



**IMPLEMENTATION OF THE LAW ON  
PROTECTIVE HEARING**  
THE EXPERIENCE OF VITÓRIA DA  
CONQUISTA (BAHIA)

**FEDERATIVE REPUBLIC OF BRAZIL – BRAZILIAN COOPERATION AGENCY (ABC)  
MINISTRY OF FOREIGN AFFAIRS (MRE)**

MINISTER OF FOREIGN AFFAIRS  
**Ambassador Mauro Vieira**

SECRETARY-GENERAL OF FOREIGN AFFAIRS  
**Ambassador Maria Laura da Rocha**

DIRECTOR OF THE BRAZILIAN COOPERATION AGENCY  
**Ambassador Ruy Pereira**

DEPUTY-DIRECTOR OF THE BRAZILIAN COOPERATION AGENCY  
**Ambassador Maria Luiza Ribeiro Lopes**

COORDINATOR FOR TRILATERAL SOUTH-SOUTH COOPERATION WITH INTERNATIONAL ORGANIZATIONS  
**Cecília Malaguti do Prado**

PROJECT ANALYST  
**Carolina Rodrigues Salles Smid**

PROJECT ANALYST  
**Paola Barbieri**

PROJECT ASSISTANT  
**Hugo Peixoto Leão**

**UNITED NATIONS CHILDREN'S FUND (UNICEF)**

UNICEF REPRESENTATIVE TO BRAZIL  
**Youssouf Abdel-Jelil**

DEPUTY REPRESENTATIVE FOR PROGRAMS  
**Paola Babos**

CHIEF OF SOCIAL POLICIES, MONITORING & EVALUATION AND SOUTH-SOUTH COOPERATION  
**Liliana Chopitea**

CHIEF OF CHILD PROTECTION  
**Rosana Vega**

COORDINATOR OF THE UNICEF FIELD OFFICE IN SALVADOR  
**Helena Oliveira Silva**

SOUTH-SOUTH COOPERATION OFFICER  
**Niklas Stephan**

SOUTH-SOUTH COOPERATION OFFICER  
**Juliana Monteiro Bernardino**

Editorial Team  
Coordination  
**Benedito Rodrigues dos Santos, Helena Oliveira Silva, Niklas Stephan, Ludmila Viegas**

Author  
**Flavia Yuri Oshima**

**Editorial production**

Graphic design, formatting and illustrations  
**Hendol Hilarino Alves da Silva**

Cover Photo  
**Luiz Marques**

Review  
**Paola Barreiros Barbieri, Hugo Peixoto Leão**

English Translation  
**Rapport Traduções – George Aune**



# ACRÔNIMOS

<b>BO</b>	Incident Report – first contact with the police
<b>CAAV</b>	Shelter and Life Services Center
<b>CADÚnico</b>	Unified Registry of Federal Government for Social Programs
<b>CAPS</b>	Psycho-Social Service Center
<b>CEBs</b>	Church Base Communities
<b>CIDCA</b>	Integrated Child and Adolescent Rights Center
<b>CMRPC</b>	Municipal Joint Management Committee of the Social Care and Protection Network for Child and Adolescent Victims or Witnesses of Violence
<b>CNJ</b>	National Council of Justice
<b>COMDICA</b>	Municipal Child and Adolescent Rights Council
<b>CONANDA</b>	National Child and Adolescent Rights Council
<b>CONCPC</b>	National Council of Police Chiefs
<b>Condege</b>	National College of Public Defenders
<b>CRAS</b>	Social Assistance Reference Center
<b>CREAS</b>	Specialized Social Assistance Reference Center
<b>ECA</b>	Statute of the Child and Adolescent
<b>ECOSOC</b>	United Nations Economic and Social Council
<b>WG</b>	Working Group
<b>HDI</b>	Human Development Index
<b>IML</b>	Forensic Medical Institute
<b>MP</b>	Prosecution Service
<b>ILO</b>	International Labour Organization
<b>UN</b>	United Nations
<b>PETI</b>	Child Labor Eradication Program
<b>PNSPDS</b>	National Public Security and Social Defense System
<b>SGDCA</b>	Child and Adolescent Rights Guarantee System
<b>SJCDH</b>	Secretariat of Justice, Citizenship and Human Rights
<b>SIPIA</b>	Information System on Children and Adolescents
<b>SUSP</b>	Unified Public Security System
<b>SAM</b>	Child Welfare Service
<b>SBP</b>	Brazilian Pediatric Society
<b>UNICEF</b>	United Nations Children's Fund

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## FOREWORD

This publication results from a partnership between the Brazilian Cooperation Agency (ABC) of the Ministry of Foreign Affairs (MRE) and the United Nations Children's Fund (UNICEF). Drafted within the scope of the Trilateral South-South Cooperation Program between the Brazilian Government and UNICEF, it presents the results of implementation of Law 13.431/2017, also known as the Law on Protective Hearing, in the municipality of Vitória da Conquista, in the State of Bahia, Brazil. This law was enacted in response to the need for standards and procedures for protecting the rights of child victims or witnesses of violence, for mechanisms to prevent violence and measures for providing assistance and ensuring protection.<sup>1</sup> It aims to shed light upon this pressing and topical theme, to promote learning, and to advance the cause of protecting child rights in Brazil, and also in other countries.

While the social and economic contexts of each municipality are unique, and it is never entirely possible to replicate the experience of another location, knowledge about this experience can nevertheless enhance discussion, help avoid pitfalls, and facilitate planning in other Brazilian municipalities engaged in implementing the Law on Protective Hearing. The experience of Vitória da

Conquista can also inspire and assist other countries in strengthening their laws for the protection and defense of the rights of children and inspire efforts focused on the implementation of such laws.

The text is organized into two parts. Part 1 provides a contextualized overview of the drafting and enactment of Law 13.431/2017 in Brazil. It highlights how a groundswell prepared for the approval of this law in the country and identifies the main milestones and legislations that preceded this movement, both globally and in the Brazilian context. Part 2 presents the experience of the Municipality of Vitória da Conquista in implementing this law. It emphasizes the paths taken, the challenges faced and the solutions encountered to overcome these challenges by the municipal authorities.

<sup>1</sup> Brazil's 1988 Federal Constitution and Statute of the Child and Adolescent use the term 'child' for persons up to the age of 12 years, and 'adolescent' for persons aged 13 to 17 years old. The English version of this report applies the terms 'child' and 'children' for human beings below the age of eighteen years old, in accordance with language used in the UN Convention on the Rights of the Child.

## **PART 1**

# **BACKGROUND TO THE DRAFTING AND ENACTMENT OF LAW 13.431/2017 IN BRAZIL**

## INTRODUCTION

The environment in which Law 13.431 of 2017 came to be drafted and enacted was framed by a number of key events and legislative milestones.

The historical context is important, particularly because it sheds light on how the public awareness of children as individuals and rights-holders with unique developmental needs gradually advanced, and the extent to which this awareness gained political and social momentum, both in Brazil and throughout the world. Unquestionably the advances documented in this section, including Law 13.431/2017 itself, are closely linked to implementation of the International Convention on the Rights of the Child.

In addition to listing legal and historical milestones, the following timeline also illustrates some past and current challenges faced by Brazilian government officials, civil society activists and other actors within the Child Protection System (which in Brazil is referred to as the Child and Adolescent Rights Guarantee System – SGDCA). Understanding the full context, including high and low points, of how this law came to be drafted and put into effect may assist public managers in other Brazilian cities, as well as in other countries, by anticipating difficulties and enhancing discussion and planning for the next steps in assembling child protection systems.



## 1.1 TIMELINE

## GLOBAL TIMELINE

1924

The League of Nations adopts the Geneva Declaration on the Rights of the Child, drafted by Eglantyne Jebb, founder of the Save the Children Fund.

1948

The Universal Declaration of Human Rights is approved, with Article 25 advocating "special care and assistance" and "social protection" for mothers and children.

1959

The Declaration of the Rights of the Child is adopted, acknowledging children's rights to education, play, a supportive environment, and healthcare.

1966

International Covenant on Economic, Social and Cultural Rights.

1946

The United Nations International Children's Emergency Fund (UNICEF) is established.

1953

UNICEF becomes a permanent part of the United Nations.

1966

International Covenant on Civil and Political Rights.

1973

The International Labour Organization adopts Convention 138, which sets 18 as the minimum age for hazardous work that may be detrimental to a person's health, safety, or morals.



**1979**

Convention on the Elimination of all Forms of Discrimination against Women.

**1984**

Convention against Torture.

**1989**

The Convention on the Rights of the Child is adopted by the United Nations General Assembly on November 20 and widely acclaimed as a historic achievement in human rights, recognizing the roles of children as social, economic, political, civil, and cultural actors.

**1999**

The International Labour Organisation (ILO) adopts the Convention concerning the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labour, requiring the immediate prohibition and elimination of any work that may harm the health, safety, or morals of children.

**1979**

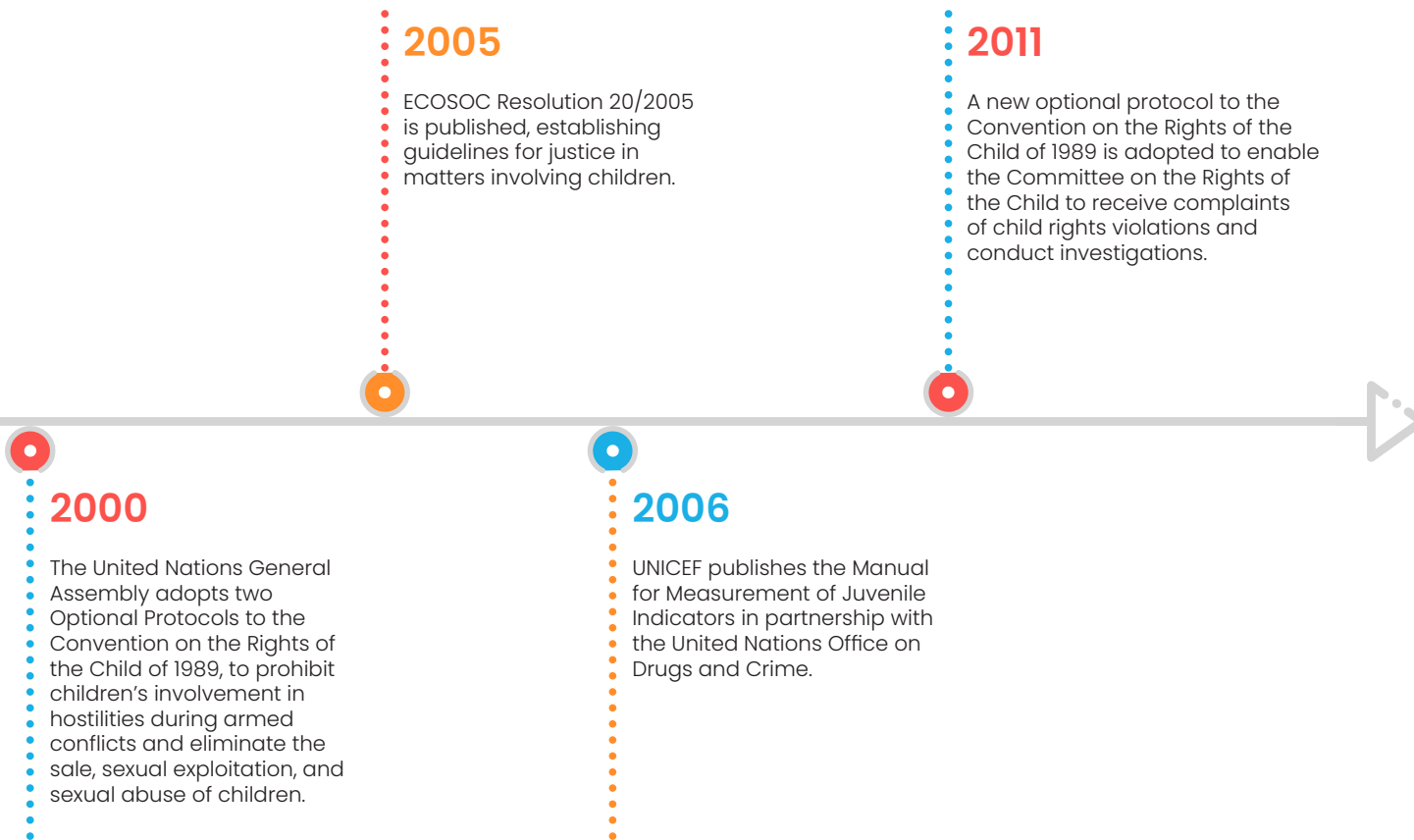
Proclamation of the International Year of the Child by the UN.

**1985**

The United Nations Minimum Rules for the Administration of Juvenile Justice detail the principles of a justice system that promotes the best interests of the child, including education, social services, and proportional treatment for detained children.

**1990**

Convention on the Protection of the Rights of All Migrant Workers and Their Families.



# 1.1 TIMELINE

## BRAZILIAN TIMELINE

1890

Creation of the Criminal Code of the Republic (to contain the increase in urban violence). It considered children age 9 and older capable of discernment (Theory of Discernment).

1921

Approval of the Union Budget Law 4,242/1921, regulated by Decree 16,272/23, authorizing the creation of the Service for Protection of Abandoned Children.

1927

Law on Assistance and Protection to Minors, known as the Children's Code, is consolidated by Decree 17,943-A on October 12, representing an advance in child protection. It set the age of criminal majority at 18, in effect nationwide, as it still is today.

1940

Approval of Decree 2,024/1940, which laid the foundations for maternity, childhood, and adolescence protection throughout the country.

1917

Promulgation of Law 1,801, which increased the minimum age for factory workers to 14, with conditions such as vaccination, minimum schooling, and a medical certificate.

1923

The first Juvenile Court in Brazil established in Rio de Janeiro.

1932

Penal reform, raised the age of criminal responsibility from 9 to 14 years.

1940

Decree-Law 2,848 established 18 as the cutoff age for limited criminal responsibility.

1941

The Child Assistance Service (SAM) is established, the first federal agency responsible for assisting minors under 18 on a national scale. It housed "abandoned" children in institutions and interned "delinquents" in correctional colonies and reformatories.

1949

The Declaration of the Rights of the Child is adopted at the Ninth Pan-American Child Conference.

1964

Law 5,413 creates the National Foundation for Well-Being of Minors (Funabem), with a normative role to be followed by State Foundations which are responsible for implementing this policy.

1979

On October 10, a new Children's Code is promulgated. It introduces the doctrine of integral protection, later a feature of the Statute of the Child and Adolescent.

1946

The Organic Law of Primary Education is enacted, whereby the federal government regulates the extension of public education to the popular classes.

1950

On July 9, the Brazilian government signs its first cooperation program with UNICEF.

1974

Law 6,086 is signed, preventing the employment of minors with salaries below the minimum wage, except as apprentices.

## 1987

The “Child Priority National Campaign” is created, gathering over 250,000 signatures from voters and over 1 million signatures from children in a Popular Amendment of the same name presented to the National Congress in April of that year. This action, along with the “Child Constituent” campaign, leads to creation of the DCA Forum – a National Permanent Forum of Non-Governmental Entities for the Defense of the Rights of Children and Adolescents.

## 1990

On July 13, Brazil approves the Statute of the Child and Adolescent, which comes into effect on October 12. On September 24, Brazil ratifies the Convention on the Rights of the Child. The World Summit for Children is held in New York on September 29 and 30, bringing together heads of state and of government from 71 nations.

## 1986

At the height of Brazil’s democratization process, UNICEF and partners launch the “Child Constituent” campaign, appealing for Brazilians to vote for candidates committed to children’s issues.

## 1988

A specific article on children’s rights is inserted in Brazil’s Federal Constitution – Article 227: *“It is the duty of the family, society, and the State to ensure children, adolescents, and young people, with absolute priority, the right to life, health, nutrition, education, leisure, professionalization, culture, dignity, respect, freedom, and family and community life, as well as to safeguard them from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression.”* The new Brazilian Constitution is promulgated on October 5.

## 1991

Law 8,242 creates the National Council for the Rights of Children and Adolescents (CONANDA), a permanent collegiate body with deliberative authority, provided for in Article 88 of Law 8,069/90 – the Statute of the Child and Adolescent (ECA). As part of the Ministry of Human Rights, CONANDA is the main body of the Rights Guarantee System.

## 1992

On May 20, the President of Brazil and governors of 24 states and the Federal District participate in the First Governors' Summit for Children, organized by UNICEF and partners, where they sign the Pact for Childhood.

