal responsibility, but the article does not specify the age. Over 50 States parties have raised the minimum age following ratification of the Convention, and the most common minimum age of criminal responsibility internationally is 14. Nevertheless, reports submitted by States parties indicate that some States retain an unacceptably low minimum age of criminal responsibility.*

*22. Documented evidence in the fields of child development and neuroscience indicates that maturity and the capacity for abstract reasoning is still evolving in children aged 12 to 13 years due to the fact that their frontal cortex is still developing. Therefore, they are unlikely to understand the impact of their actions or to comprehend criminal proceedings. They are also affected by their entry into adolescence. As the Committee notes in its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, adolescence is a unique defining stage of human development characterized by rapid brain development, and this affects risk-taking, certain kinds of decision-making and the ability to control impulses. States parties are encouraged to take note of recent scientific findings, and to increase their minimum age accordingly, to at least 14 years of age.*

*30. The Committee recommends that those States parties that limit the applicability of their child justice system to children under the age of 16 years (or lower), or that allow by way of exception that certain children are treated as adult offenders (for example, because of the offence category), change their laws to ensure a non-discriminatory full application of their child justice system to all persons below the age of 18 years at the time of the offence (see also general comment No. 20, para. 88).”*



5. As already noted in the report submitted by Brazil, the Statute of the Child and Adolescent (ECA) (Law No. 8,069 of July 13, 1990) distinguish between children and adolescents:

*Art. 2. For the purposes of this Law, children is a person up to twelve years of age incomplete, and adolescent is one between twelve and eighteen years of age.*

6. The Brazilian report also informs:

*“223. According to the last Annual SINASE survey, the total of adolescents subjects to socio-educational measures due to trafficking and association to drug trafficking is of 3,438.*

*224. In the last SINASE survey the total of young people in conflict with the law is 46,193 and young people and adolescents deprived of freedom (internment and semi-freedom regimes) is 19,796.*

*225. Once the infraction is confirmed, the appropriate authority may apply to the adolescent the following measures:*

- Warning;*
- Obligation to repair the damage;*
- Community service;*
- Assisted Freedom;*
- Semi-confinement Regime;*
- Internment in educational facilities”*

7. According to data from the state internment institution of São Paulo, named Fundação Casa, out of 4,540 adolescents interned in April 2024, 307 of them are between 12 and 14 years old<sup>1</sup>.

8. Thus, child justice (socio-educational measure) is applicable from 12 years old onwards, indicating that Brazil is below the international average (and the suggestion of the CRC Committee to limit the applicability of their child justice system to children under the age of 16 years).

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<sup>1</sup> Available at: <https://fundacaocasa.sp.gov.br/index.php/abril-2024/>



9. As if that were not enough, currently, numerous legislative proposals seek to regress and go against the civilizational advances provided by national and international norms that ensure the protection, promotion, and defense of the rights of children and adolescents with absolute priority.

10. We can cite, for example, the following projects that legislate on the lives of adolescents without properly understanding how children and adolescents in a state of extreme vulnerability, whether held responsible or not for committing infractions, have been treated over the years and still are today. These projects aim to reduce the age of criminal responsibility (from 18 years): PDC01002/2003<sup>2</sup>, PDC-01028/2003<sup>3</sup>, PDC-01144/2004<sup>4</sup>, PDC-01579/2005<sup>5</sup>, PDC00494/2011<sup>6</sup>, PDC-00831/2013<sup>7</sup>, PDC-01120/2013<sup>8</sup>.

## **1.2 PRESENCE OF MALE AGENTS IN FEMALE DETENTION UNITS AND CASES OF SEXUAL ABUSE**

11. The report submitted by Brazil on May 3, 2021, details many laws enacted by the State party and highlights, in particular, the importance of CONANDA: "33. *Regarding the development of policies focused on children and adolescents, it is worth noting that in Brazil we have the National Council for the Rights of Children and Adolescents – CONANDA, state and municipal Children and Adolescent Rights councils*".<sup>9</sup>

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<sup>2</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=143578>

<sup>3</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=145216>

<sup>4</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=145216>

<sup>5</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=278982>

<sup>6</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=525410>

<sup>7</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=573645>

<sup>8</sup> Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=585943>

<sup>9</sup> CONANDA is also described in the Brazilian report of the Optional Protocol from February 2024 as "7. *The CONANDA is the deliberative and controlling body of actions at all levels involving children and adolescents, under federal law. The primary function of CONANDA is the preparation of the general rules for the national policy on the rights of children and adolescents, which serve as a reference for the creation of state, municipal, and district policies. It establishes axes and principles that are in line with the rules protecting the rights of children and adolescents, which must be followed by the enforcement agencies. The CONANDA, which has equal composition between the Federal Government and the Non-Governmental Organizations, monitored the preparation of the report and has made contributions.*"



12. Furthermore, it mentions the protection of children and adolescents who are victims of violence and Article 19 of the CRC, regarding protective measures, citing campaigns aimed at parents and guardians on identifying the risk of sexual abuse.

13. However, in its listing of documents issued by CONANDA, it never pointed out Resolution n. 225 of December 27<sup>th</sup>, 2021, which establishes guidelines for socio-educational care for adolescent girls deprived of liberty in the National System of Socio-Educational Services (SINASE).

14. Of most importance is the provision of Article 9 of the mentioned Resolution:

*Chapter I - Sexual Violence Article 9: Adolescent girls deprived of liberty shall be accompanied, mandatorily, by female socio-educational agents, in custody within the accommodations, during meal times, and in any activities, as well as during internal movement for activities and technical appointments.*

*Paragraph 1: Under no circumstances shall male socio-educational agents be part of the unit's team in the execution of regular internal routines.*

*Paragraph 2: External transportation for judicial hearings, health appointments, or other purposes outside the facility may be conducted by male socio-educational agents, provided that the adolescent is also accompanied, at all times, by at least one female socio-educational agent.*

*Paragraph 3: Actions to respond to critical situations within the facilities should preferably be carried out by female socio-educational agents, and they should be provided with appropriate training and capacity-building opportunities, aiming to ensure the physical and psychological integrity of the adolescent girls deprived of liberty, as well as all professionals within the facility.*

*Paragraph 4: The provisions of this article do not apply to professionals from technical teams, education, health, or other pedagogical, vocational, cultural, sports, and leisure activities, among others.*

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15. This provision is due to the frequent reports of sexual abuse and the dynamics of power relations accentuated by gender issues in detention facilities. Cases of sexual abuse investigations within these establishments are not uncommon, as evidenced by the following news report from Rio de Janeiro: "Degase agent sentenced to 43 years for rapes of adolescent girls in female unit" [Source: G1 (globo.com)]<sup>10</sup>.

