



Faculdade de Direito  
Universidade de São Paulo

# BRAZILIAN JUVENILE JUSTICE SYSTEM

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# INTRODUCTION

## BRIEF OVERVIEW

- From the age of 12 to 17 the adolescent will be responsible for his acts within the Juvenile Justice System, in which the sanctions received have a pedagogical objective (ECA)
- Sanctions received can be several, such as warning, community service, probation and confinement in a juvenile correctional facility (article 112, ECA), lasting a maximum of three years or until the juvenile reaches the age of 21 (ECA, article 121, § 1 and 3)
- There is **487 facilities** in the country. São Paulo has 30% of them. There is **26,109 adolescents incarcerated in Brazil** (MMFDH, 2019).
- An individual plan for each adolescent must be prepared by a multidisciplinary technical team, together with the family, which will provide educational activities and interventions from different areas (Article 52, SINASE)

## FULL PROTECTION DOCTRINE

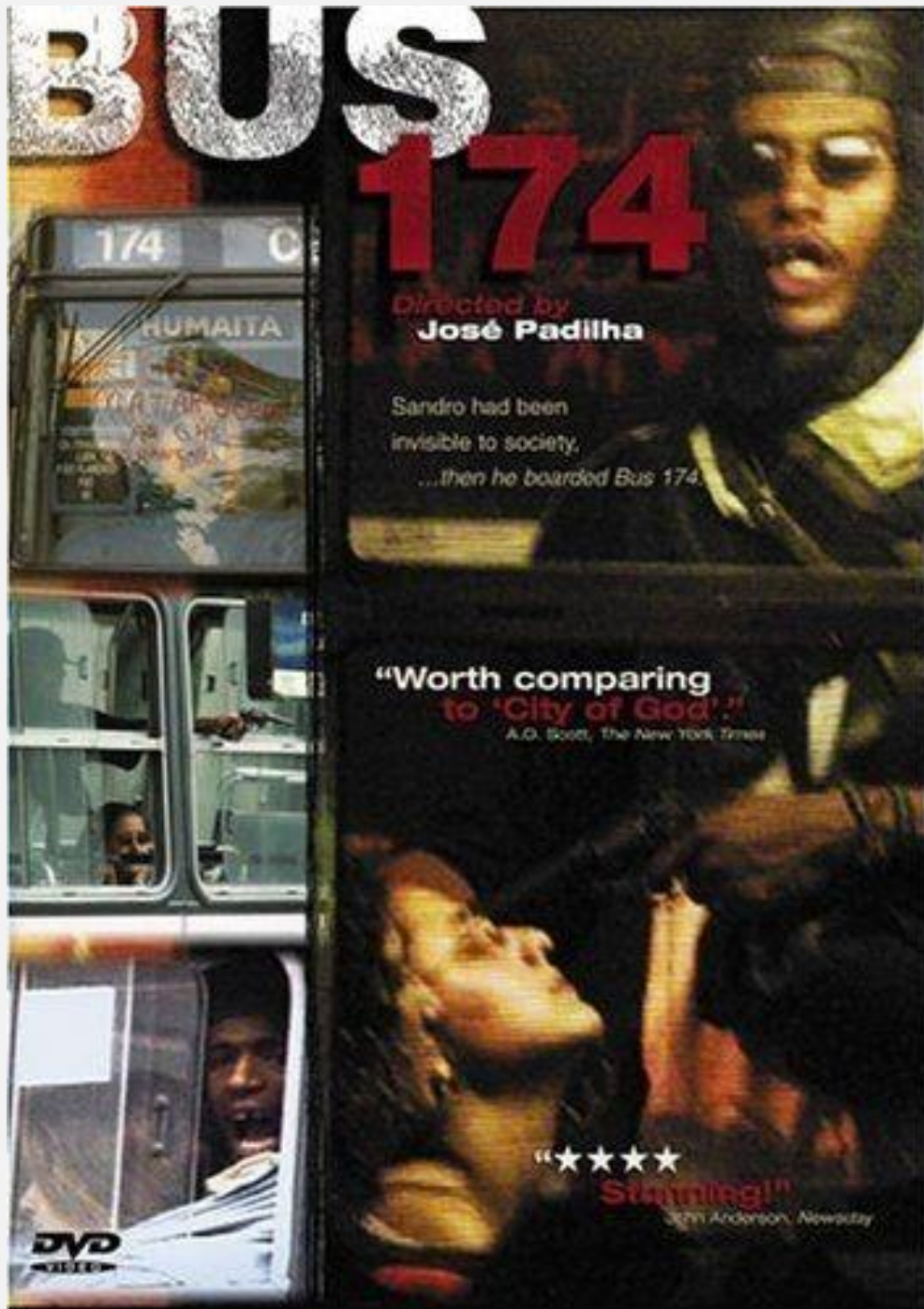


All rights must be guaranteed to the child, adolescent and youth, even those in confinement, such as health care, education, leisure, dignity, respect, with absolute priority, including putting them safe from all forms of neglect, discrimination cruelty and violence (article 227, Federal Constitution).

There is difficulties in fully implementing this, since many violations of rights still occur with vulnerable children and adolescents, in a context of social exclusion and invisibility, which is favorable for criminal involvement.

**Is Juvenile Justice providing an appropriate response and treatment that enables a real change of life?**

# DISCUSSION



## SANDRO BARBOSA'S CASE

He witnessed his mother's death, became a street child, drop out school, committed crimes, drug abuse and entered and left the juvenile criminal system several times, remaining invisible for public authorities and society until he kidnapped the bus 174 in Rio de Janeiro in 2000, which was widely televised by the media.

Sandro's life story is like other adolescents who have their rights violated and become part of the juvenile System.

(KOSTULSKI; RODRIGUES; PARABONI; ARPIN, 2019)

# PROFILE OF THE ADOLESCENT WITHIN THE JUVENILE SYSTEM



## Education

- 8% are non-literate (Northeast: 20%; South and Midwest: 1%) (CNJ, 2012)
- 57% declared that they did not attend school before entering the facility (CNJ, 2012)
- 67.7% of adolescents were out of school in Sao Paulo (Instituto Sou da Paz, 2018)