## 1993

On July 7, the Second Governors' Summit for Children is held, attended by the President of Brazil, governors from 23 states and the Federal District, the Minister of Justice, the Attorney General, the President of the National Conference of Bishops of Brazil, among others. The authorities present establish goals to be achieved by the end of their terms in a plan called "500 Days of Action for Children in Brazil."

## 1996

The Government of Fernando Henrique Cardoso creates the Program for Eradication of Child Labor. Its key component is the Child Citizen Scholarship, with two focuses: combating school dropout and eliminating child labor.

## 2000

Law 9,970/2000 is approved by the National Congress, establishing May 18 as the National Day to Combat Sexual Violence against Children and Adolescents. The National Plan to Confront Sexual Violence against Children and Adolescents is developed in participation with the government and over 100 organizations.

## 1992

The International Labour Organization (ILO) creates the Program for the Eradication of Child Labor (PETI).

## 1993

The Parliamentary Commission of Inquiry into Child Prostitution is established, putting this issue on the agenda of public authorities.

## 1998

The Brazilian Society of Pediatrics (SBP) launches the Campaign for Prevention of Accidents and Violence in Childhood and Adolescence, aiming to sensitize and train healthcare professionals to recognize, report, and treat cases of abuse and mistreatment.

## 2003

Brazil begins its first experience with Special testimony, then known as Damage-Free Testimony, in the 2nd Court of Porto Alegre, in the State of Rio Grande do Sul.

## 2004

A draft bill (PL 4,126) initiated by Congresswoman Maria do Rosário, is presented to the Chamber of Deputies, proposing changes to the Code of Criminal Procedure and the Statute of the Child and Adolescent to establish damage-free testimony procedures.

## 2004

On January 27, Brazil ratifies the Optional Protocol to the Convention on the Rights of the Child, Sale of Children, Child Prostitution and Child Pornography; and the Optional Protocol on the Involvement of Children in Armed Conflict.

## 2006

National Child and Adolescent Rights Council (CONANDA) Resolution 113 provides parameters for internment and strengthening of the Child and Adolescent Rights Guarantee System (SGDCA).

## 2007

Draft bill PL 4,126, having been approved by the Chamber of Deputies, was submitted in May to the Federal Senate, where it failed to secure approval owing to debates on the New Code of Criminal Procedure.

## 2010

National Council of Justice (CNJ) Recommendation 33/2010 promotes the use of Special Hearing methodology during judicial proceedings when taking testimony from child victims or witnesses of sexual violence.

## 2013

Enactment of Law 12.845/2013, making mandatory integral services for persons in situations of sexual violence.

2014

Enactment of Law 12.978/2014, making solicitation of prostitution or of any form of sexual exploitation of a child or vulnerable person a heinous crime.

2018

Presidential Decree 9.603/2018, regulates Law 13.431/2017 and establishes the system for guaranteeing the rights of child victims or witnesses of violence.

2019

The National Pact for Implementation of Law 13.431/2017 is signed on June 13, with participation of the National Council of Justice, the National Council of Civil Police Chiefs (CONCPC), the Ministries of the Presidential Staff, of Education, of Health, and of Citizenship, Women, Family and Human Rights; the National Council of the Prosecution Service (MP), the Public Defender's Office of the Union, and the National College of Public Defenders General (Condege). Planned outputs of the National Pact include construction of a National Service Workflow for child victims or witnesses of violence.

2017

On April 4, enactment of Law 13.431/2017 establishes the system for guaranteeing the rights of child victims or witnesses of violence and amends the Statute of the Child and Adolescent (Law 8.069, of July 13, 1990).

2019

National Council of Justice Resolution 299/2019 provides for the System for Guaranteeing the Rights of child victims or witnesses of violence, as set out in Law 13.431.

2021

DECREE 10.701 issued on May 17, establishes the National Program for Combating Violence against Children and Adolescents and the Intersectoral Commission for Combating Violence against Children and Adolescents. It also determines that members of the System for Guaranteeing Rights shall receive continuous training on the provisions of Law 13.431/2017.



## 1.2 THE INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD AND LAW 13.431/2017

Brazil's commitment to the doctrine of integral protection and the absolute priority of children is closely aligned with the International Convention on the Rights of the Child, adopted by the United Nations General Assembly on November 20, 1989. The Convention recognizes every individual under the age of 18 as a child and grants this population, worldwide, all the rights previously reserved for adults, including those outlined in the Universal Declaration of Human Rights of 1948. These rights must be exercised without any form of discrimination based on race, color, sex, origin, religion, economic status, or physical disability, and all actions concerning children should primarily consider their best interests.

Article 12 of the Convention underscores the importance of involving the child and considering his/her opinion regarding any measures concerning their own life and interests.

### *Article 12:*

*1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (UNCRC, 1990)*



Brazil actively participated in the development of the Convention, as part of the Working Group (WG) responsible for drafting the text as of 1981, and participating in all annual WG meetings until 1988. Although the Convention was promulgated after the Brazilian Federal Constitution of 1988, Article 227 of this Constitution, which establishes as a duty of family, society, and the State to ensure absolute priority to children, adolescents, and young people, was written in collaboration with advocates for children who were in alignment with the entire concept of integral protection already present in the text of the International Convention on the Rights of the Child, which was being drafted as of 1987. As a direct reflection of its alignment with the Convention, Brazil's Statute of the Child and Adolescent (Estatuto da Criança e do Adolescente - ECA) enacted in July 1990, was among the first legislations in the world fully in compliance with the Convention, and in November Brazil was among the first of the world's nations to ratify the document.

Promulgation of Brazil's Federal Constitution in 1988, enactment of the Statute of the Child and Adolescent in 1990, and ratification of the International Convention on the Rights of the Child, also in 1990, heralded a national commitment to the doctrine of integral protection and absolute priority for children.

In 2005, publication of United Nations Economic and Social Council (ECOSOC) Resolution 20/2005 took a major step toward ensuring the rights enshrined in the International Convention by establishing guidelines for justice in cases

involving child victims or witnesses of violence, to be followed by the 196 countries party to the Convention, including Brazil. These guidelines provide a practical framework for review of national and local laws and procedures to ensure full respect for the rights of child victims or witnesses of crimes. The Resolution safeguards their rights to free expression and participation, according to their age and maturity, in all judicial or administrative procedures concerning them, thus reinforcing the principle of causing no harm during contact with the justice system.

*Child victims and witnesses should be treated in a caring and sensitive manner throughout the justice process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity, fully respecting their physical, mental and moral integrity.*

(UN Economic and Social Council, 2005)

The International Convention on the Rights of the Child and guidelines of ECOSOC Resolution 20/2005 form the backbone of Law 13.431/2017, also known as the , article 1 of which states: *“This Law regulates and organizes the child rights guarantee system for victims or witnesses of violence, creates mechanisms to prevent and combat violence, in accordance with Article 227 of the Federal Constitution, the Convention on the Rights of the Child and its additional protocols, ECOSOC Resolution 20/2005, and other international instruments, and establishes measures for assistance and protection for children and adolescents in situations of violence”.*



## 1.3 THE RIGHTS GUARANTEE SYSTEM

Perceptions of childhood in Brazil have changed since the 1990s. As unprecedented programs and services for compliance with the laws engendered by the Statute of the Child and Adolescent (ECA) begin to enter into effect, a new layer of challenges and reflections has emerged. Though the Statute stated 'what' ought to be done, it failed to prescribe details of 'how' to do it. Depending on the public policy needing implementation, this lack of guidance makes a difference. If provision of care requires coordinated action among different agencies, the 'how to' challenges for states and municipalities increase exponentially.

It is precisely these challenges that the agenda for protection of child victims and witnesses of violence aims to confront.

*"A necessary transformation in the paradigm for providing care to children and adolescents as rights-holders required changes in institutional cultures that the Federal Law alone was unable to bring about. Many aspects of the care provided before the Statute of the Child and Adolescent remained unchanged – for example, excessive judicialization, through the application of judicial measures in situations that could have been mediated through other measures".*  
(UNICEF, 2021)

As the main component of the rights guarantee system the National Council for the Rights of Children and Adolescents (CONANDA) is responsible for drafting policies for childhood and youth and for monitoring actions of government agencies. In 2006, the Council established the Child Rights Guarantee System (SGDCA) the main function of which is to articulate with other national systems in fields such as health, education, social assistance, labor, justice, and public security, to promote deployment of public policies for the effective promotion, defense and control of systems for ensuring human rights.

The entities that comprise SGDCA and their functions are listed below:

### Rights Councils

Draft, monitor and evaluate policies for ensuring child rights. They issue resolutions relating to services provided for children at all levels.

### Guardianship Councils

Permanent and non-jurisdictional autonomous bodies that are part of the local public administration. They are responsible for application of administrative measures for protection foreseen in the Statute. Their function is to ensure that child rights are observed. They act whenever child rights are in jeopardy or violated by society, by the State, by parents or by those responsible, or as a consequence of their behaviors.

### Councils and sectoral policies

Bodies responsible for public-policy formulation for specific sectors, such as Education, Health and Social Assistance.

### Public Security and police units

Brazil has a Unified Public Security System (SUSP) and a National Public Security and Social Defense System (PNSPDS) the objective of which is to promote coherence among state and municipal-level analyses, policies and measures for addressing threats to social harmony, especially in relation to emergencies and inter-state and transnational crime. The SUSP comprises the Federal Police, the Federal Highway Police; civil (technical) and military (uniformed) police forces, the National Public Security Force (*Força Nacional*) and military paramedics. In many municipalities, specialized police units address crimes against children, and offenses committed by adolescents in conflict with the law.

## Conheça os órgãos que integram o SGDCA e suas funções:

### Public Defenders

The Public Defender is an institution that provides a full range of free legal services to poor citizens. Their members are government employees. Many have specific units that specialize in working with children. Under the Child Rights Guarantee System, the Public Defender may act in defense of an alleged perpetrator, or on behalf of victims or Witnesses of Violence.

### Public Prosecution Service (*Ministério Público – MP*)

Brazil's Federal Constitution ensures the autonomy of the *Ministério Público* (MP) in relation to the three (Executive, Legislative and Judicial) Branches of government. Its attributions cannot be revoked or transferred to any other institution. Its attorneys and prosecutors enjoy institutional and functional independence, thereby empowering them to act in accordance with their convictions, on the basis of law. A special branch of the national prosecution service was created to address cases involving children and, at the state level, Operational Support Centers for Children and Adolescents have been established.

### Judicial Branch

The Judiciary comprises numerous public bodies entrusted by the constitution with jurisdictional functions. The function of the Judicial Branch is to guarantee individual, collective and social rights and to resolve disputes among citizens, entities and the State. The Judicial Branch has created specialized courts to address cases involving children. There are dedicated Child and Youth Sections and specialized courts that try crimes committed against children. At the state level, there are bodies that provide advisory services, known as *Coordenadorias da Infância e Juventude*. Moreover, the National Justice Council has created a National Childhood and Youth Forum.

With enactment of the Statute of the Child and Adolescent (ECA), Brazil expanded upon recurrent concepts circulating in Latin America with regard to child protection systems. Up until that time, protection had focused simply on ensuring child well-being. Upon promulgation of the Statute, the approach shifted to a focus on ensuring children's rights. This focus broadened the scope of the child protection network by bringing into play the roles of the Judiciary and of the public security services.

## 1.4 REVICTIMIZATION

The Child Rights Guarantee System (SGDCA) is essentially a network operation. Prior to its creation there were no laws, guidelines, or protocols to support institutions in preparing to participate in this network. SGDCA's design was meant to foster interagency networking. Putting this into effect, however, proved more difficult than expected. The difficulty of integrating and deploying protection programs within the network compromised the quality of care and, consequently, the comprehensive protection of children. A poorly articulated network promotes revictimization, by perpetrating institutional violence against children who have already undergone traumatic experiences.

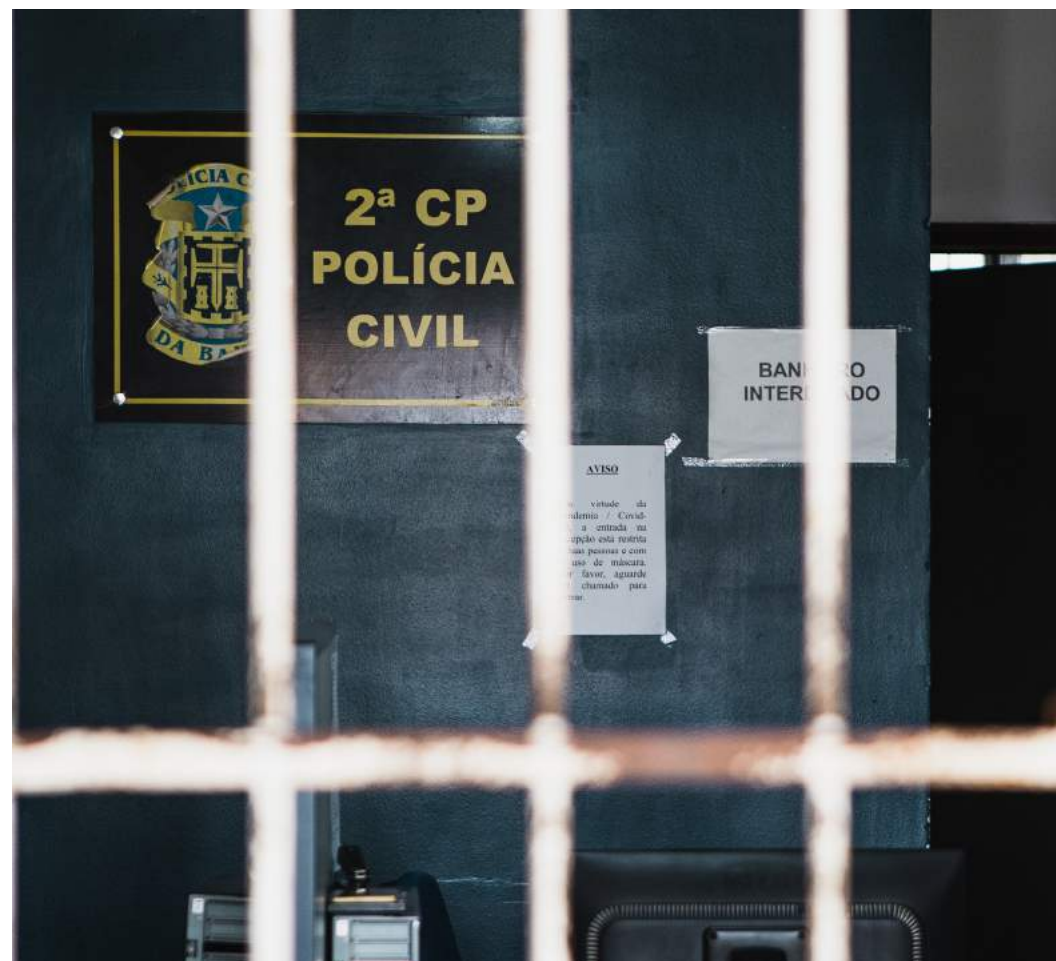
Law 13,431/2017 defines institutional violence as *"violence practiced by a public institution or affiliate, including when it generates revictimization"* (Article 4, Clause IV). Decree-Law 9,603/2018 makes the definition a bit more precise and comprehensive, defining it as *"violence practiced by a public agent in the performance of public duties, in an institution of any nature, through acts of commission or omission that harm services for children or adolescents who are victims or witnesses of violence"* (Article 5, Clause I).

Furthermore, Decree 9.603/2018, defines revictimization as:

*Institutional discourse or practice that subjects children and adolescents to unnecessary, repetitive procedures that cause victims or witnesses to relive the situation of violence or other situations that generate suffering, stigmatization, or exposure of their image (Brazil, 2018).*

A diagnostic study conducted by Childhood (an organization for the protection of child victims of sexual violence), in partnership with UNICEF, the Catholic University of Brasília, and the National Justice Council, provided an overview of the various ways in which children are exposed to revictimization when receiving service from the Rights Guarantee System. This study assisted in the drafting of Law 13.431/2017. Among the points it heightened were:

- Lack of standardized and uniform procedures has led Guardianship Councils (*Conselhos Tutelares*) to adopt practices that vary from one council or councilor to another when attending to a child victim of violence, and sometimes an inquisitorial posture.
- Requiring a child victim or witness of violence first to relate what happened, by filing of a police report (*Boletim de Ocorrência - BO*) at the police station. These procedures should be left to a later stage, after measures and services for ensuring the child's well-being and protection have been applied.
- Few cities have specialized police units for children. The general rule is that police reports are made at regular police stations, without privacy and typically in a hostile environment. Another aggravating factor that may occur at police stations is that the adult responsible may report the incident in the presence of the child.