16. In São Paulo as well, we've had repeated cases investigating these abuses, which even led to the removal of the director from one of the Female Centers, although the proceedings were conducted in secrecy.

17. It is worth mentioning that, according to Brazil's own report, engaging in sexual activities with individuals under 14 years old is considered a crime (Article 217-A of the Brazilian Penal Code).

18. (*sensitive data*).

19. The failure to comply with these parameters violates the following articles of the Convention: Articles 3, 4, 19, 34, 36, 37, 40.7 (respect for privacy in child justice system).

20. Finally, it is noted that during a joint visit conducted by the Public Defender's Office of the State of São Paulo (through NEIJ) and the National Mechanism for the Prevention and Combat of Torture, dated September 2023, with reports still not finalized, violations in this regard were reported at a female detention facility in São Paulo – (*sensitive data*): male agents were reported to be active during the nightly confinement of the adolescents, as well as accompanying them during personal hygiene tasks, such as escorting them to the bathroom.

21. The absence of measures to prevent these practices is a shared responsibility across all levels of the government. In other words, it's not enough to formulate regulations without their implementation, as already highlighted in General Comment No. 18 of the Committee on the Rights of the Child<sup>11</sup>:

*“40. A key element of any holistic strategy is the development, enactment, implementation and monitoring of relevant legislation. Each State party is under the obligation<sup>16</sup> to send a clear message of condemnation of harmful practices, provide legal protection for victims, enable State and non-State actors to protect women and*

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<sup>10</sup> Available at: [Agente do Degase é condenado a 43 anos por estupros de adolescentes de unidade feminina | Rio de Janeiro | G1 \(globo.com\)](#)

<sup>11</sup> General Comment No. 18 on the Committee on the Rights of the Child on harmful practices and General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women.



*children at risk, provide appropriate responses and care, and ensure the availability of redress and an end to impunity.*

*41. The enactment of legislation alone is, however, insufficient to combat harmful practices effectively”*

22. It is worth pointing out the violation of the rights of numerous adolescent girls and children with the processing of Federal Bill 1.904/2024, which equates abortion performed after 22 weeks of gestation to homicide, even in cases resulting from rape, which will be further explained in a separate report<sup>12</sup>.

### **1.3. LACK OF ALTERNATIVE MEASURES IN RECOGNIZING TRAFFIC AS THE WORST FORM OF CHILD LABOR**

23. Despite Brazil having mentioned in its report the Convention n. 182 on the Worst Forms of Child Labor and Immediate Action for its Elimination by the International Labour Organization, the creation of the National Commission for the Eradication of Child Labor and the inspections carried out by CONAETI do not appear to be sufficient.

24. There is underreporting found in the records regarding child labor in the illicit drug economy, and adolescents not only remain victims of this labor exploitation but are also punished when apprehended for offenses similar to those established in Federal Law No. 11,343 of 2006.

25. Despite the importance of the topic, there is no provision in the Constitution or in the Statute of the Child and Adolescent regarding drug trafficking as one of the worst forms of child labor, as envisaged in Article 33 of CRC.

26. Brazil still adopts a drug combat policy sometimes from a medical-psychiatric perspective<sup>13</sup>, sometimes from a police perspective, and legislation has not decriminalized use (Article 28 of Law 11,343/2006).

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<sup>12</sup>Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2434493>

<sup>13</sup> Available at: [cnj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf](http://cnj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf)





27. The lack of regular job opportunities, low education levels, and social discrimination demonstrate that the few jobs offered to adolescents and young people from vulnerable communities end up being informal and very precarious.<sup>14</sup>

28. According to data collected by the National Council of Justice (CNJ), in 2017, over 21% of adolescents detained were allegedly involved in this type of delinquent conduct, and in the case of São Paulo, the state with the highest absolute number of detained adolescents, almost 50% were in these conditions due to the alleged commission of acts similar to those established in Federal Law n. 11,343 of 2006<sup>15</sup>.

29. These data allow us to conclude that Article 122<sup>16</sup> of the Statute of the Child and Adolescent has been given little consideration in judicial decisions, leading the CNJ to publish the mentioned Manual for the Incidence of the Theme of Drug Trafficking as one of the worst forms of Child Labor.

30. This Manual suggests alternatives such as: (i) not accepting the representation, since the adolescent would be prosecuted for an act that cannot be considered a crime; (ii) granting the remission provided as forgiveness in the ECA; (iii) applying protective measures that are distinct from socio-educational measures; (iv) referring to restorative justice programs.

31. However, in practice, numerous cases of provisional or definitive detention are still identified, even for these acts analogous to trafficking, and the application of socio-educational measures of all kinds, whether in open environments or with restricted freedom. In the city of São Paulo, for example, the most populous city in South America, child justice hearings are concentrated in a specialized forum for children and youth. According to the Public Defender's State Annual Report<sup>17</sup>, 6,547 hearings were held at the location in 2023; however, there is no record of referral to restorative justice programs for cases related to trafficking.

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<sup>14</sup> Available at: [at:cnpj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf](https://cnpj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf)

<sup>15</sup> Available at: [at:cnpj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf](https://cnpj.jus.br/wp-content/uploads/2023/04/manual-traffic-de-drogas-como-uma-das-piores-formas-de-trabalho-infantil-digital.pdf)

<sup>16</sup> Article 122. The measure of internment can only be applied when: I - it involves an infraction committed through serious threat or violence against a person; II - there is a repetition in committing other serious infractions; III - there is repeated and unjustifiable non-compliance with the previously imposed measure. § 1 The period of internment in the case of item III of this article cannot exceed 3 (three) months and must be judicially decreed after due legal process. § 2 Under no circumstances will internment be applied if there is another appropriate measure.