## Drug Abuse

- 75% were taking illicit drugs (CNJ, 2012)
- 88,7% from the adolescentes in São Paulo (Instituto Sou da Paz, 2018)

## PROFILE OF THE ADOLESCENT WITHIN THE JUVENILE SYSTEM



Adolescents in Sao Paulo's correctional facilities:

- 70.1% are from families that have been through financial difficulties
- 76.3% a family member was or is unemployed
- 24.7% has already run away from home
- 6.5% already lived on the streets
- 9.3% has already lived in a shelter
- 8.6% was victim of violence by family members
- 37.5% have witnessed violence between relatives
- 9 out of 10 adolescents have already suffered police violence

(Instituto Sou da Paz, 2018)





## SOCIAL INVISIBILITY

Violations of rights are among the main causes of the invisibility of children and adolescents in contexts of social vulnerability (UNICEF, 2006).

Young people not feeling that they belong to society are often led to recognize and be recognized in the scenes of violence, crime and drugs. **Wouldn't the way society treat these young people, from invisibility and indifference, consist in a form of violence?** (KOSTULSKI; RODRIGUES; PARABONI; ARPIN, 2019).

The main objective of the confinement is to give the adolescents a new opportunity of life, with all their rights guaranteed, what can really change their lives for the better.

## CHALLENGES AND DIFFICULTIES



- Overcrowding: Confinement facilities have 11.91% of occupancy beyond their vacancy capacity (CNMP, 2019)
- The recidivism rate is 54%, according to the adolescents' records (CNJ, 2012).
- There is few opportunities for educational and professional training, unhealthy spaces, rebellions, escapes, difficulties in health care, among many others. In many facilities, there is a lack of space for schooling, professionalization, sports practices, leisure and culture (CNMP, 2019).

## RECOMMENDATIONS

- Improve public policies for child and adolescents who are in a situation of poverty and social vulnerability to prevent criminal involvement
- Demand the elaboration and implementation of action plans by states and municipalities to improve public policies for juvenile justice
- Increase investments to ensure schooling, professional education, health care in the juvenile system and professional's training
- Improve the articulation among programs that serves adolescents in the system and in transition services
- Increase investments in alternatives to incarceration such as assisted freedom and community services.

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THANK YOU

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