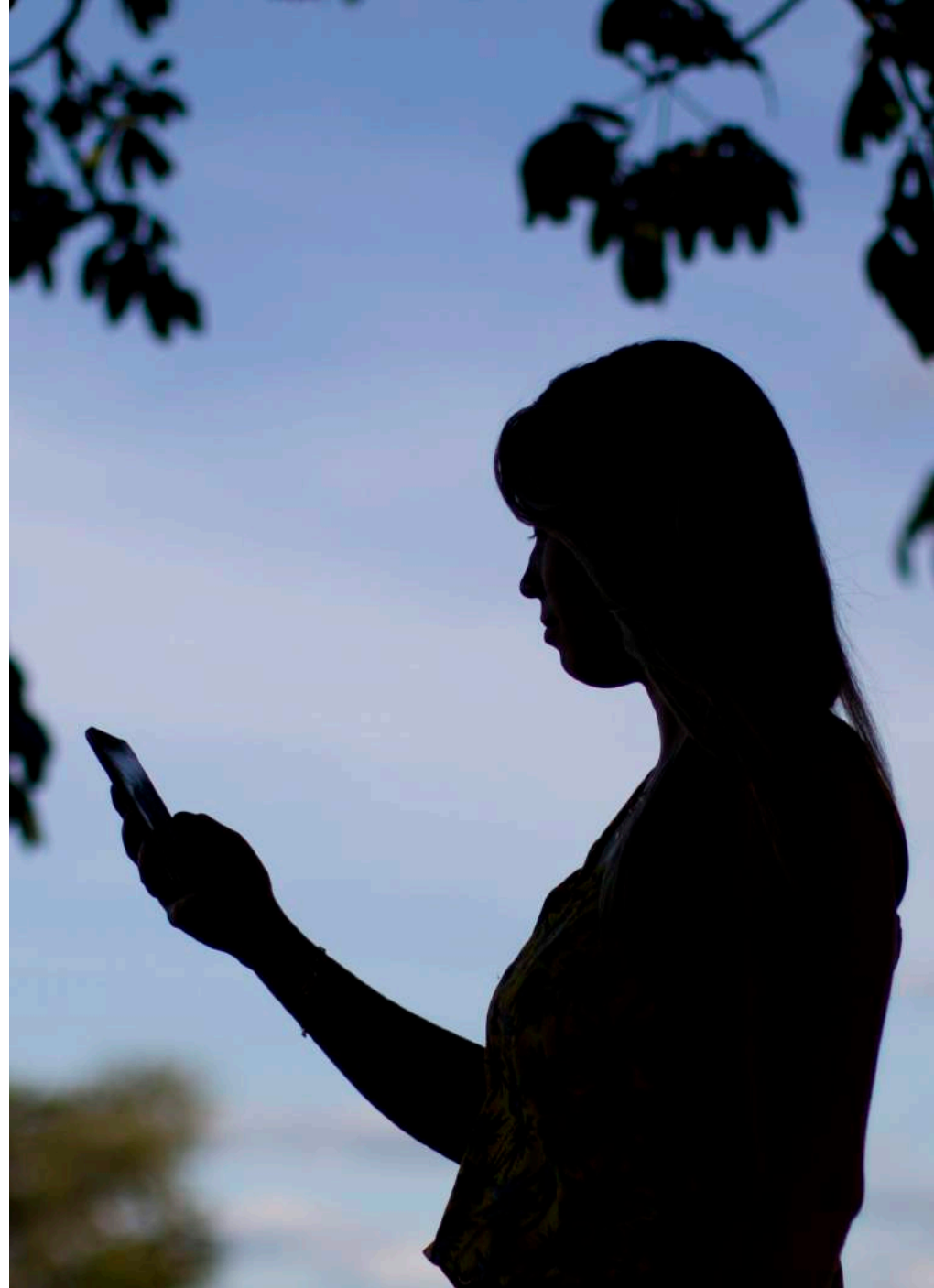
- Most small Brazilian municipalities lack forensic facilities (*Instituto Médico Legal* – IML) where, by law, any necessary forensic examinations should be conducted. Not only do IML environment tend to be formidable but also the lack of expertise on the part of examiners in dealing with children can further expose them to revictimization.
- The Healthcare system has achieved progress in designing protocols and guidelines for attending to child victims of violence. Nonetheless, there is still a significant risk of revictimization during medical care. Healthcare professionals are required to fill out a Notification Form in cases of abuse or violence against children. Although the guidance does not recommend questioning of the child, the extent and level of detail required make it virtually impossible not to direct questions to victims.
- Revictimization proceeds during the investigation phase. Lack of both a methodology and of suitable working facilities lead those responsible for ‘investigating’ the facts, unintentionally, to aggravate the child’s suffering. The investigative process generally focuses on the ‘interrogation’ or psychological examination of child victims of violence. Emphasis on hearing from the child and the lack of appropriate investigative methodologies result, on the one hand, in revictimization of the child stemming from the burden of producing evidence and, on the other, difficulty in building or sustaining a legal complaint owing to weaknesses in the evidence collection process (lack of a suitable hearing environment, with duly trained adults in attendance) (Santos, Gonçalves, 2020).



Having to recount the events numerous times, the child relives the pain of violence suffered or witnessed. Repeated exposure to inappropriate questioning and comments from adults may interfere with rendering of the child's own narrative. Along the way, many victims desist or withdraw their complaint.

*"The Child was forced to undergo a peregrination of sorrows through the services, and made to repeat the same excruciating story at each stage of this exhausting and inhumane journey,"* says Itamar Gonçalves, Advocacy Manager at Childhood Brasil, an organization dedicated to preventing child sexual abuse.

The delay between initial reporting of a crime against a child and the first trial hearing is, on average, five years. In the meantime, a significant number of victims or their families give up on seeking legal redress.



## 1.5 TESTIMONY WITHOUT HARM

While deployment of new child protection policies was bringing to light new challenges, a movement in the south of Brazil pointed toward potential responses to one of these challenges. After, for the first time, witnessing strong and embarrassing testimony taken from a child victim of sexual violence, José Antônio Daltoé Cezar, then a judge at the Childhood and Juvenile Court in Porto Alegre, concluded that an alternative means of taking testimony that would leave the child less exposed at such a delicate moment, was needed. He set up a room equipped with a camera within the court to keep the child separate from other adults. There a social worker would accompany the child and relay the questions. This form of taking testimony, initiated in 2003, became known as Testimony without Harm (*Depoimento sem Dano*). In 2004, this practice spread to other juvenile courts of Rio Grande do Sul and, in 2010, the National Council of Justice issued a recommendation that this model be adopted by all courts. As of that point, the name used to describe this procedure has been Special Testimony (*Depoimento Especial*).

According to a survey of state-level Childhood and Youth Coordination Units, conducted by Judge Daltoé, now serving at the Appeals Court, over the 13 years between the National Council of Justice recommendation and enactment of

the Law on Protective Hearing, approximately 800 Special Testimony centers were created in Brazil. *“Respecting the child’s time and ensuring a welcoming environment with privacy is of fundamental importance. We are aware that the difficulty in reporting cases of abuse means that only 10% of cases of sexual violence are reported. It is our duty to do everything in our power to protect the moment of disclosure, which is already so difficult,”* says Dr. Daltoé.

In 2015, Childhood Brasil and UNICEF proposed, to the Parliamentary Front for Rights, a bill to make Special Testimony procedures mandatory. The bill received support from child defense institutions and movements, and also the National Council of Justice and the Public Prosecutor’s Office (MP). In addition to proposing parameters for taking Special Testimony of children, the bill sought to address gaps identified in child protection network. ECOSOC Resolution 20/2005 provided a basis for the wording of this bill which has now been approved in the Chamber of Deputies and is awaiting deliberation by the Senate.

## 1.6 THE POWER OF PUBLIC OPINION

In 2016, a crime committed in Rio de Janeiro shocked Brazil and the world. Images of a collective rape of an adolescent girl by more than 30 men circulated on the internet. The treatment of the victim by police officers was deemed ironic and inhumane by the authorities and caused public indignation. The case received coverage in all Brazilian news media and in various foreign newspapers. The government was bombarded with questions and the feminist caucus in Congress, that includes many representatives active in the field of child rights, decided that it was time to submit the bill to the Senate. Congresswoman Laura Carneiro, acting as Rapporteur for the bill, initiated negotiations with a number of different actors.

With a view enlisting support and smoothing its passage through Congress, the bill was widely circulated among government bodies and institutions, including the Secretariat of Human Rights, the Ministries of Health and Education, the Legislative Advisory, and the Forensic Psychology Council. It was also submitted to a public hearing. Though it had been awaiting placement on the parliamentary agenda since 2015, the bill was then fast-tracked and has, since its enactment, been referred to as the Law on Protective Hearing.

### Obstacles and alterations along the path

As the bill was making its way through Congress, the social worker's union expressed concerns about increased responsibilities imposed upon its members and questioned the feasibility of some of its provisions. The solution proved to be an expansion of the scope of professionals who would be eligible for training in the protocol for the special hearings procedures proposed in the bill.

Another aspect of the original bill that had to be reconsidered was the inclusion of child perpetrators of violence, extending to them the same rights protection granted to victims or witnesses of violence. Notwithstanding UNICEF's strong advocacy of this position, it became clear to the congressional team coordinated by Rapporteur Laura Carneiro, that this could jeopardize the chances of approval of the bill and thus, the collective decision was to remove this item from the text.

Two important lessons can be learned from this experience. The first is that when seeking approval for a law of such magnitude with impacts on the dynamics of so varied an array of organizations, resistance is likely to arise from unexpected quarters. Such was the case with the concerns raised by representatives of social assistance unions. With respect to the more critical issues, in this case, resistance to granting greater protection to young perpetrators of violence, alternatives need to be assessed, in order to avoid the risk of jeopardizing the entire project. Even with these changes, the text of Law 13.431/2017 is of immeasurable value for protection and guarantees of the rights of child victims or witnesses of violence.

Legislative background to Law 13.431/2017:

### May/2015

A Working Group was established within the scope of the Mixed Parliamentary Front for the Rights of Children and Adolescents of the Chamber of Deputies, under the office of Congresswoman Maria do Rosário, managed by Childhood Brasil and supported by UNICEF, to draft a bill for the prevention of revictimization of children in line with UN-ECOSOC Resolution 20/2005. Its first meeting took place on May 29, at the UNICEF Office in Brasília, DF. The Institute for Children and Adolescents' Rights (INDICA) acted as implementing partner for the initiative.

### Dec/2015

Bill 3792/2015 was filed in the Chamber of Deputies, establishing the Rights Guarantee System for Child victims or witnesses of sexual violence.

### Jun-Jul/2016

The Rapporteur, Congresswoman Laura Carneiro, held a series of Working Group meetings on the draft bill, with participation of members of the National Psychology Council, and the Ministries of Justice, of Human Rights, and of Social Development and the Fight Against Hunger.

### Nov/2015

The draft bill prepared by the Working Group was presented for the first time during a ceremony of the Mixed Parliamentary Front for the Protection and Defense of the Rights of Children and Adolescents.

### May-Jun/2016

By initiative of the Chamber of Deputies women's caucus, Bill 3,792/2015 received 'urgent regime' status in the National Congress, in reaction to the collective rape of a teenager in Rio de Janeiro.

### Oct/2016

The substitute text was tabled for discussion and received various enhancements.

## Feb-Mar/2017

Bill 3,792/2015 was approved in the Chamber of Deputies in February, and sent to the Federal Senate in early March.

## Apr/2017

Bill 21/2017 was signed into law by President Michel Temer on April 4, 2017, during the Global Child Forum for Latin America, in the presence of Her Majesty Queen Silvia of Sweden and Brazilian dignitaries. Law 13,431/2017 was published in the Official Gazette (DOU) on April 5, 2017.

## Mar/2017

Bill 3,792/2015 became Bill 21/2017 and passed through the Senate in record time, sponsored by Senators Marta Suplicy and Lídice da Matta.

## 1.7 TEN MAIN CONTRIBUTIONS OF LAW 13.431/2017

The Law on Protective Hearing contributes toward efforts to prevent violence against children in that it:

- 1** Characterizes the forms of physical, psychological, sexual violence, and institutional violence that may occur, depending upon the treatment a child receives under the Rights Guarantee System.
- 2** Provides innovative protection instruments and establishes specific rights and guarantees, such as protection against suffering during the investigation of cases of violence.
- 3** Makes a distinction between Specialized Hearing procedures, such as those observed by health, education, social workers and law-enforcement officers under agencies of the Protection Network, and Special Testimony as prescribed by the Judiciary, thereby delineating the competencies and responsibilities of each agency.
- 4** Details the procedures for Specialized Hearing and Special Testimony, based on the most advanced current methodologies, thereby ensuring both protection of the child and transparency of unbiased investigation of the defendant, thus avoiding the risk of wrongfully conviction.
- 5** Requires that the child remain in a friendly environment, where a specialized professional can take and record testimony, which is then transmitted to an adjacent room. There, the judge, prosecutor, and/or defense attorney can observe and ask questions, not directly to the child, but rather, to the professional who then forwards them in accordance with protocols. Testimony is recorded and can be made available to other actors in the Rights Guarantee System, only when strictly necessary.

**6** Requires early taking of evidence, thereby reducing the number of times a girl or boy is required to describe what happened. These are mandatory in cases involving a child up to 7 years old, and in all cases of sexual violence. For cases entailing other forms of violence and other age groups the guidelines apply, but are not mandatory.

**7** Establishes guidelines for integrating service-delivery policies, which may be demanded by court order, as a means of guaranteeing rights. It recommends that integration be achieved through implementation of Integrated Service Centers, such as those that exist in various countries but which are still relatively rare in Brazil.

**8** Deepens the specific but complementary attributions of health, social-assistance, and public-security agencies and reinforces the oversight role of Guardianship Councils, the intention being not only to inhibit criminal acts but also to assess the ability of families to protect children and the role of the State in supporting them.

**9** Stimulates the states to establish specialized agencies to assist child victims of violence, such as specialized police services and courts. The United Nations Committee on the Rights of the Child recommended that Brazil establish such Specialized Courts as early as 2003.

**10** Strengthens confidentiality in the management of cases of violence against children and establishes a penalty, of imprisonment from one to four years and a fine, for anyone who violates the confidentiality of Special Testimony.

*Source: Guia de referência - Construindo uma Cultura de Prevenção à Violência Sexual (4ª ed.). Childhood Brasil, 2020*



## 1.8 THE LAW ON PROTECTIVE HEARING (13.431/2017)

Approved on April 4, 2017, the Law on Protective Hearing established the system for guaranteeing the rights of child victims or witnesses of violence. It also ushered in a systemic approach for providing integrated, humane care and comprehensive protection while avoiding revictimization. In combination with Decree 9,603/2018, the law extended the focus of concerns about revictimization of children beyond the Justice System, as recommended by ECOSOC Resolution 20/2005, to encompass the entire Child Rights Guarantee System.

Decree 9,603/2018 provided for implementation of Law 13,431/2017 and outlined how the Rights Guarantee System should put its provisions into practical effect.

The main aim of the law is to prevent re-victimization of children by means of coordinated policies, improved access to the justice system, and comprehensive methods of taking evidence and ensuring protection. To achieve this, the law seeks to put an end to ad hoc approaches to handling this complex challenge by streamlining protection services and, when necessary, making law-enforcement agencies more efficient. Additionally, while seeking to hold perpetrators of violence accountable in the criminal sphere, it has taken care to ensure that no collateral damage is inflicted upon

victims or witnesses.

Law 13,431/2017 establishes some central concepts for the care and protection of child victims or witnesses of violence. These include the integrated network-based care provided by all components of the Child Rights Guarantee System. It determines the order in which services should be delivered, provides for the development of specific protocols to be followed and the precautions to be taken by each agent during care.

Another fundamental aspect of the law is the distinction it makes between Specialized Hearing and Special Testimony, and acknowledgment that institutional violence against children is an offense.

## 1.9 INTEGRATED SERVICE FLOWS AND SERVICE PROTOCOLS

To ensure swift, empathetic and comprehensive care for child victims or witnesses of violence and to avoid the risk of revictimization, it is essential that all component entities of the Rights Guarantee System be involved in the design and implementation of integrated services flows and protocols.

Effective implementation of Law 13,431/2017 must entail enhancement of service structures that include governance mechanisms for adjusting service flows and protocols to optimize the performance of agencies, at both the municipal and state levels. Some component entities of the Child Rights Guarantee System, including the courts and law-enforcement systems, lack municipal-level coordination mechanisms. It remains up to the Municipal Management Committee to assign the integrated service flow structure.