<sup>17</sup> Available at: <https://www.defensoria.sp.def.br/institucional/corregedoria-geral/estatisticas-anuais>  
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32. In a recent case in the proceedings (*sensitive data*), even though the first-instance judge recognized that the adolescent should not be held responsible for the charge of trafficking due to child labor, upon appeal to the São Paulo State Court of Justice, the decision was overturned to apply the more severe measure - internment.

33. According to current data from Fundação Casa, out of the 4,540 adolescents interned, 1,703 are serving more severe measures for trafficking or possession or use of drugs.<sup>18</sup>

34. Thus, both the restrictive measures of liberty and provisional detention for these offenses (infraction) are out of step with General Comment No. 24 from the Committee on the Rights of the Child.<sup>19</sup>

35. It is noted that the Supreme Federal Court (Constitutional Court) established in June 2024 a precedent to decriminalize the possession of marijuana for personal use and differentiated the quantity between user and dealer in Extraordinary Appeal 635.659. However, the decision has not yet been implemented, requiring petition in each individual case, and this judgement deals only with marijuana.

## **2. CHILD MORTALITY IN THE STATE OF SÃO PAULO**

36. Historically, the Military Police, as structured in Brazil, is responsible for a series of violence incidents, particularly against the poor and peripheral population.

37. According to the 2024 Violence Atlas<sup>20</sup> published by The Institute of Applied Economic Research (Ipea), homicides are a relevant cause of mortality among young people in Brazil. Almost half of the victims are individuals in their productive capacity, in the period of educational formation, with the perspective of starting a professional trajectory and building a family network.

38. There were 22,684 young homicide victims in 2022, aged 15 to 29. According to the study, since the 1980s, the process of lethal victimization of youth has become one of the main obstacles to advancing minimum levels of public security in Brazil.

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<sup>18</sup> Available at: <https://fundacaocasa.sp.gov.br/index.php/boletins/>

<sup>20</sup> Available at: <https://www.ipea.gov.br/atlasviolencia/arquivos/artigos/7868-atlas-violencia-2024-v11.pdf>  
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39. Child and adolescent mortality is largely due to police interventions. According to data released by the Observatory of Childhood and Youth<sup>21</sup>, in 2017, out of 1,854 homicides committed by legal intervention or in war operations in the country, 599 of them were of individuals under 19 years old.

40. In a study commissioned by Folha de São Paulo to FBSP<sup>22</sup> (Brazilian Forum on Public Safety.), the state of São Paulo ranks second in the national ranking of police lethality: in 2019, 120 children and adolescents were killed - 53 in the capital and 67 in other municipalities.

41. With the implementation of body cameras by the Military Police of the State of São Paulo, a significant decrease was noted in a study conducted by UNICEF and the Brazilian Forum of Public Security, starting from 2020<sup>23</sup>. Nevertheless, between 2019 and 2020, 273 adolescents and young people aged 15 to 19 in São Paulo were killed by police interventions.

42. However, the situation worsened since August 2023, when Military Police operations began in Baixada Santista, a fact already reported in an urgent appeal sent to the Committee on the Rights of the Child on April 4, 2024.

43. As reported, following the death of a military police officer from ROTA (Rondas Ostensivas Tobias Aguiar) in Baixada Santista, a mega-operation entitled "Operation Shield"/ "Operação Escudo" began on July 28, 2023, scheduled to last a month. It mobilized agents from all 15 special operations battalions of the state, around 3,000 military police officers, as well as riot squads and local personnel. During the operation, there were reports of repeated threats to the community, police approaches full of physical aggression, torture, mistreatment, and summary executions<sup>24</sup>.

44. It's worth noting that the Police Ombudsman even filed a police report after receiving death threats and racial slurs from a group of prison guards on WhatsApp.<sup>25</sup>

45. According to the press, during the period when Operação Escudo was underway, there were numerous reports of home invasions in the communities of Baixada Santista carried out

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<sup>21</sup> Available at: <https://observatoriocrianca.org.br/cenario-infancia/temas/violencia/1151-numero-de-obitos-por-homicidio-em-operacoes-de-guerra-e-intervencoes-legais?filters=1,1892>

<sup>22</sup> Available at: <https://www1.folha.uol.com.br/cotidiano/2020/12/em-tres-anos-policiais-mataram-ao-menos-2215-criancas-e-adolescentes-no-pais.shtml>.

<sup>23</sup> Available at: [https://www.unicef.org/brazil/media/24176/file/estudo\\_cops-pmesp-processo-de-implementacao-e-impacto-nas-mortes-de-adolescentes.pdf](https://www.unicef.org/brazil/media/24176/file/estudo_cops-pmesp-processo-de-implementacao-e-impacto-nas-mortes-de-adolescentes.pdf)

<sup>24</sup> Available at: [Operação da PM em Guarujá deixa 10 mortos, diz Ouvidoria - 30/07/2023 - Cotidiano - Folha \(uol.com.br\)](https://www1.folha.uol.com.br/cotidiano/2023/07/30/operacao-da-pm-em-guaruj%C3%A1-deixa-10-mortos-diz-ouvidoria-30/07/2023)

<sup>25</sup> Available at: <https://www.brasildefato.com.br/2023/08/05/em-meio-a-operacao-escudo-ouvidor-das-policias-de-spe-ameacado-de-morte>



by security agents, who not only invaded but also demolished residences without judicial warrants.<sup>26</sup>

46. After 40 days, the operation was formally concluded, resulting in 958 arrests and at least 28 people killed, as announced by the State Government itself. The operation, initiated not as a result of criminal investigation, but with the aim of avenging the deaths of police officers, was the most violent and lethal in the state of São Paulo since the Carandiru Massacre and the May 2006 Crimes. The National Council of Human Rights, which was on a mission in the territory of Guarujá on August 15, 2023, reported the following after listening to the families of the victims and leaders of the affected communities: *“There have been reports of extrajudicial executions, torture, home invasions, destruction of dwellings, and other abuses and excesses committed by security forces. Allegations of denial of access to information for families and violation of the right to mourn were recurrent. Several relatives stated that bodies were delivered in sealed coffins, making it impossible, in many cases, to recognize the family members who would be buried”*<sup>27</sup>.