For the system to work smoothly its component entities must communicate and work in a harmonious, coordinated, and efficient manner, focused always on the best interests of the child. This shift in focus requires a review of working procedures within each agency, starting with adoption of an outlook that fosters integrated service flows. Essentially, the law emphasizes that, at every stage of the child's journey through the Rights Guarantee System, institutional violence and re-victimization must be avoided.

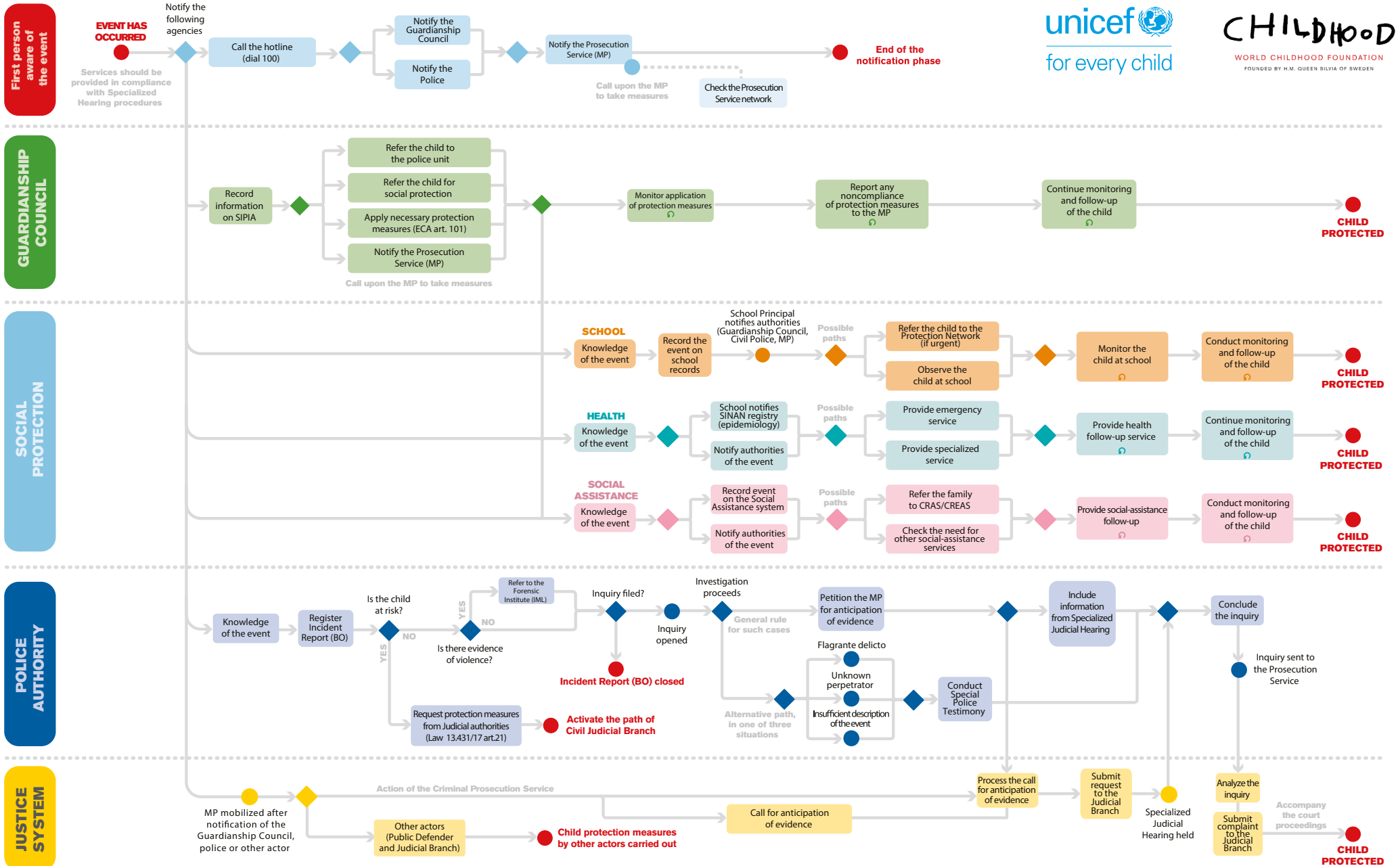


On June 13, 2019, the National Pact for Implementation of Law 13,431/2017 was signed in the presence of representatives of the National Justice Council, the National Council of Civil-Police Chiefs (CONCPC), the Ministries of Presidential Staff (*Casa Civil*), of Education, of Health, and of Citizenship, Women, Family, and Human Rights; the National Council of the Prosecution Service (CNMP), Public Defenders (DPU), and the National College of Public Defenders (CONDEGE). The National Pact signaled a commitment to the task of designing the National Service workflow for child victims or witnesses of violence, launched in 2020.

The national service workflow provides essential support for municipalities during development of their own local service flows. It offers advice on how to organize a local network, while leaving it up to the municipalities to decide how best to apply resources, in accordance with the availability of services in each locality. For example, some municipalities do not have a juvenile court, and social-assistance services infrastructure may vary considerably from one municipalities to another. In facing up to such situations, the services flow may be complemented by sharing of a service offered in a neighboring municipality.



# INTEGRATED WORKFLOWS AND INTEGRAL SERVICE PROTOCOLS FOR CHILDREN



No less important than the design of the flow of care services for each municipality are the protocols that determine what services should be provided at each stage of the process and how they should be delivered. This requires collaborative effort on the part of the municipal committee and ample stakeholder participation. Together, the law and its enabling decree provide the protocols for ensuring constant exchanges of information among component institutions and for reporting the services a child receives at each stage. 'Reference and counter-reference' is the term used to describe this exchange of information, which is essential for ensuring swift and comprehensive protection and avoiding revictimization.



## 1.10 SPECIALIZED HEARING AND SPECIAL TESTIMONY

Specialized Hearing and Special Testimony are key concepts in the Context of Law 13.431/2017.

Specialized Hearing refers to the procedure applied by child-protection agencies in the fields of education, health, social assistance, public safety, and human rights. The aim is to ensure a child victim or witness of violence receives appropriate support in overcoming trauma caused by the violation experienced. This is achieved by limiting questioning strictly to aspects necessary for provision of social protection and care. Core tenets of specialized hearing include respecting the wish of a child or adolescent to remain silent, and refraining from inquiring about the incident witnessed or experienced. All stakeholders within the Child Rights Guarantee System need to understand that questioning of a child victim or witness of violence about the incident should only occur during the taking of Special Testimony.

To avoid revictimization and ensure correct and effective application of specialized hearing, it is crucial that every player within the Rights Guarantee System understand their role in the care process. It is imperative that every agency respect the boundaries of its operational domain to ensure efficient, swift and risk-free support to the child throughout the journey.

Special Testimony is a procedure whereby a child victim or witness of violence gives their account to court or law-enforcement authorities for purposes of evidence gathering. Under this procedure, the child communicates with an appropriately trained professional, familiar with the forensic interview protocol. Such interviews are conducted in a child-friendly environment, distinct from the traditional courtroom setting. Only the child and interviewer are present. The judge, prosecutor, and defense attorney do not directly interact with the child at any point. Testimony is transmitted via closed-circuit television to the courtroom. Questions are relayed to the interviewer, who then poses them using child-appropriate language and in accordance with guidelines of the protocol. Testimony is recorded, allowing for review without necessitating that the child retell the experience. When conducted by court authority, with involvement of a judge and representatives of both the victim and the accused, such testimony, referred to as 'advanced evidence production' can be cited in subsequent investigations.

Under the Brazilian penal code, the purpose of advanced evidence production is to gather preliminary evidence in the pre-trial phase even if a main case has not yet been filed. In the context of Law 13.431/2017, advanced production of evidence serves to prevent revictimization by allowing the child to relate the incident just once. Subsequently, the recorded testimony can be used throughout the legal process. It ensures integrity of the account, allowing the victim or witness of violence to recount their experience when memories are freshest and the details more accurate. By providing more precise information during the advanced evidence production phase, special testimony serves to accelerate legal proceedings.

Article 11 of Law 13.431/2017 determines that advanced special testimony procedure is mandatory in cases involving children under 7 years of age for all forms of violence, and in cases of sexual violence involving adolescents up to 17 years of age.

Data collected in 17 states during the 2019–2021 triennium, revealed that 39,813 testimonies had been conducted and that, in 90% of these cases, the accused had already been indicted. These statistics were compiled by Judge José Antonio Daltoé Cezar in coordination with the Child and Youth Coordinators of the states. Onset of the pandemic posed challenges for other Brazilian states, disrupting the regular functioning of their special judicial testimony rooms and hindering inauguration of new facilities. As of March 2022, these difficulties began to be surmounted and

1,176 special testimony rooms were in operation, with an additional 147 due to be inaugurated within the next year.



## 1.11 MECHANISMS AND INSTRUMENTS FOR APPLICATION OF LAW 13.431/2017

Successful ongoing experiences in implementing the law highlight the essential mechanisms and sequence of instruments required to put Law 13.431/2017 into effect at the local level and to ensure compliance with all its core dimensions.

### STEP 1:

#### Development of a Municipal Plan

The Municipal Child and Adolescent Rights Council (CMDCA) is tasked with the drafting and approval of a Municipal Plan for Child Victims or Witnesses of Violence. The aim is to institute a permanent policy, with continuity guaranteed irrespective of political changes of administration.

### STEP 2:

#### Establishment of Municipal Joint Management Committees

Creation of Municipal Management Committees, comprised of representatives of all component agencies of the Child Rights Guarantee System, foreseen in Article 9 of Decree 9,603/2018 which enabled implementation of Law 13.431/2017, is an essential step for ensuring cross-cutting coordination, mobilization, planning, monitoring, and evaluation of actions throughout the protection network. Such committees are also responsible for defining and overseeing the service workflow and for enhancing coordination among agencies within the system, anticipating and adapting facilities and budgetary allocations of the co-responsible public bodies for execution of the plan.





### STEP 3:

#### Diagnosing the Network

Brazilian cities have an array of service and care structures. Juvenile Courts and specialized child-friendly police stations feature in some cities, but not in others. The quality of facilities within each service may also vary considerably. Prior to designing an integrated service workflow, the local network needs to be examined in order to assess the investments required to align services, and to reach agreements with neighboring cities so as to ensure that an adequate flow of care is established to meet the needs.

### STEP 4:

#### Design of Service Flows

An integrated service workflow is essential for ensuring prompt protection for child victims or witnesses of violence and minimizing the risk of revictimization. The National Service workflow acts as a benchmark, and each municipality is encouraged to develop its own customized service workflow, depending upon local availability and focusing upon the best interests of the child.

**STEP 5:****Development of Protocols**

As the design of an integrated service workflow is being developed, protocols to orient the actions of each component of the Child Rights Guarantee System should be defined. To this end it is imperative to understand not only the background but also the path forward for each child, tailored to the specifics of each case. When drafting care protocols for dealing with child victims or witnesses of violence, understanding what actions to avoid is just as crucial as knowing the appropriate measures to take.

**STEP 6:****Monitoring and Evaluation**

Establishing monitoring and evaluation mechanisms for services is pivotal for ensuring continuous improvement of the care provided by the network. The monitoring instruments and indicators should be developed and agreed upon with representatives from all component agencies of the Child Rights Guarantee System.

The main goal of Law 13.431/2017 is to prevent the revictimization of children. Its strategic approach involves restructuring the Child Rights Guarantee System, defining guidelines for integrated care for child victims or witnesses of all forms of violence, differentiating between Specialized Hearing (conducted by the service network) and Special Testimony (conducted by police or the courts) and formalizing the rules of Special Testimony. The aspiration is that application of this law will mark a turning point, whereby never again will children under care of the child protection network be subject to revictimization.

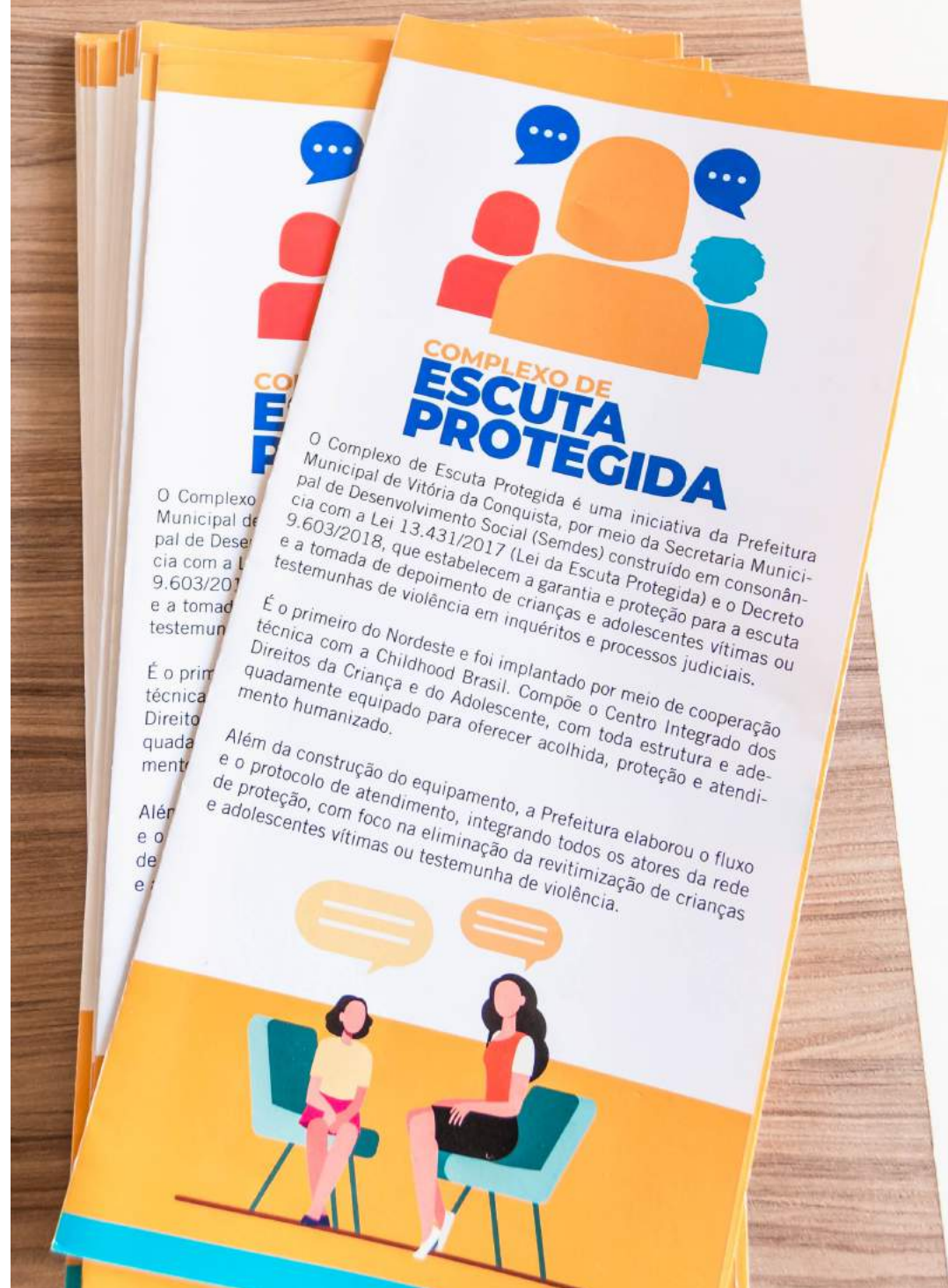
## PART 2

# THE EXPERIENCE OF VITÓRIA DA CONQUISTA IN IMPLEMENTING LAW 13.431/2017



The process of implementation of Law 13.431/2017 in Vitória da Conquista began with a seminar, held on May 18, 2018, which led to the formation of a Municipal Joint Management Committee and, subsequently, to the building of the Protective Hearing Complex. Inauguration of this Complex, on August 27, 2021 was celebrated as a significant milestone in the quest toward upholding child rights. Following its inauguration, from August 2021 to October 2022, 67 special judicial testimonies for advanced evidence production and 19 special police testimonies were taken at the Complex. In essence, the conduct of these procedures within the child-friendly environment provided by the complex enables recounting of an episode of violation experienced or witnessed by a child or adolescent, only once, without the risk of distressing exposure or revictimization.

Vitória da Conquista has made significant strides in implementing Law 13.431/2017. As outlined in the law and in Decree 9,603/2018, the municipality established a Municipal Joint Management Committee for the Social Care and Protection Network for Child Victims or Witnesses of Violence (CMRPC). Bottlenecks in the network were identified, an integrated service workflow designed, special testimony protocols established, and a unified protocol for integrated care is in the final stages of development. Still to be addressed are the implementation of the care protocol, introduction of the monitoring system, and expansion of training for institutions, as mandated by the law.



Vitória da Conquista is currently regarded as the municipality that has most advanced in implementation of this law in Brazil. This assessment is shared by the Ministry of Family, Women, and Human Rights, which cites the municipality as a model, when encouraging states to support their municipalities in complying with provisions of the law. Non-governmental agencies that work with child protection, such as Childhood Brasil, and international organizations including UNICEF, share this perspective.

The pioneering path the municipality has charted thus far in putting provisions of the law into effect has produced a record of experiences, knowledge, and good practices that could undoubtedly assist other Brazilian municipalities in navigating their unique challenges in implementing the Law on Protective Hearing.

Expectations are that the path charted by Vitória da Conquista may serve as a benchmark for municipalities in earlier stages of consolidating child rights and protection laws. The baseline chosen for recounting this experience was inauguration in 2015 of the Integrated Child Rights Center (CIDCA).

As this report was being prepared for publication, the institutional mechanisms envisaged in Law 13.431/2017 were still under development. Given the dynamic nature of its application, this process will remain ongoing and, in many respects, the municipality is still laying the groundwork necessary to achieve its desired goals. Nevertheless, this in no way diminishes the value of lessons learned from progress achieved to date.



## 2.1 TIMELINE

**1997**

The municipality of Vitória da Conquista establishes its first Guardianship Council, in line with provisions of the Statute of the Child and Adolescent (ECA).

**2010**

Vitória da Conquista establishes a Juvenile Court.

**2017**

A Childhood Brasil consultant visits the Integrated Child Rights Center while conducting a nationwide survey on such services.

**Jan/2020**

Signing of a Technical Cooperation Agreement between Childhood Brasil and Vitória da Conquista for implementation of the Law on Protective Hearing.

**2008**

The municipality requests transfer, from the State Government of Bahia, of an unused school building for establishment of an Integrated Child Rights Center, as prescribed by the Statute of the Child and Adolescent (ECA).

**2015**

The Integrated Child Rights Center (CIDCA - by its acronym in Portuguese) is inaugurated.

**May/2019**

In partnership with Childhood Brasil, a Seminar is held for component agencies of the Child Rights Guarantee System on "The art, technique and ethics of Protective Hearing of child victims or witnesses of violence, for Implementation of Law 13.431/2017 and Decree 9.603/2019".

## May/2020

Municipal Decree 20.304/2020 establishes the Municipal Joint Management Committee for the Social Care and Protection Network for Child and Adolescent Victims or Witnesses of Violence (CMRPC).

## Aug/2020

Commencement of the first 120 course/hour training program on Specialized Hearing, for 98 participants in the Child Rights Guarantee System. The initiative receives support from the Universidade Corporativa do Brasil, Equidade Brasil, Childhood Brasil, and UNICEF.

## Oct/2020

Work begins on development of an integrated care protocol, enshrining care standards that avoid revictimization, in line with Law 13.431/2017.

## Apr/2020

Construction begins on the Protective Hearing Complex within the Integrated Child Rights Center.

## Jun/2020

Launching of the process for design of an integrated service workflow, as outlined in Decree 9.603/2018 and based on the national model developed by the National Pact for Implementation of Law 13.431/2017. This is preceded by an assessment of bottlenecks in the care of child victims or witnesses of violence.

## Sep/2020

The integrated service workflow for child victims or witnesses of violence is approved by the Municipal Joint Management Committee.

## Jan/2021

Completion of the Protective Hearing Complex facilities, which include initial reception rooms, Special testimony room, courtroom, equipment room, a reception area, and waiting room for lawyers and paramedics.

## Aug/2021

Inauguration of the **Protective Hearing Complex**, adjacent to the Integrated Child Rights Center.

The second 120 course/hour training program on Specialized Hearing is attended by 98 participants of the Child Rights Guarantee System. The project received support from Universidade Corporativa do Brasil, Equidade Brasil, Childhood Brasil, and UNICEF.

A Technical Cooperation Agreement is signed between agencies of the Judiciary and the Municipal Administration of Vitória da Conquista.

## Aug/2022

A new Technical Cooperation Agreement is signed between Childhood-Brasil and the Municipal Administration of Vitória da Conquista. The Protective Hearing Complex celebrates its first anniversary.

## Jul/2021

The Municipal Secretariat of Education issues Directive 020/2021, establishing the Unit for Prevention and Monitoring of Violence against Children.

## Oct/2021

Holding of a Graduate-level Training and Enhancement Program on Special Testimony using the Brazilian Forensic Interview Protocol.

## Jul/2023

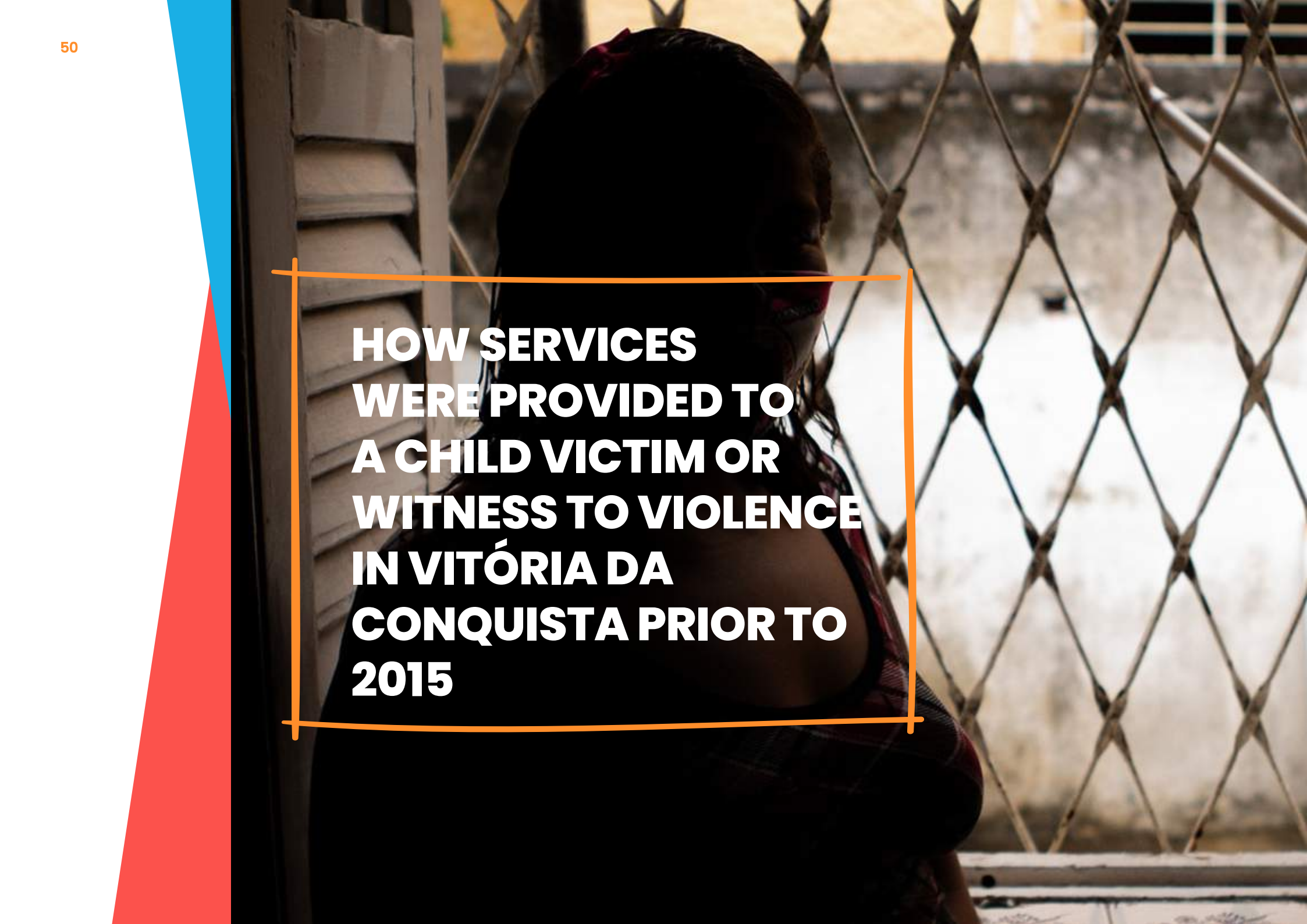
The integrated care protocol is finalized.



## 2.2 PROVISION OF CARE FOR CHILD VICTIMS OR WITNESSES OF VIOLENCE IN VITÓRIA DA CONQUISTA

To better understand the impact brought about by establishment of the **Integrated Child Rights Center**, implementation of **Law 13.431/2017**, and construction of the **Protective Hearing Complex** for the care of child victims or witnesses of violence, there follows a comparative analysis of services provided before and after inauguration of the Integrated Child Center and following application of Law 13.431/2017, utilizing a fictional account of violence against a child as a reference.



A woman with dark hair, wearing a dark top, is seen from the side, looking out through a chain-link fence. The background is slightly blurred, showing an outdoor setting. The text is overlaid on the image in a white, bold, sans-serif font, enclosed in a thin orange rectangular border. On the left side of the page, there is a vertical blue bar and a red triangle pointing upwards.

**HOW SERVICES  
WERE PROVIDED TO  
A CHILD VICTIM OR  
WITNESS TO VIOLENCE  
IN VITÓRIA DA  
CONQUISTA PRIOR TO  
2015**



Specialized Social Assistance Reference Center (CREAS)

DISEP - Integrated Public Security District

Forensics (IML)

Hospital

Psycho-Social Support (CAPS)

Public Prosecutors (MP)

Public Defenders

Shelter and Life Services Center (CAAV)

Guardianship Council - Rural

Guardianship Council - West

Guardianship Council - East

Juvenile Court

Social Assistance Reference Center (CRAS)

In the scenario illustrated above, a mother accompanies her 11 year-old daughter to a police station to file a complaint of sexual violence suffered by the child and of which she has just become aware.

At the police station the clerk takes down the complaint and asks the mother all manner of questions in the presence of the child and, not unusually, also addresses the child, while filling out the Incident Report (*Boletim de Ocorrência - BO*) in attempting to establish details. The clerk has little awareness of the pernicious effects of revictimization and asks more questions than necessary for filing the Incident Report. The child is asked whether or not coitus took place, if it was the first time, and many other details of the harassment leading up to copulation. The conversation may be heard by anyone who happens to be nearby since, in most police stations, there is no specific room where information for the report can be conveyed in privacy.

Having filed the Incident Report, the police open an investigation and immediately the child is called upon for interrogation. New questions are asked and earlier ones repeated. During the course of questioning, the girl's own mother asks why she did not cry for help or run away from the abuser when first harassed. At this point the child is not only exhausted but also embarrassed and ashamed, and begins to harbor thoughts of how she could have avoided this whole situation.

At the police station, mother and daughter are advised: 1) to go to the hospital so the child can be examined and receive

prophylaxis; 2) to proceed to the Legal Medical Institute (IML, by its acronym in Portuguese) for a forensic examination; and 3) to seek assistance from the Guardianship Council. The police officer is aware that often, a forensic examination may not be necessary; to be on the safe side, however, the officer leaves the decision up to the forensic team, even if it is merely to conduct what is known as 'rule-out examination'.

From the police station they take the bus to the Shelter and Life Services Center (CAAV, by its acronym in Portuguese) a health clinic that provides services relating to sexually transmitted diseases and pregnancy resulting from violence. There they are submitted to triage during which they must explain why they are there. More questions are asked and then, finally, the child is directed to a doctor who, while conducting examination, asks various other questions. Many of these questions have already been answered four times either by the girl or her mother, but always in the child's presence.

Once the girl has received prophylactic treatment, she and her mother are instructed on how to reach the IML. They are both tired and hungry, but the police have stressed the importance of undergoing prophylactic treatment and forensic examination on that same day. After taking another bus and walking some distance they arrive and wait their turn for service. The child hears her mother talking to another woman waiting for service and thus realizes the purpose of the forensic institute. With this knowledge, the facilities, which were already ugly, take on a frightening aspect. When called for examination, the girl hesitates before lying down as instructed by the forensic physician. At the insistence of the adults, she

submits to examination and, once more, has to tell what happened to her.

Following the examination, both mother and daughter are exhausted. It is late, and by the time they reach home night has fallen. The advice to report to the Guardianship Council has practically been forgotten. The mother cannot miss work twice in the same week and must go to her job the following morning. Indeed, it will be too bad if she has to miss work again next week. She certainly is not going to breathe a word about this to her employer! What would they think of her family?

They have already notified the Police. They have seen the doctor and the forensic physician. Everything that was urgent has been done. Why bother to go to the Guardianship Council? Indeed, what is the Guardianship Council for? The next day, life goes on as usual. The mother goes to her job. The child goes to school. From now on, she will be staying at a neighbor's house, so as not to run the risk of some male relative trying to take advantage of her when she is home alone.

The days go by. Poor understanding of the role of the Guardianship Council and day-to-day challenges cause the sense of urgency to fade. The child herself shrinks from recalling the day spent at the police station, the hospital, and the forensic institute. At this point, in her perception, the memory of the day they sought help is almost as traumatic as the day her uncle took advantage of her. This week, it's a relief not to have to recount everything all over again, and

she hopes to keep it that way.


In this hypothetical case, the sequence is interrupted even before reaching the Guardianship Council. Apart from the practical challenges of daily routine, the mother's poor understanding of the benefits of persevering along this arduous path jeopardizes her and her daughter's efforts in seeking the assistance to which they are entitled. The record of various municipalities reveals how common it is for families to give up at some point along the way, before the child-protection services and the investigation process have been completed. Consequently, the chances of the child receiving the psychosocial support she needs decrease, as does the probability of a conviction of the perpetrator of violence.

It should be stressed that, even when families persist through all stages of the prescribed procedure, formal testimony of the child was only taken by conventional means years later. The records show that it took between 3 and 6 years for a child to be heard in court.

The police station that handles child-related cases in Vitória da Conquista, at the public prosecutor's suggestion, began photographing victims when filing the Incident Report. In view of the lengthy delay in taking testimony, there could be significant changes in the victim's appearance. Such photographs also served to show the judge how the victim, who might appear as an adult when delivering testimony, was still a vulnerable child at the time of the incident.

## Obstacles to providing care before implementation of Law 13.431/2017 on Protective Hearing

- ▶ While being attended at three care services, the child underwent revictimization no less than four times, owing to repeated demands that she recount the violence suffered. The record shows that the child had to recount the incident up to 8 times merely while in the service workflow prescribed by the Child Rights Guarantee System.
- ▶ Most care professionals unintentionally inflicted revictimization upon the child, often in the belief that they were doing their duty and complying with their functional attributions.
- ▶ In some cases, feeling that the child was somehow to blame for the incident, care professionals adopted a hectoring tone, asking inappropriate questions in an attitude now regarded as institutional violence.
- ▶ Lack of an effective reference and counter-reference system to record the incident and the services provided by the network at each stage, led to the same questions being asked by practically every component agency of the Child Rights Guarantee System. Regrettably, most municipalities have no such system.
- ▶ Facilities such as the Forensic Medicine Institute (IML) and police stations also cause victims suffering, owing to a lack of welcoming or child-friendly environments, and thus also cause revictimization.
- ▶ Lack of an integrated, written and socially adequate flow of information among professionals led to repetition of procedures when gathering information.
- ▶ Lack of information on the structure of the service workflow and on the importance of concluding each stage contributed toward discouraging many families from seeking services.
- ▶ Transport and financial difficulties hampered the efforts of families traveling from one service to another in pursuit of services for the child.
- ▶ In many localities, victims were automatically referred to the forensic institute even though, in most cases of sexual violence, this is unnecessary.

A photograph showing the lower legs and feet of several people standing on a paved surface. They are wearing various styles of sandals. The scene is dimly lit, with shadows cast on the ground. A central text box with an orange border contains the main title. On the left side of the page, there is a decorative graphic consisting of a blue vertical bar and a red triangle pointing downwards.