47. On September 1st, 2023, the National Council of Justice released a preliminary report containing 11 accounts of human rights violations identified during Operação Escudo<sup>28</sup>. Additionally, it recommended, beyond the suspension of the operation, the adoption of measures, including the preservation of the custody chain of the cameras of all police officers involved in the operation, covering physical devices, collected information, storage, archiving, downloads, and any other relevant information for safeguarding the footage, as well as clarifications on the non-use of body cameras by officers assigned to battalions that are part of the "Olho Vivo" Program.

48. Human Rights Watch Brazil also described a series of human rights violations during Operação Escudo, which were systematized in the report *“They Promised to Kill 30: Deaths Resulting from Police Action in Baixada Santista in São Paulo”*<sup>29</sup>. From the analysis of police

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<sup>26</sup> Available at: <https://www.cnnbrasil.com.br/nacional/moradores-denunciam-excessos-e-colocam-casas-a-venda-apos-operacao-em-guaruja/>

<sup>27</sup> Available at: <https://www.gov.br/participamaisbrasil/nota-cndh-21-2023>

<sup>28</sup> Available at: <https://www1.folha.uol.com.br/cotidiano/2023/09/conselho-de-direitos-humanos-recomenda-quetarcisio-interrompa-operacao-escudo.shtml>

<sup>29</sup> Available at: <https://www.hrw.org/pt/report/2023/11/07/386399>



report and necropsy reports, the international organization identified a series of failures in the investigations of deaths by police intervention that occurred during Operation Shield.

49. Despite the mobilization of a force of 600 military police officers, the State Department of Public Security ruled out the use of cameras by security agents involved in the operation in Baixada Santista, as reported by the head of the military advisory of the Secretariat of Public Security (SSP) in a press conference held on August 7, 2023<sup>30</sup>.

50. Despite numerous violations reported nationally and internationally, in early 2024, the State resumed the police operation in the Baixada Santista region.

51. In a consultation carried out on the website of the Public Security Secretariat of the State of São Paulo (SSP)<sup>31</sup>, which provides data on deaths due to police intervention, considering only cases of deaths due to police intervention carried out by police officers on duty, 47 incidents of this nature were recorded between 01/01/2024 and 02/01/2024 throughout the State (January 2024 is the last month available for consultation). Of these, 16 occurred in municipalities in Baixada Santista (Cubatão, Guarujá, Santos, São Vicente and Praia Grande), which corresponds to 34% of the total, showing that there is a disproportionate use of force in these operations in this region.

52. In relation to children specifically, what is happening is an increase in the number of children killed in police interventions, in addition to the fact that such operations put them at risk and violate or hinder the exercise of their rights.

53. Four cases analysed by the Specialized Office of Children's Rights of the Public Defender's Office exemplify this escalation in the deaths of children and adolescents due to police intervention: those of (*sensitive data*).

54. D.X.F., 17 years old, was killed on August 23, 2023, at 9:10 pm, in the municipality of São Vicente. The police report alleges that police officers were on routine patrol when they saw a couple being taken out from a vehicle, with two individuals entering it. The police officers approached the vehicle and gave orders to stop, which were not obeyed. The vehicle entered an alley and crashed into a wall, with its occupants trying to escape, each to one side. The police officers followed the driver, who allegedly tried to hide behind a pole "while trying

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<sup>30</sup> Available at: <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2023/08/09/operacao-escudo-pm-de-sp-descartamento-de-cameras-por-todos-os-policiais-em-acao-no-litoral.htm>

<sup>31</sup> Available at: <https://www.ssp.sp.gov.br/estatistica>.



to pull out something he had on his waist”, and the police officers shot him. The person was allegedly taken to the hospital but did not resist the wounds. This was later identified as Davi.

55. G.B.S.S., just 14 years old, was killed on February 7<sup>th</sup>, 2024, at 00:40, in Cubatão. In the police report it is also alleged that there was mere defense on the part of the police officers, who were the target of firearm shots, one of which hit the ballistic vest of one of the police officers. Likewise, according to information from the Military Police, he died at the scene when he was shot by the police.

56. K.H.D.B. e M.V.J.A.L., both 17 years old, were killed in São Vicente, on February 27, 2024. According to the police report, once again drawn up based on the police officers' statements, the officers were in an “operation to combat drug trafficking”, “carrying out an incursion in a forest and mangrove area, which is difficult to access”, so that the teams of police officers arrived at the scene from opposite sides. A team arrived at the scene, and the individuals tried to escape along a trail, where they encountered the other team of police officers. The individuals then supposedly fired firearms at the police officers, who “repelled the unjust aggression by shooting at the individuals”. After the alleged exchange of gunfire, “five individuals remained lying on the ground with injuries from gunshots.” Among these five, three died, two being teenagers.

57. L.G.C.C., a 15-year-old teenager, was killed by military police officers, at 11:20 am, on August 28, 2023, in the city of Guarujá. According to the incident police report, which was based on statements from the police officers involved in the situation, the police team was “on routine patrol for Operation Shield”, when they came across an individual with a black backpack, who, upon realizing the presence from the police, he fled towards a mangrove. At a certain point during the follow-up, the individual allegedly took out a pistol and pointed it in the direction of the police, who “fired their weapons at him, stopping the unjust aggression, culminating in the death of the aggressor”. No witnesses were taken to the police department at the time by the police, in order to provide other accounts of the events. On the contrary, according to reports provided to the Public Defender's Office, the young man had a dentist appointment scheduled for that date and was on his way to a friend's house, who would accompany him to the appointment. When he was heading to his friend's house, the Military Police invaded the community, at which point he ran. He was then shot at by police officers. He was then dragged to a house and then to the mangrove, where he was shot again and taken



to the medical unit already dead. This is corroborated by the receipt of the dentist's appointment and by a photo, taken by residents, which, despite its quality, allows us to observe a police officer close to the child, in the mangrove, which may indicate that it was the moment of his execution. This possibility is also corroborated by the necroscopic report, produced by the Legal Medical Institute, and added to the ongoing police investigation of his death. The report states that three projectile injured him: the first, entered the cervical region, and has a direction from top to bottom; the second, with entered through the shoulder and exited through the chest, also has a “slightly top to bottom” direction; finally, there is a third shot, with entry on the anterior surface of the left forearm and exit on the posterior surface of the same forearm. In other words, in addition to two shots aimed from top to bottom, which may indicate an extrajudicial execution, there is an injury to the forearm, commonly called in legal medicine a “defense injury”, which may indicate that he was just trying to protect himself from the shots. Therefore, although the investigations are still ongoing, there are important elements that indicate that this is an extrajudicial execution of a teenager by the Military Police of the State of São Paulo.

58. Indeed, there are numerous reports of an increase in police lethality in the state of São Paulo<sup>32</sup>.

59. It is clear that the Brazilian State violates a series of provisions of the CRC, including Articles 6, 16, 19, and 37.

### **3. VIOLATION OF THE RIGHT TO FAMILY LIFE AND ADOPTION PROCESSES**

60. In the report presented by Brazil, regarding the topic “*Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)*” was written: “*We are working alongside the National Congress, CNJ and civil society to **speed up** adoption proceedings and to promote host families in order to avoid the institutionalization of the child.*”.

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<sup>32</sup>Available at:[https://www1.folha.uol.com.br/cotidiano/2024/04/sob-tarcisio-numero-de-possuas-mortas-por-pms-em-sp-cresce-138-em-um-ano.shtml?pwgt=kn1wxvmqexwfhwx4bpmxgujxd9nfv811u6lpj5iu3ubbugv&utm\\_source=whatsapp&utm\\_medium=social&utm\\_campaign=compwagift](https://www1.folha.uol.com.br/cotidiano/2024/04/sob-tarcisio-numero-de-possuas-mortas-por-pms-em-sp-cresce-138-em-um-ano.shtml?pwgt=kn1wxvmqexwfhwx4bpmxgujxd9nfv811u6lpj5iu3ubbugv&utm_source=whatsapp&utm_medium=social&utm_campaign=compwagift)



61. This statement raises great concern, considering the precepts of the Statute of the Child and Adolescent and the enormous economic and social inequality of the Brazilian state.

62. In a recent doctoral thesis aimed at exploring the work of technical sectors in actions to terminate family authority (ADPF), supported by procedural records and interviews with professionals working in childhood and youth in the state of São Paulo, it is possible to perceive the sensitivity of the topic<sup>33</sup>:

*“In one of the cases, every time the mother of the children was mentioned, it was asserted that she engaged in prostitution. The Public Defender's Office submitted numerous certificates proving that she did not engage in prostitution, that she had found a job and was employed as a cleaner. However, in every statement, the Prosecutor referred to her as a woman who had abandoned her children to engage in prostitution. The element of prostitution, even though it didn't offend me personally as an individual or as a researcher, affected me as, throughout the 300-page process, the woman was humiliatingly labeled as a prostitute, associated with behavior incompatible with motherhood. In another case, every time the Prosecutor referred to the children, they described them in parentheses as '(infested with lice)'. Many times in the proceedings, the elements that led to the removal of the children were described briefly but repeatedly. The children were hungry, infested with lice, one of them had a wound on the buttocks, and another had a bruised wrist. During the process, the mother provided justifications: the children had lice because they caught them at school, they were hungry because they (and she included) were in a state of poverty, the wound on the buttocks was being treated, and the bruised wrist was an abscess on the child's body. However, the conditions of the children that initially led to their removal were repeated throughout the entire judicial process until the sentence. It seemed that the mother's justifications were not even heard, and*

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<sup>33</sup> Available at: <https://repositorio.usp.br/item/003161282>. GOMES, Janaina Dantas Germano. The care in judgment: a look at the processes of termination of parental rights in the state of São Paulo. 2022. Tese (Doutorado) – Universidade de São Paulo, São Paulo, 2022.





*these issues, which were central to the sentence, were not even addressed in the reports".*

63. From these passages, it can be observed that the processes of termination of parental rights are permeated by stigmatization and prejudice, whether due to poverty, the role of women, or the distortion of gender.

64. It is striking that in the Brazilian judiciary, there are judicial requests involving the termination of parental rights even before the child is born. In the Tupi Paulista-SP district, all pregnant women incarcerated in the city's penitentiary face the embarrassment of having to defend themselves legally in a judicial process, regardless of having previously indicated that the future child could be cared for by members of the extended family (grandparents, uncles, siblings, etc.) or even the father.

65. It's the case of J.D.S., in case number (*sensitive data*). Although she indicated to the staff of the Resocialization and Health Care Center of the penitentiary that the child's grandmother would assume custody if she were still incarcerated after the minimum breastfeeding period, the Public Prosecutor's Office filed an action for "application of protective measures combined with removal from maternal care and subsidiary request for termination of parental rights."

66. Even without any description of any situation that would discredit her conduct as a mother to the child (which is not even possible considering the child was still in gestation), the Public Prosecutor's Office, in this and several other cases, requested: "the TERMINATION of the parental rights of the defendant J.D.S. concerning her child, in case of disagreement regarding the termination of parental rights."

67. Requests like these are not limited to incarcerated women but also in situations of social vulnerability, especially with abusive drug use. In case number (*sensitive data*), which was processed in the district of Barra Bonita-SP, the internment and termination of parental rights of B.F.G. were requested, while her child was still in gestation. The request was made on February 7, 2023. Despite its complexity, the process was resolved with the termination of parental rights on August 22, 2023, just over six months later.



68. The defendant was subjected to compulsory treatment and was hospitalized after a court order. It is noteworthy that it is not within the jurisdiction of the youth court to determine the hospitalization of adults.