**HOW SERVICES ARE  
CURRENTLY PROVIDED  
FOR CHILD VICTIMS  
OR WITNESSES OF  
VIOLENCE IN VITÓRIA  
DA CONQUISTA**

CENTER FOR PREVENTION AND MONITORING OF VIOLENCE IN SCHOOLS

DISEP - Integrated Public Security District

Forensics (IML)

- 📍 TOY LIBRARY – EDUCATION AREA
- 📍 MUNICIPAL CHILD AND ADOLESCENT RIGHTS COUNCIL (COMDICA)
- 📍 PROTECTIVE HEARING COMPLEX
- 📍 GUARDIANSHIP COUNCIL – EAST AND RURAL
- 📍 MUNICIPAL SOCIAL ASSISTANCE COUNCIL (CMAS)
- 📍 SPECIALIZED SOCIAL ASSISTANCE REFERENCE CENTER (CREAS)
- 📍 4 UNITS – CENTRAL, RURAL I & II, AND SOCIO-EDUCATIONAL MEASURES (NOVO OLHAR)
- 📍 PUBLIC DEFENDERS
- 📍 CHILD AND ADOLESCENT FOUNDATION (FUNDAC)
- 📍 SPECIALIZED CHILD AND ADOLESCENT POLICE UNIT
- 📍 CHILD AND ADOLESCENT PSYCHOLOGICAL SUPPORT UNIT
- 📍 PROSECUTION SERVICE (MP)
- 📍 FAMILY SHELTER SERVICE
- 📍 JUVENILE COURT (PROTECTION)

Legenda:

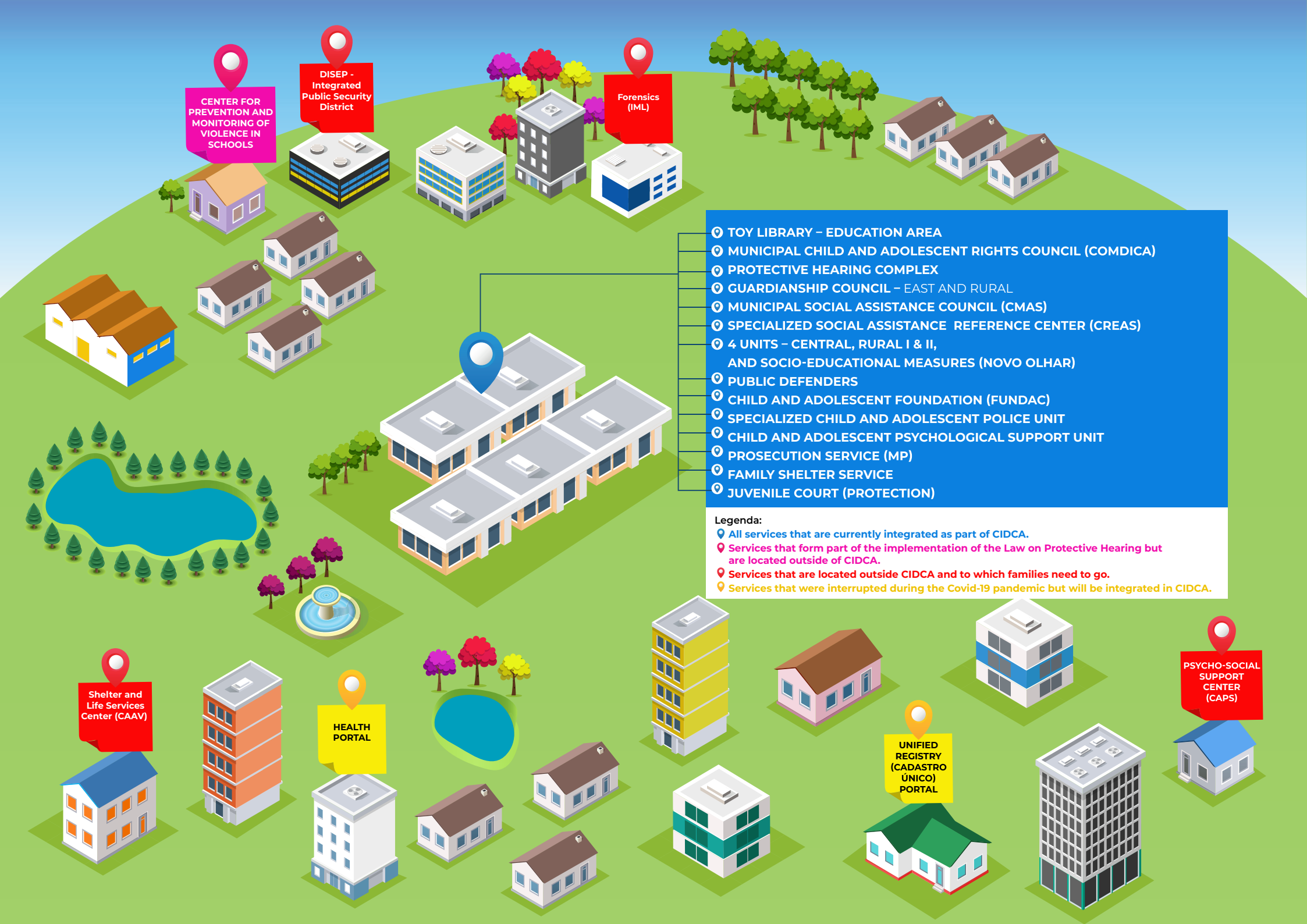
- 📍 All services that are currently integrated as part of CIDCA.
- 📍 Services that form part of the implementation of the Law on Protective Hearing but are located outside of CIDCA.
- 📍 Services that are located outside CIDCA and to which families need to go.
- 📍 Services that were interrupted during the Covid-19 pandemic but will be integrated in CIDCA.

Shelter and Life Services Center (CAAV)

HEALTH PORTAL

UNIFIED REGISTRY (CADASTRO ÚNICO) PORTAL

PSYCHO-SOCIAL SUPPORT CENTER (CAPS)





Since inauguration of the Integrated Child Rights Center (CIDCA) in 2015, the mother and daughter exemplified in the hypothetical case related above would be immediately attended at the Guardianship Council. There, their rights and the importance of each of the services due would be explained. During this conversation, the councilor would determine whether the family is in need of additional support. If the suspected perpetrator is the family's main provider, the complaint places the household's economic feasibility in jeopardy. That being the situation, the councilor would direct the mother to CRAS to apply for financial assistance. Once the mother understands the kinds of support for which she is eligible and is thus relieved of the financial burden, the likelihood that she and the child will pursue their claims through the child protection network increases.

In view of the urgency, a member of the Guardianship Council provides transport for mother and daughter and accompanies them to the Shelter and Life Services Center (CAAV). They will still have to go to the police station to file an incident report, and submit to a forensic medical examination at the IML. However, other services will be scheduled for that same day and location, thus ensuring an organized scheduling of any necessary return for services.

- ▶ Guardianship Council
  - ▶ A police officer trained in Specialized Hearing is assigned to the case. (This is a special administrative police unit with limited staff which, though not authorized to register the Incident Report, will conduct the investigation).
  - ▶ Specialized Social Assistance Reference Center (CREAS). The child and the family receive initial psychosocial assistance. Their need to access other services in the network is assessed.
  - ▶ Juvenile Court for Protection
  - ▶ Public Prosecution Service (MP)
  - ▶ Public Defenders
  - ▶ Complex for Protective Hearing (Special Court Testimony and Special Police Testimony)
- ▶ Family Shelter Service
  - ▶ Child and Adolescent Foundation Center – FUNDAC
  - ▶ Municipal Child and Adolescent Rights Council – CMDCA
  - ▶ Municipal Social Assistance Council
  - ▶ Toy Library and Education Area
  - ▶ Health Portal where the child's needs are assessed and referred to the appropriate services  
(temporarily suspended during the Covid-19 pandemic).
  - ▶ Unified Registry for Social Programs – CADÚnico Unit (linked to the Social Assistance Reference Center) which handles referrals for family benefits  
(temporarily suspended during the Covid-19 pandemic).

Since inauguration of the Specialized Police Unit, a dedicated police officer has been appointed to investigate cases of violence against children. Although not authorized to file Incident Reports, it is she who conducts the interview with the family. This officer is better prepared to handle cases of rights violations, and the environment of the Integrated Center is more welcoming, not only for the child, but also for accompanying adults. The adult is instructed to file the Incident Report at the local police station and advised that the child victim need not be present. Experience has shown, however, that families do not always follow this recommendation and, in many cases, claim they have nowhere to leave their children. This is a challenge that the Municipal Joint Management Committee hopes to address by making the Specialized Police Unit responsible for filing the Incident Report.

Since 2015, when these new measures were put into effect, the burden upon families seeking redress or services has been greatly eased, and the risk of revictimization reduced, though not entirely eliminated. Had it not been for the specific training in what subsequently became known as Specialized Hearing, children would still be subjected to the excruciating experience of having repeatedly to recount experiences of violence suffered or witnessed to one professional after another.

**With application of Law 13.431/2017 as of 2020 and as members of the network concluded their training, greater care was taken to ensure that children passing through the network in Vitória da Conquista were not exposed to revictimization.**

Change did not take place overnight, of course. Training on the Law on Protective Hearing combined with design of the service workflow and relocation of services to a single facility were essential components in preparing the network to attend to children without causing revictimization. Since inauguration of the Protective Hearing Complex in August 2021, both the initial police testimony and special court testimony in anticipation of evidence have been taken using the Integrated Center's non-victimizing approach. In its first year, 67 judicial testimonies in anticipation of evidence and 19 initial police testimonies were conducted.

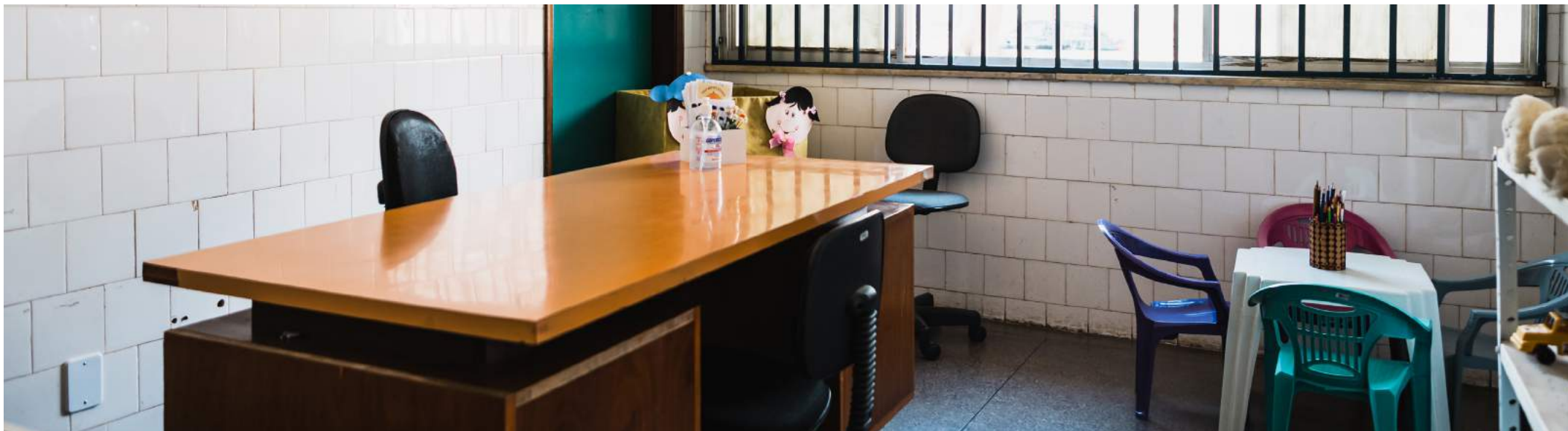
*"If children were subjected to traditional forms of questioning here, this space would make no sense," emphasizes professor Benedito Rodrigues dos Santos, an associate researcher at the Center for Childhood and Youth Studies at the University of Brasília. "It was the training on specialized hearing methodologies and the introduction of special testimony procedures under the Brazilian forensic interview protocol that prepared forensic interviewers, judges, and public defenders in this new culture," he says.*

The Center for Prevention and Monitoring of Violence against Children and Adolescents is another important service recently inaugurated by the Secretariat of Education. Schools are the venue where many cases of violence against children are first detected and reported, and are the only component of the Rights Guarantee System that children regularly visit on a daily basis.

For this reason it is important that as many teachers as possible receive training on how to handle spontaneous revelations, allegations or complaints of violence, without causing revictimization, and to refer them while protecting the victim's identity. Moreover, schools have an important role to play in monitoring the physical and psychological well-being of children. Behavior during day-to-day school activities may provide clues as to whether further support is needed for a child and its family. If necessary, the school may refer a child to other entities and services of the Child Rights Guarantee System. Though established only in 2021, within one year of operation, the center had 212 cases of monitoring underway.

The Integrated Child Rights Center now offers a range of services, but the idea is not that families should pass through all of them in a single day. For those living in rural areas an effort is made to provide access to all necessary care services within two days. Generally however, depending upon the

complexity of the case, to undergo the full service workflow families must return, on average, three times over a period that can vary between 15 and 40 days. Special Testimony is the service that currently takes longest to schedule at the integrated center. Because Special Testimony requires judicial authorization and depends upon a judge's schedule and that of the public defender and prosecutor, it is usually scheduled for forty days after filing of the initial Incident Report at the police station.



## Outcomes of implementation of Law 13.431/201 in Vitória da Conquista

- ▶ **Reduced Risk of Revictimization:** Child victims or witnesses of violence are less likely to be repeatedly asked to recount what happened to them.
- ▶ **Greater efficiency of Service Flows:** Prior to inauguration of the Integrated Center, it might take a family up to 2 months to access all services. Now, all appointments are scheduled on a single day and the services are provided within 15 days.  
**Prompt taking of Testimony:** Prior to implementation of the Law, a victim might wait 3 to 5 years before being heard in court. Now, this period is no longer than 40 days.
- ▶ **Earlier scheduling of Court Proceedings:** The delay before a victim's testimony is presented to a judge, which previously could be 3 to 6 years, has been reduced to 40 days.
- ▶ **Prompt provision of services contributes toward a child's resilience and ability to cope with the long-term consequences of trauma suffered or witnessed.**

(\*\*) Regrettably, no data is available on the number of victims and their families that give up before a case is formally presented.

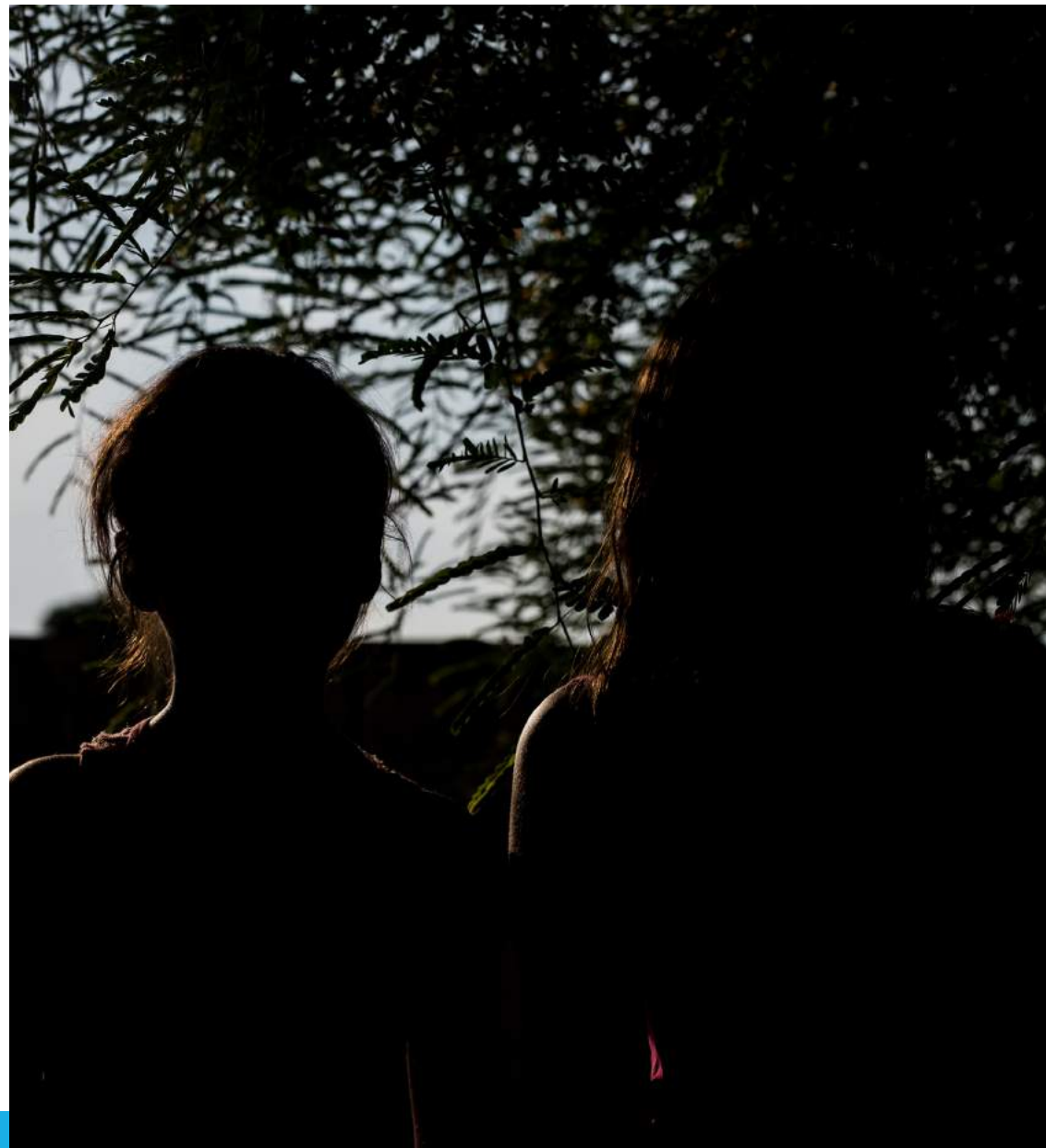


## 2.3 THE MUNICIPALITY OF VITÓRIA DA CONQUISTA

### *Brief Socio-Political History of the Consolidation of Child Rights*

With a population of 343,643, according to the latest census (IBGE 2021) Vitória da Conquista is the third-largest municipality in the State of Bahia, after Salvador and Feira de Santana. It also ranks fifth among the hinterland municipalities of Brazil's Northeast region, behind Feira de Santana (BA), Campina Grande (PB), Caruaru (PE), and Petrolina (PE). Notwithstanding its importance as a regional economic hub for some eighty municipalities in Bahia and sixteen in the north of Minas Gerais, Vitória da Conquista stands among the ten Brazilian municipalities with over 200,000 population with the lowest Human Development Index ratings (COGNATIS n.d). From a child rights perspective, the statistics on sexual violations and homicides of children in the State of Bahia are among the most alarming in Brazil (GI 2021) (Medeiros, Castanho 2014).