69. The child was separated from the mother immediately after birth, as stated in item c of the interim decision in the case, which stated: "*c) determine the institutional reception of the newborn after its birth.*" The child didn't even have the opportunity to spend the first days of life with the parent.

70. On the other hand, the mother, after treatment, was arrested and didn't even have the opportunity to speak directly in the process, being only represented by a special curator, even though her whereabouts were known, as pointed out in the sentence.

71. There is also no information that an individualized plan was established in the case to overcome the impossibilities of reintegrating the child into the extended family or even the original one. Placing the child in substitute family care, proclaimed as an exceptional solution in the legislation, was the almost immediate response in this case.

72. It is important to emphasize that Statute of the Child and Adolescent expressly prohibits the separation from family life based on financial reasons and/or criminal conviction. However, in practice, vulnerabilities resulting from these factors end up being directly or indirectly used as grounds in such actions.

*Art. 23. The lack or shortage of material resources is not sufficient reason for the loss or suspension of parental rights.*

*§ 1. If there is no other reason that alone justifies the decree, the child or adolescent will be kept in their original family, which must be included in official protection, support, and promotion services and programs.*

*§ 2. The criminal conviction of the father or mother will not result in the termination of parental rights, except in the case of a conviction for intentional crime punishable by imprisonment against another equally entitled holder of the same parental rights or against a child, daughter, or other descendant.*

73. Despite the provision of the right to family life, the rule in the judgment of these processes is for separation, as also observed in a dissertation:



*“Furthermore, it was possible to confirm that the termination of parental rights was the norm (125 judgments), even though the legislation ensures family and community life with priority (Brazil, 1990a, art. 19), and often judicial decisions describe termination as an "extreme" and exceptional measure. This finding corroborates the results of Luciana Pantuffi's research (2019), which conducted interviews with institutional agents and parties involved in termination of parental rights cases in the São Paulo district. According to the author, the interviews lead to the conclusion that the outcome of these processes is already defined at the moment the action is filed in the judicial sphere, meaning: "The exception is when, in a termination action, the outcome is not termination" (Pantuffi, 2019, p. 158).<sup>34</sup>*

*In addition to the absence of employment, the housing conditions of families were invoked to illustrate "risk situations" and "vulnerability" to which children and adolescents were subjected. In one of the judgments, it is described that "C., along with the children B., G., and D., were alone in a shack of 9 square meters, without walls at the back, without a bathroom, and without access to food." (ID 10). In the same decision, it is reiterated that the residence "didn't even have a bathroom," and the social worker's report is cited to prove that "the children lived in extremely vulnerable situations, as they resided in a shack, did not attend school, witnessed domestic violence involving the defendants, and were often left alone at home." (ID 10).<sup>35</sup>*

74. The conclusions of the aforementioned study also point in this direction:

*“Thus, the jurisdictional action of the São Paulo Court of Justice in the analyzed judgments was marked by the reiteration of sentences and technical reports produced during the proceedings, as well as the reproduction of*

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<sup>34</sup> Available at: <https://repositorio.fgv.br/server/api/core/bitstreams/6bb38a0d-63f5-4a6a-b7ad-21bca13f8c54/content>  
PLASTINO, Luisa Mozetic, Unfit Mothers, Incapable Fathers: Imprisonment and Poverty in the Narratives of the São Paulo State Court to Deprive Parental Authority, Fundação Getúlio Vargas, São Paulo, 2022, page 67.

<sup>35</sup> Available at: <https://repositorio.fgv.br/server/api/core/bitstreams/6bb38a0d-63f5-4a6a-b7ad-21bca13f8c54/content>  
= (page 76)



*narratives aimed at negatively assessing the suitability of mothers and fathers to exercise parental rights. In this sense, the unsuitability for motherhood or fatherhood was constructed by disqualifying personal characteristics and living conditions of the processed mothers and fathers. The use of protective principles of Statute of the Child and Adolescent (ECA) and open normative provisions of the Civil Code, such as "abandonment" and "acts against morality and good customs," acted as a "legal veneer," making arguments depreciative against mothers and fathers who lack material resources, live on the streets, are in prison, and experience situations stemming from profound social inequality and the absence of adequate public policies to ensure their survival palatable and legitimate. It is possible to conclude, along this line, that in many of the analyzed decisions, the São Paulo Court of Justice produced arguments that are based on poverty contexts and, therefore, go against the express provision of Statute of the Child and Adolescent, according to which the lack of material resources should not be sufficient reason for the termination of parental rights (Brazil, 1990a, art. 23). In this sense, the categories used in the decisions to justify the termination of parental rights bear similarities to ideas gestated in the republican period of Brazil, when the first forms of state welfare intervention over childhood were created. I highlight some of these ideas: (i) the opposition between formal work and practices of vagrancy, begging, and criminality; (ii) the notion of pathological heredity expressed in codes about the family histories of neglect and abandonment by parents; (iii) the association between prostitution and the degeneration of sexual behaviors; (iv) the representation of poor families as "disrupted" and their association with "risk" for the development of infants; and (v) the presentation of adoption applicants as individuals capable of building "healthy" bonds. In summary, there is a narrative that crosses several decisions, according to which it is necessary to protect children and improve generations through a rupture with the "problematic family," that is, one that deviates from the bourgeois ideal based on marriage. Another point that was evidenced by the*



*qualitative analysis of decisions was the issue of gender. In addition to mothers being the majority of appellants in the cases studied, their bodies and sexual behaviors were often examined and evaluated in the decisions. Imprisonment, in turn, was presented in the decisions as an obstacle to the guardianship of daughters by mothers and fathers deprived of freedom. Similarly, imprisonment was associated with the lack of family interaction, the loosening of emotional bonds, and the absence of prospects for assuming future care of the offspring. In none of the analyzed decisions were the possibilities of promoting family interaction through periodic visits of children and adolescents to prison facilities discussed, as provided for in Statute of the Child and Adolescent (Brazil, 1990a, art. 19, paragraph 4). As a rule, the separation of daughters and sons by the State was presented as the only possible outcome and as a way to save them from the social ills to which they would be subjected, as well as a mechanism to prevent contact with criminality, prostitution, begging, and the possibility of repeating the life stories of their criminal mothers and fathers.”*

75. In this context, it is evident that the Brazilian State constantly violates the following provisions of the Convention on the Rights of the Child - articles 5, 8, 9, 16, and 18.3. The concern should not be to "accelerate" adoption processes, but rather to ensure family coexistence based on public policies and respect for legislation.