Poverty, and the high frequency of child rights violations, stands in evidence of the fragility and insufficiency of funding for social assistance and protection services. It is thus remarkable that, against this backdrop, the municipality stands out for significant progress achieved in the development and implementation of child protection laws.



According to local authorities, this progress can be attributed to strengthening of social movements in the region, dating back to a period prior to Brazil's redemocratization in the 1980s. Base Communities (CEBs)<sup>2</sup> established in Vitória da Conquista as of 1968, played a prominent role in filling gaps in the provision of social assistance services. Since the 1990s, the role of local academics and of Base Communities in strengthening community-based activism for promoting expansion of national welfare policies has gained momentum (Hoffmeister & Potter 2016). *"It is this background of the organized struggle to affirm rights that has had positive repercussions on everything that is being built today,"* says attorney Michael Farias, the current Municipal Secretary of Social Development in Vitoria de Conquista, who is also a professor of Human Rights for Children and Adolescents and of Public Social Assistance Policies.

Enactment of the Statute of the Child and Adolescent (ECA) in 1990 legitimized the demands of these entities and has provided legal support for some of them. In 1997, Vitória da Conquista's first Guardianship Council was established and today, in line with the ruling that there should be one councilor for every 100,000 of population (Brazil, 2010) it represents a landmark in fulfillment of a long-standing demand.



## 2.4 ESTABLISHMENT OF THE INTEGRATED CHILD RIGHTS CENTER



In 2008, when the responsibility for providing the final years of Primary Schooling (6th to 9th grade) was transferred from the State to the Municipal Education System, the opportunity was taken to update the provision of assistance services for children, bringing them into line with stipulations provided for in the Statute of the Child and Adolescent.

*“promotion of local intersectoral spaces for coordinated action and the development of joint action plans targeted at families in situations of violence, with the participation of health professionals, social assistants, and teachers, as well as organizations dedicated to promotion, protection and defense of children’s rights.” (Law 13.010/2014)*

As a consequence of this change in educational services, certain buildings that had formerly housed state schools were vacated. *“The Municipal Commission for the Defense of Children’s Rights of the Brazilian Bar Association (OAB, by its acronym in Portuguese) suggested we approach the government to discuss the possibility of using one of these buildings to create an integrated service center, as provided for in the ECA,”* said Marcos Coelho of the Prosecution Service for Childhood when interviewed by UNICEF Brazil.

This transfer took place before enactment of the Law on Protective Hearing (13.431/2017) and marks the beginning of joint action on the part of the Public Prosecution Service for Childhood (MP, by its acronym in Portuguese), the Juvenile Court, and the Social Assistance Secretariat. These three agencies were able to count on the support of the Municipal government who submitted the request for reassignment of the building to the Governor's office.

It took six years to obtain formal permission to recommission the vacant school building. Authorization was finally granted in 2014. On June 1, 2015 the Integrated Child Rights Center was inaugurated, and today brings together the following services:

- ▶ 1) Juvenile Court;
- ▶ 2) Public Prosecutor's Office for Childhood and Adolescence;
- ▶ 3) Public Defender's Office for Childhood and Adolescence;
- ▶ 4) Social Assistance Reference Center - CRAS;
- ▶ 5) Foster Family Reception Service;
- ▶ 6) CREAS Novo Olhar, aimed at open socio-educational measures;
- ▶ 7) East Guardianship Council;
- ▶ 8) Rural Guardianship Council
- ▶ 9) Municipal Social Assistance and Child Rights Council;
- ▶ 10) Health Service Reception Portal;
- ▶ 11) CADÚnico Portal;
- ▶ 12) Toy Library of the Municipal Education Network Inclusion Center;
- ▶ 13) Civil-Police Child and Youth Unit;
- ▶ 14) State of Bahia Child and Adolescent Foundation (FUNDAC, by its acronym in Portuguese), an agency that manages the juvenile incarceration and probation services;
- ▶ 15) Protective Hearing Complex.



## Lessons learned during this stage:

**Collaborative Action:** Coordinated action between various entities, notably the Judiciary, the Public Prosecutor's Office, and organized civil society, was pivotal in rallying decision-makers to the cause.

**Political Will:** Commitment and determination on the part of political leaders played a crucial role in facilitating allocation of the required space.

**Enlisting Support Beyond the Municipal Level:** The mayor sought support from representatives of state and federal agencies in convincing the Governor of Bahia of the importance of this facility for defense of children's rights.



## 2.5 LAW 13.431/2017 AND THE MUNICIPALITY OF VITÓRIA DA CONQUISTA

Enacted on April 4, 2017, the Law on Protective Hearing (13.431/2017) that provides for establishment of the Rights Guarantee System of child victims or witnesses of violence was brought into force by Decree 9,603 of December 10, 2018. Though all of Brazil's 5,571 municipalities were theoretically aware of the new regulations, in practice, few of them had advanced much in putting its provisions into effect. The challenges faced by Vitória da Conquista in bringing the Law into force at the municipal level shed light on the conditions other municipalities must fulfill to achieve compliance with the law.

- ▶ First, it is vital to raise awareness among key actors.
- ▶ Technical support from outside the municipality is often needed to reinforce local awareness, provide training, and assist in drafting of an implementation plan.
- ▶ Willingness to engage in continuous interaction with outside institutions that work with child victims or witnesses of violence.

These were factors that led to successful transposition of the law from paper into effect in Vitória da Conquista. However, as will be explained, each step presented new challenges.

### Awareness before Accountability

In Vitória da Conquista, the opportunity to raise awareness of actors at the local level came with Childhood Brasil's decision to support the municipality's efforts to centralize child care and protection services at the new Integrated Child Rights Center. *"In 2017, we were conducting a survey of integrated centers across the country and what we found in Vitória da Conquista surprised us,"* says Itamar Batista Gonçalves, Advocacy Manager of Childhood Brasil.

The quality of work encountered in Vitória da Conquista in terms of centralized services for children led Childhood to consider the municipality as a potential pioneer in implementation of Law 13.431/2017. While in Brasília to attend an event at the Ministry of Social Development in May 2017, Michael Farias visited the 18 de Maio Integrated Services Center where he met with consultants from Childhood Brasil to discuss the recently enacted Law 13.431/2017.

*"On my return from Brasília I approached Juvenile Court judge, Dr. Juvino Brito; Public Prosecutor, Dr. Marcos Coelho; and Mayor Herzem Gusmão. The three of them promptly agreed to help,"* says Michael Farias.

From this point on, collaboration between Childhood Brasil specialists Itamar Batista, and Benedito Rodrigues dos Santos were cornerstones of the entire implementation process. Gradually institutions, such as UNICEF, the Ministry of Women, Family, and Human Rights, and others including the State-level Judiciary, the Prosecutor's Office, and Secretariat of Public Security joined forces with municipal authorities in their efforts to secure children's rights in Vitória da Conquista.

### **Initial Mobilization:**

The first awareness-building event for participants in the Child Rights Guarantee System in Vitória da Conquista took place in May 2019. The Secretariat for Social Development, with the support of the municipal administration, invited representatives of all participant agencies of the Child Rights Guarantee System to attend a seminar on 'The Art, Technique, and Ethics of Protective Hearing for Child Victims or Witnesses of Violence', organized by the Childhood Brasil team to publicize the importance of Law 13.431/2017. Presentations made at this and subsequent events led to a strengthening of a consensus among participants and those already working with children, all of whom quickly grasped the significance of the law and its provisions. The main challenge at this stage was to convince stakeholders to attend such events.

Keen interest on the part of the various participating agencies in implementation of the law led to the signing of

a Technical Cooperation Agreement between Childhood Brasil and the municipality in January 2020. Since that time, Childhood Brasil has undertaken monitoring of implementation of the law and assumed responsibility for scheduling training sessions. Anthropologist, professor, and associate researcher of the Center for Childhood and Youth Studies at the University of Brasilia, Benedito Rodrigues dos Santos, currently serves as a consultant for the municipality. Having been an activist for child protection for several decades, he participated in working groups on child rights leading up to promulgation of Brazil's 1988 Federal Constitution, drafting of the Statute of the Child and Adolescent, and in the design of Law 13.431/2017 itself. Professor Benedito R. Santos' supervision of the project was crucial. Indeed, many of the approaches devised to bring this new law into effect had to be pioneered by the municipality which, owing to the groundbreaking efforts necessary, lacked similar experiences to draw upon. Thus, having an expert who thoroughly understands the law, the workings of public policies and the structure of the agencies involved was of inestimable value.

## Lessons learned at this stage:

### The importance of having:

- ▶ **Stakeholder commitment to children's issues.** In Vitória da Conquista, when the Municipal Secretariat for Social Development first assumed a commitment to implement Law 13.431/2017, the Mayor's Office, the Juvenile Court and the Prosecution Service for Children immediately pledged support.
- ▶ **Partnership with a nationally renowned and respected organization for the conduct of initial awareness-building activities.**
- ▶ **Commitment on the part of a central authority (in this case, the Mayor's Office) for mobilization of representatives of all the component agencies at the initial event.**
- ▶ **Outside technical support from experienced specialists and necessary funding sources for such support.**

## 2.6 ESTABLISHMENT OF THE MUNICIPAL JOINT MANAGEMENT COMMITTEE OF THE SOCIAL CARE AND PROTECTION NETWORK FOR CHILD AND ADOLESCENT VICTIMS OR WITNESSES OF VIOLENCE (CMRPC)

**The objective of Law 13.431/2017 is:** *“To establish, preferably within children’s and adolescents’ rights councils, a management committee for the social care and protection network for child victims or witnesses of violence, to coordinate, mobilize, plan, monitor, and evaluate actions of the intersectoral network, and also to assist in defining the service flows and improving integration of said committee.”*

**Article 9, paragraph I, of Decree 9,603 dated December 10, 2018, which regulates Law 13,431, of April 4, 2017**

### Importance of a joint management committee

The aim of the Law on Protective Hearing is to bring about a reorganization and integration of the component agencies of the child protection network. To this end, each institution must reorganize its operational procedures so as to participate in a combined service flow. This calls upon

representatives from each institution to share details of their operational dynamics and explain potential challenges to introducing change. It is also important that they understand how aspects of their work affect services provided by other network participants.

Thus, the first step toward achieving the integration necessary to ensure compliance with the law is establishment of a joint management committee. Such integration must necessarily encompass all services provided for children and their families. Once having been deliberated by representatives of all the participating agencies, decisions of the committee have legitimacy. Moreover, even after the law is in effect, the committee needs to play a permanent role in seeking responses to challenges and promoting continuous improvement of activities of the Child Rights Guarantee System.

## A Constituição do Comitê em Vitória da Conquista

A key feature of the way the process was conducted in Vitória da Conquista was a swift transition between the awareness-building phase and the coordination phase. This took place prior to launching of the implementation plan and formation of a **joint management committee** comprised of members from all institutions involved at every stage of assisting child victims or witnesses of rights violations. This committee was named the Municipal Committee for Joint Management of the Social Care and Protection Network for Child and Adolescent Victims or Witnesses of Violence (CMRPC).

Shortly after signing of the Technical Cooperation Agreement between the Municipal Administration of Vitória da Conquista and Childhood Brasil, attorney Camila Fischer was appointed Coordinator of the Child and Adolescent Services and Defense Network, a role in which she remained until the end of 2021. This responsibility then passed to Carla Mascarenhas, an attorney with extensive experience in managing Specialized Social Assistance Reference Centers (CREAs). *“This is just one of a multitude of urgent tasks required of each of the committee members. Therefore, it was imperative to have someone 100% dedicated to driving the committee’s agenda, demanding action and holding each participant accountable, ensuring compliance with deadlines and coordinating execution of agreements. Without the dedication of this individual, I don’t believe the task would have been possible,”* states Professor Benedito Rodrigues.

While setting up the committee, Secretary Michael, his team, and the consultants worked on two fronts. Firstly, there was a general group discussion on the significance of this next step and an introductory presentation on how this group would function. The team also engaged in individual conversations with each of the participants of the group.

Initially, there was some resistance from some participants who questioned what their roles would entail. A judge, for example, claimed the court had reservations about his joining committees. Another obstacle was the lack of municipal-level staff. This was the case of the Public Defender’s Office to which, at that time, no defenders had been appointed to represent victims of violence in the municipality. Moreover, members representing the criminal prosecution service often failed to attend coordination meetings.

Structural organizational issues also made it imperative that the municipality maintain close coordination with the state-level authorities. Whereas the competencies of Education, Health, Social Assistance, rights councils and guardianship councils are within the remit of the municipality, Public Security is organized on district bases. The Judiciary, which includes the Prosecution Service, the Public Defenders and all courts, operates within court districts. In these latter cases, there is no municipal sphere of governance.

It thus soon became evident that, in order to secure representation from all the different agencies involved in the

committee, support from state-level authorities would be needed.

A group comprised of representatives of the local Court of Justice, the local Public Prosecution Service (MP) and the Municipal Secretariat of Social Development joined the mayor, Mr. Herzem Gusmão to meet with the State-level authorities including the Secretary of Education, Jerônimo Rodrigues; the Secretary of Justice, Human Rights, and Social Development, Carlos Martins; the Chief Justice of the Court of Justice of the State of Bahia, Lourival Almeida Trindade; the State's Attorney General, Paulo Moreno Carvalho; and the State Public Defender, Rafson Saraiva Ximenes.

This collaboration demonstrated the importance and urgency of integrating both municipal and state levels of government to effectively address the challenges and work towards improved well-being of children. By involving prominent figures from both local and state institutions, the initiative gained momentum, ensuring that the objectives of the joint management committee could be realized more effectively and that all relevant parties would be actively involved in the decision-making process.

During the implementation of the committee, municipal representatives also held meetings with Appeal-Court Justice Telma Brito, the Secretariat of Human Rights of the Presidency of the Republic, presided over by Maria do Rosário, and the State Secretary for Social Development, Joás Meira.

Coordination between the managers of state-level agencies and their local representatives was carried out in a transparent manner with great care taken not to give the impression that the municipality was usurping their competencies. To this end, the municipality called upon all parties to assure them that they could count upon support from the state authorities when making the necessary changes. This strategy of extending the dialogue to include state-level managers of each institution proved effective and was subsequently adopted in situations that extended beyond the municipality's jurisdiction.

To complement the governance structure, each sectoral secretariat established an internal mechanism for the prevention and response to cases of violence. In 2021, the Center for Prevention and Monitoring of Sexual Violence in Education was established to monitor the school performance of children who had suffered any form of violation. Day-to-day details of a child's life at school can shed light on their overall well-being and, in practice, upon being informed by the school, the center then monitors the child remotely by discussing the case with teachers and school staff. To put this into effect, however, Education sector staff must first be trained and made aware of the importance of preserving the identity of the child and monitoring performance discreetly. The Center is part of the protection network but, since it does not work directly with the population, it is located outside the complex.