#### **4. EDUCATION**

76. Different initiatives taken across the national territory raise concerns about the exercise of the right to education in Brazil. In the states of Paraná and, more recently, São Paulo, laws have been passed regulating civic-military schools.

77. Both issues are pending review by the Superior Court of our country (Constitutional Court – Supreme Federal Court) under Direct Action of Unconstitutionality 7662 and 6791.

78. Challenging the constitutional choice to maintain regular education as the monopoly of education professionals in civil and democratic institutions, State Complementary Law 1,398/2024 introduces a new type of teaching and school through the Civic-Military School

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Program. It transfers pedagogical activities with students to reserve military police officers, which the law refers to as "civic-military extracurricular activities."

79. Thus, it contradicts other federal laws (LDB – Law on Educational Directives and Bases n. 9,394 from 1996) that deal with education and creates a differentiation of curricula, with a substitute curriculum to the official one. Hierarchy and discipline are the foundations of the military police organization, and reserve military officers carry these principles with them, even as mandated by law.

80. Among the main aspects of concern and unconstitutionality of these institutions, as well as their non-compliance with the CRC, are: i) violation of the principle of valuing education professionals; ii) increased violence in the school environment, with practices of exclusion towards minority and marginalized groups due to the presence of public security professionals; iii) misuse of military police functions; iv) violation of equality and access to education.

81. This model does not meet the requirements of Articles 28 and 29 of the CRC, which led to the revocation of the National Civic-Military Schools Program. However, some states have maintained or attempted their own regulations, disregarding even federal parameters.

## **5. VIOLATION OF RIGHTS OF CHILDREN WHO ARE VICTIMS OR WITNESSES OF VIOLENCE**

82. The Federal Law 13,431/2017 addresses the system ensuring the rights of children and adolescents who are victims or witnesses of violence. It regulates the interview regarding the situation of violence, limiting the disclosure solely to its purpose (specialized listening - Article 7) and the testimony before the police or judicial authority (Article 8).

83. Therefore, a list of rights for these children is provided for in the application of the law (Article 5), including the right to remain silent.

84. However, the Public Defender's Office of the State of São Paulo, through the NEIJ, has received numerous reports of violations of these rights in judicial proceedings involving children and adolescents.

85. For example, in case number (*sensitive data*), a four-year-old child was summoned as a witness in a jury trial where her parents are accused of the homicide of her seven-month-old sibling. Despite the Public Defender's request that the girl not be heard, as professionals



accompanying her in care (shelter) assess the psychological stress of testifying against her parents and recalling a traumatic event involving the death of a family member, both the judge and the Public Prosecutor insist on hearing from the child. The child may not even have the cognitive ability to remember events she experienced over a year ago when she was just three years old.

86. This is just one case of inappropriate exposure of children and adolescents that occurs in special testimony proceedings, where there are judges who even consider coercive measures, completely disregarding the right to silence and other guarantees.

## **6. THERAPEUTIC COMMUNITIES**

87. Therapeutic communities are private entities that provide care for individuals with disorders resulting from the use, abuse, or dependence on psychoactive substances. However, their regulation raises a series of questions, considering the Brazilian healthcare system.

88. The Law No. 10.216 of April 6, 2001, establishes the rights of persons with mental disorders, especially in the provisions of Article 2, paragraphs VIII ('to be treated in a therapeutic environment by the least invasive means possible') and IX ('to be treated, preferably, in community mental health services'); Article 4 ('Hospitalization, in any of its modalities, shall only be indicated when extra-hospital resources prove insufficient'); Article 6 ('Psychiatric hospitalization shall only be carried out upon a detailed medical report specifying its reasons'); Article 7 ('A person who voluntarily requests their hospitalization, or consents to it, must sign a declaration at the time of admission stating their choice of this treatment regimen').

89. The Ministry of Health Ordinance No. 3.088/2011 also addresses the topic, particularly in Article 2, Item XII ("development of care logic for people with mental disorders and needs resulting from the use of crack, alcohol, and other drugs, with the central axis being the construction of a singular therapeutic project") and Article 9, Item II which determines that Therapeutic Communities are services of "transitory residential character for up to nine months for adults with stable clinical needs resulting from the use of crack, alcohol, and other drugs, for whom involuntary or compulsory hospitalizations are not justified."



92. The Law No. 11.343, dated August 23, 2006, establishes the National System of Public Policies on Drugs (Sisnad), prescribing measures for the prevention of drug abuse, care, and social reintegration of users and dependents of drugs. This is in accordance with Article 22, Item III ("definition of an individualized therapeutic project, aimed at social inclusion and the reduction of social and health risks and damages.").

93. Due to their dynamics, the insertion of individuals under 18 years old in these systems is prohibited; however, this center (NEIJ) has already received several complaints regarding the presence of adolescents in therapeutic communities spread throughout the state of São Paulo.

94. The Opinion No. 9 of the Federal Council of Medicine dated February 26, 2015, does not consider Therapeutic Communities as safe environments for involuntary and compulsory internments.

95. The Ministry of Health has a regulation (Ordinance No. 3008/2011) that prohibits the accommodation of adolescents in Therapeutic Communities, stating that these communities can only provide continuous care for adults. Accommodation of children and adolescents should be reserved for Shelter Units. Therefore, there is no authorization for adolescents to be accommodated in therapeutic communities, nor for them to share spaces with adults. Accommodating adolescents in therapeutic communities constitutes an action of deprivation of liberty, under the guise of protection, without safeguarding the right of children and adolescents to participate in the development of measures aimed at their protection. This violates their rights to freedom, participation, and family and community living.

96. The United Nations General Assembly Resolution No. A/46/49 of December 17, 1991, which deals with the 'Protection of Persons with Mental Disorders and the Improvement of Mental Health Care,' especially Subparagraph 'c' of Item 1 of Principle 13, speaks about 'freedom to send and receive uncensored private communication.

97. In practice, these establishments are not integrated into the public health network and end up administering controlled medication without proper medical prescription and monitoring. Moreover, they represent a real restriction on freedom of movement and deprivation of contact with the outside world, not to mention numerous reports of torture and mistreatment. There is often confusion between the purpose of health treatment and religious





affiliations, although the Brazilian state is secular, and there is no connection between these activities.

98. In 2017, a national inspection of therapeutic communities was conducted by the Federal Council of Psychology, the Federal Prosecutor's Office for Citizen Rights (PFDC/MPF), and the National Mechanism for the Prevention and Combating of Torture (MNPCT). The final report revealed a series of human rights violations occurring in these establishments, including forced labor, physical restraints, punishments, religious intolerance, and discrimination based on sexual orientation.

99. The internment of adolescents in therapeutic communities reflects the logic of institutionalization outlined in the doctrine of irregular situation, positioning adolescents as objects of state intervention and control, rather than recognizing them as rights holders. Additionally, it is known that the accommodation of adolescents in therapeutic communities is targeted at a specific segment of the population, the poorest. The act of internment in therapeutic communities ultimately becomes an initiative of control, stigmatization, and criminalization of poor adolescents, closely related to proposals for reducing the age of criminal responsibility.

102. In the case number (*sensitive data*), the Public Prosecutor's Office of the state of São Paulo filed a public civil action regarding the Therapeutic Community Renovação Cristã, indicating i) the absence of a health professional associated with the facility; ii) poor hygienic conditions; iii) unsatisfactory sanitary conditions; iv) presence of a person under 18 years old; v) lack of technical and scientific basis in the treatment offered by the institution, as it employs a logic of total abstinence, labor therapy, and religious practices, disregarding the uniqueness of the individuals served there.

103. The petition also points out the absence of a medical report recommending hospitalization, acceptance of patients for involuntary hospitalization, sequestration and deprivation of liberty, reduction to a condition analogous to slavery through labor therapy, absence of staff, violation of telephone communication, and lack of individualized therapeutic plan.

104. Unfortunately, these reports are common regarding other therapeutic communities. There is information about places with the presence of adolescents, lack of adequate food, and



even practices resembling torture, such as cold showers, prevention of contact with family members and third parties.

105. In a recent visit conducted by Public Defenders of Childhood and Youth to a therapeutic community near the city of São Paulo, they confirmed the presence of adolescents and the absence of medical professionals. They also indicated that individuals were signaling a request to leave the premises.

106. In this aspect, the Brazilian state violates articles 6.2, 19, 24, 25, and 37 of CRC.

107. It also violates the provisions of General Comment No. 4 from the Committee on the Rights of the Child: "Health and Development."<sup>36</sup>

## **7. CONCLUSION: RECOMMENDED SUGGESTIONS**

108. In conclusion, taking into consideration the information and arguments above, the Specialized Center of Children's Rights respectfully urges the Committee to adopt the following recommendations:

- That the Legislative branch adjust domestic legislation so that child justice system responsibility meets the minimum international standard of 14 years, without interfering with the minimum age of 18 years for criminal responsibility;
- That the State Executives, as responsible for the execution of socio-educational measures involving liberty restriction, adhere to international and federal regulations, preventing the presence of male socio-educational agents in female units, as a means to prevent gender-based violence and sexual abuse, as well as to protect children and adolescents;

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<sup>36</sup> "In exercising their obligations in relation to the health and development of adolescents, States parties shall always take fully into account the four general principles of the Convention. It is the view of the Committee that States parties must take all appropriate legislative, administrative and other measures for the realization and monitoring of the rights of adolescents to health and development as recognized in the Convention. To this end, States parties must notably fulfil the following obligations:(b)To ensure that adolescents have access to the information that is essential for their health and development and that they have opportunities to participate in decisions affecting their health (notably through informed consent and the right of confidentiality), to acquire life skills, to obtain adequate and age-appropriate information, and to make appropriate health behaviour choices; (...) (i)To implement measures for the prevention of mental disorders and the promotion of mental health of adolescents."



- That the Judiciary refrain from holding adolescents accountable for drug use cases and instead apply diversionary measures and restorative justice in cases of drug trafficking accusations, recognizing it as one of the worst forms of child labor exploitation;
- That the State Executive ensures the use of body cameras on the uniforms of security agents in all police operations, especially those of the shield type, determining the temporary removal from active policing duties of agents involved in deaths during police operations and providing psychological/therapeutic support for them for as long as necessary for treatment/guidance, reserving only administrative or bureaucratic functions for them;
- That the State Executive be recommended to provide psychological and social support to security agents in units where police officers are killed in operations and that they do not participate in operations aimed at investigating the events or responding to such deaths;
- That the Brazilian State demands transparency in data related to Deaths Resulting from Police Intervention in São Paulo, including the disclosure of numbers of people who have been killed in police actions, gender, age, race, and other elements that assist in the formulation of public policies and diagnosis of the real dynamics of violence;
- That the Brazilian State be required to respect and uphold the fundamental human rights of children and adolescents residing in communities involved in police operations, including their rights to life, physical integrity, protection against terrifying postures, health, education, leisure, culture, and other rights guaranteed domestically and internationally;
- That the Judiciary exhaust all efforts to maintain children and adolescents in their natural family, refraining from moral judgments for the removal from family life;
- That the Brazilian Executive branch promotes the inclusion of these vulnerable families in social assistance programs and healthcare network services, instead of trying to speed up adoption processes and removal from the home;



- That the state Executive revoke the decree that provides for the creation of civic-military schools or that the Constitutional Court declares its unconstitutionality;
- That the Judiciary respect all rights and guarantees of children and adolescents who are victims or witnesses of violence, avoiding their undue exposure and revictimization, and safeguarding the right to remain silent when requested.
- That the Brazilian Executive branch oversee private entities that function as therapeutic communities, strictly prohibiting the inclusion of anyone under 18 years of age in their programs.

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