The Municipal Joint Management Committee of the Protection Network was formally established by

Municipal Decree 20.304/2020 in May 2020 and includes representatives of the:

- I. Municipal Secretariat of Social Development;
- II. Municipal Secretariat of Education;
- III. Municipal Secretariat of Health;
- IV. Municipal Child Rights Council;
- V. Guardianship Councils;
- VI. Juvenile Court;
- VII. Criminal Courts;
- VIII. Criminal Prosecution Offices;
- IX. Prosecution Service for Childhood and Youth;
- X. Public Defender's Office for Childhood and Youth;
- XI. Labor Prosecution Service (MPT);
- XII. Brazilian Bar Association (OAB);
- XIII. Civil Police of the State of Bahia – Child and Adolescent Center;
- XIV. Military Police of the State of Bahia;
- XV. Federal Highway Police;
- XVI. Non-government Organizations engaged in defending and promoting child rights in the municipality;
- XVII. Center for Defense of Children and Adolescents of the State University of Southwest Bahia (UESB).

Committee meetings are held online every two weeks and generally last 2 to 3 hours. Its initial Work Plan contained the following fields of action:

- 1<sup>st</sup> Completion of the process of installing the Executive Secretariat of the Municipal Joint Management Committee in the new facility and appointment of a municipal employee to serve as executive secretary;
- 2<sup>nd</sup> Editing and publication of the final draft of implementation documents (diagnosis, integrated service workflow, and protocol) for Law 13.431/2017;
- 3<sup>rd</sup> Expansion of training activities for the entire protection network on instruments for putting Law 13.431/2017 into effect;
- 4<sup>th</sup> Deployment of the System for Recording, Monitoring, and Evaluating Cases of Violence using Network Software;
- 5<sup>th</sup> Systematization of the experience of implementing Law 13.431/2017 in Vitória da Conquista (in preparation of this report).



Coordination efforts for establishment of this group coincided with the onset of COVID-19, which imposed an entirely new set of challenges for municipalities, and especially for ensuring the rights of children and other socially vulnerable groups. However, the remarkable persistence of the agencies most directly involved with the project for implementing Law 13.431/2017 ensured that the work advanced without interruption, despite the difficulties caused by the pandemic.

## Among the lessons learned during this phase were

### the importance of:

- ▶ **A smooth transition between the phases of awareness building and the enlistment of members of the Joint Management Committee.**
- ▶ **Selection of a skilled leader and professional staff with extensive knowledge of child rights legislation and the operation of child protection services.**
- ▶ **Investment in public awareness building and direct individual engagement with participants in the implementation.**
- ▶ **Establishing channels of communication between agencies at the federal, state and municipal levels, especially when coordinating with those that lack municipal-level representation.**
- ▶ **Formal announcement of the committee's creation by municipal decree. This protects the committee from possible administrative changes or shifts in government priorities and enhances the legitimacy of its deliberations.**

## 2.7 DIAGNOSIS OF THE NETWORK IN VITÓRIA DA CONQUISTA

Having approved the Work Plan, one of the committee's first tasks was to organize a group to conduct a diagnosis of the network's current operations and potential challenges. Owing to limitations imposed by the pandemic, interviews were conducted online with local network participants and state-level authorities between May and August 2020, following guidelines suggested by Childhood Brasil (Childhood Brasil, 2020).

The focus of this diagnosis was the identification of potential service integration problems that might result in revictimization, so as to enable the network to come up with solutions.

The survey mapped out challenges common to all its component agencies, such as coordination difficulties and confusion over competing roles, as well as difficulties posed for each specific area. It also enabled identification of the main ways in which cases of abuse and violation are reported to the network. Since lack of data and of systematization are among the main problems identified for the local network, the following findings were of great significance. The survey revealed that, of the reports of cases of children's rights violations:

- ▶ *Approximately 55% result from referrals by schools, health services, and other public entities. Of this group, the*

*majority of cases of suspected violence come from the education sector.*

- ▶ *Roughly 35% result from spontaneous complaints, typically when a mother accompanies her child to the Guardianship Council and provides evidence of violence that has occurred.*
- ▶ *An estimated 10% arise from calls to the hotline (Dial 100) or anonymous calls to the Child Protection Council, generally by family members or neighbors.*

Findings from this diagnostic study conducted in Vitória da Conquista may provide significant insights for other municipal networks that are grappling with implementation of Law 13.431/2017 or similar legislations. Literature on public policies for the defense of children's rights shows that most of the problems identified by this survey are common across different municipalities and even nations.

Key findings from the diagnostic study in Vitória da Conquista include:

- 1. The absence of effective mechanisms for inducing an intersectoral approach capable of changing longstanding practices such as segmentation of policies by sector (economy, health, education, Social Assistance). A hybrid human-development*

*focus is needed whereby both sectoral and life-cycle approaches can be applied to policy formulation and implementation.*

*II. Difficulties were encountered in coordination and articulation of health, education, and Social Assistance service networks with those provided by the public-security and justice systems. While the actions of these networks complement each other, overlaps and poorly defined roles often cause tension among the organizations within the Rights Guarantee System and child protection network.*

*III. In the field of police investigation, the institutional capacity of the current Specialized Police Unit needs to be strengthened. Moreover, a more humane approach is needed when filling out Incident Reports and performing forensic examinations at the Forensic Institute (IML).*

*IV. Obstacles related to court proceedings and trying of cases involving violence against children, namely: (i) Significant delays between the incident and recording of witness testimonies during the judicial phase; (ii) The use of traditional interrogation methods, indicating absence of an established interview protocol; (iii) A lack of child-friendly spaces to ensure the protection and well-being of children during proceedings.*

*V. Limited monitoring and evaluation: Data inconsistencies or gaps in service records; Absence of standard reference and counter-reference procedures; Lack of mechanisms to consolidate data from different sources.*

Shortly after the initial diagnostic interviews, the committee identified the complex and potentially costly challenge of how to integrate and interconnect the various agencies that comprise the system, while maintaining data confidentiality, when each agency uses a different communications system. The challenge of network integration entails the design of a unified system capable of providing each agency with the information necessary for performance of its role, while allowing for both updating and referral of new cases (reference and counter-reference) and minimizing the risk of disclosing sensitive data, especially on child victims or witnesses of violence.

Addressing this challenge has become one of the committee's foremost concerns and, in 2020 and 2021, several alternatives were explored. Currently, the municipality must decide whether to proceed with development of an entirely new system; or to upgrade the Information System for Childhood and Adolescence (SIPIA) which is the system foreseen in the Statute of the Child and Adolescent (ECA), to connect and serve as the official reference and counter-reference system for the entire Child Rights Guarantee System. Until a definitive solution is in place, agencies of the Child Rights Guarantee System in Vitória da Conquista will continue to process referrals and counter-reference information on paper, observing confidentiality. The Guardianship Council remains responsible for distributing counter-reference information among the various agencies involved in each case.

## Challenges identified at this stage:

▶ There was no unified system for swiftly and securely sharing reference and counter-reference information among all agencies of the Child Rights Guarantee System.

▶ During development of the program, it was found that the new system would require procurement of computers with greater memory and processing capacity.

## Solution Identified:

▶ After assessing the alternatives suitable for the municipality, the decision was made to develop a system based on the model in operation at the integrated center in Brasília.

▶ The Committee requested funding from the Municipal Administration of Vitória da Conquista for renewal of its IT infrastructure.



## 2.8 ESTABLISHMENT OF A SERVICE WORKFLOW

### Law 13.431/2017 states that:

**Paragraph I** - *“to establish, preferably within children’s and adolescents’ rights councils, a management committee for the care and social protection network for child and adolescent victims or witnesses of violence, to coordinate, mobilize, plan, monitor, and evaluate actions of the intersectoral network and also to assist in defining service flows and improving integration of said committee.”*

**Paragraph II** - *“define the service workflow observing the following requisites:*

- a)** services for a child or adolescent shall be provided in an articulated manner;
- b)** overlapping of tasks shall be avoided;
- c)** cooperation among public agencies, services, programs and facilities shall be prioritized;
- d)** mechanisms for information sharing shall be established;
- e)** the role of each level or service shall be determined and a professional of reference appointed to supervise.

*Article 9, paragraph I and II, of Decree 9.603 of December 10, 2018, that regulates Law 13.431, of April 4, 2017*

### The importance of service flows and protocols

The service flows and protocols comprise the dynamics that ensure smooth integration of services while protecting the child from revictimization. In support of efforts being carried out in each Brazilian region, the signatory agencies of the National Pact for Implementation of Law 13.431/2017 prepared a national workflow that sets out a blueprint of actions and responsibilities that can be adapted to the realities of municipalities throughout Brazil as they draft their own service flows, taking into consideration the facilities available in each region. Use of this model provides all participants in the system and the public served with an overview of how the services should be provided.

To ensure an integrated service workflow and avoid the risk of revictimization, it is imperative that staff at each agency understand what must, and also what must not, be done when providing the services. This set of rules is referred to as the service protocol. **While the service workflow indicates the path to be followed by the municipal network, the protocols set out what needs to be done at each stop along the way.**

## 2.9 HOW THE SERVICE WORKFLOW WAS ESTABLISHED IN VITÓRIA DA CONQUISTA

Having discussed and made clear to all participants of the committee the importance of the service flows and of the protocol for implementing the law, it was decided that the task should be split into two stages. The first of these was the construction of an integrated service workflow. The first work group meetings were held early in June 2020. The national service workflow had recently been published and the municipality hosted presentations from representatives of the National Justice Council and other agencies that had participated in drafting of the national model.

It soon became evident that much of the national workflow model was mirrored by the municipal draft. Both considered the same points of entry, namely: as a result of the perpetrator's being caught in the act of committing an offense (*flagrante delicto*); a complaint from an anonymous or identified source; a spontaneous complaint by the victim; or a report of suspected abuse or aggression filed by an agent of the Child Rights Guarantee System. The similarity extends to the approach to prophylactic or forensic medical services (when relevant) between the national and the municipal flow guidelines.

The main stages in building a workflow:

### 1. Planning Workshops

During this phase it is important to address both criteria for selection of participants and the methodology to be adopted, including a tool to be used when designing service flows.

### 2. Development of individualized flows for each segment

When preparing their internal flows, each segment should check whether the proposed national flow is compatible with their current flow practices at the municipal level. Where agencies already have internal workflow models in place, they should conduct a comparative analysis and, if necessary, make adjustments to ensure compliance with the new guidelines provided by Law 13.431/2017 and Decree 9,603/2018.

### 3. Development of bilateral and multilateral interconnections among the various segments

Once the workflows of each segment have been validated, connections with the other agencies' workflows need to be established. To this end, bilateral and/or trilateral workshops should be held to establish contacts between Guardianship Councils and sectoral agencies responsible for Education, Health, Social

Assistance; the three Judicial Branch agencies (the Public Prosecution Service–MP, Public Defenders, and the Courts); and representatives of Law Enforcement to discuss taking of testimony for early production of evidence.

#### 4. Adjustments to ensure smooth service flows among the different institutions

Having concluded these rounds of workshops, an additional workshop should be held to present multilateral connections and make adjustments to the overall flow.

#### 5. Validation by the Management Committee

#### 6. Comprehensive consultations with all agencies

#### 7. Official presentation of the newly constructed integrated service workflow

#### 8. Public disclosure of the integrated service workflow

#### 9. Periodic reviews of the integrated service workflow.

Source: (Childhood Brasil, Ministry of Human Rights and Citizenship, 2023).

In Vitória da Conquista, the most hotly debated issue was the need to review practices of the civil police, the courts, the Specialized Social Assistance Reference Center (CREAS, by its acronym in Portuguese) and Guardianship Council.

Even after the new rules had theoretically been assimilated by the group, some practices took a while to change. For example, there was an expectation on the part of the police and the courts that child protection agencies would issue opinions that could only be formed by investigative questioning that might potentially expose a child to humiliation or revictimization.

“Even after establishment of the committee, officers of the civil police and certain judges (though not those of the Child Court) demanded that we issue opinions and specific indications as to whether or not abuse had occurred. The rule is clear that it is not the role of CREAS or the Guardianship Council to probe details with victims or try to investigate,” says Vanessa Severino dos Santos, of the CRAS High-Complexity Coordination Unit.

The shared task of constructing the service workflow was an opportunity to revisit these issues and reinforce the instruments available to each agency for monitoring of cases. For the police, this entails taking special police testimony and opening of an investigation; and for the courts, special court testimony in anticipation of evidence. It took four months for the integrated service workflow to be completed and, in September 2020, the final version was approved.

*“Construction of an Integrated workflow for the Municipality of Vitória da Conquista was an important milestone and it served as a model in the design of the workflow for the State of Bahia and, subsequently, for many other municipalities engaged in bringing their service flows into compliance with Law 13.431/2017,”* says Judge Salomão Resedá, of the Court of Justice of Bahia.

## 2.10 THE SERVICES PROTOCOL OF VITÓRIA DA CONQUISTA

*While the “Integrated Service Flow” outlines the path that child victims or witnesses of violence should follow in seeking redress for their rights, the Unified Protocol for Comprehensive Care delineates protection procedures to ensure that such children are not revictimized. The Protocol focuses on ‘how’ to address cases of violence, especially ‘how to interact’ with children who are victims of violence. (Childhood Brasil, Ministry of Human Rights and Citizenship, 2023).*

The design of Vitória da Conquista’s integrated workflow was the committee’s first task and it entailed requiring each agency to reassess its operations, with a view to enhancing the overall workflow. This task required dialogue and consensus. However, from the standpoint of the committee’s members, the challenges of designing the service flow were minor in comparison to the arduous task of developing service protocols. These were twofold.

Firstly, the protocol requires that each agency reorganize its internal operations so as to ensure that its actions complement those of other institutions within the integrated flow. In many cases, this entailed relearning the agency’s role and internal dynamics within the integrated network. *“Law 13.431/2017 is challenging because it demands renegotiation among component entities. It is during the construction of*

*workflows and protocols that these changes are felt”* states Michael Farias.

Secondly, the resistance encountered in some agencies to adoption of the protocols made it clear that the representative participating in the committee’s deliberations is not always successful in convincing other members of his organization of the need to implement the consensus reached by the group.

It is when putting agreements into practice that such discord comes to the surface. In facing up to such cases, the solution proved to be a strengthening of ties among managers of these agencies. Moreover, the committee understands that, once the service flow and protocols are in place, investments in training methodologies are needed to ensure that changes are effectively assimilated by all actors, since training is the only way to overcome residual resistance.



## How the design of a unified protocol affects customary practices of some agencies

This example is provided by the network in Vitória da Conquista. The Civil Police expected, in their relations with CREAS and the Guardianship Council, to receive detailed information on each case, in the form of evidence that could be included in a police inquiry. Since the Law on Protective Hearing clearly defines the responsibilities of each component of the Child Rights Guarantee System, the police should neither expect, much less demand, that these bodies provide such information, and neither should they address questions to a child that would require disclosure of excessive detail or entail any form of investigation.

To comply with the law and the unified protocol, the civil police must restructure their internal procedures and adjust current approaches to situations in which they perceive that they lack information necessary to proceed with an investigation. They might, in such a case, request that the Prosecution Service (MP, by its acronym in Portuguese) take a special court testimony in anticipation of evidence. Should it not be possible to take said testimony within a reasonable time frame, and this delay prove detrimental to the proceedings, they may request that the taking of special police testimony be authorized.

**In summary**, the civil police changed their approach. Whereas previously they had expected and demanded information from the Guardianship Council and CREAS, now, under the new guidelines, they submit a request to the Prosecution Service (MP) for taking of a special court deposition.

As this report was being concluded, in September 2022, the protocols for the municipality of Vitória da Conquista had been drafted and were undergoing validation by the committee, which was due to publish them in April or May 2023.

## Difficulties encountered at this stage

▶ Although operation of the workflow and adoption of service protocols are inseparable from attainment of the ultimate goal of the Law on Protective Hearing, the task of implementing both simultaneously proved too complex to accomplish at one go.

▶ There is a time lag between what committee members agree to and validate and what is actually put into practice at each agency.

▶ Both in the construction of the service workflow and the establishment of protocols, the committee faced challenges at moments when disagreements surfaced.

## Solution applied

▶ The committee decided to divide the task into two stages. First, work proceeded on construction of the integrated flow. This was facilitated by the fact that a national flow model had already been approved. Design of protocols, which required that agencies examine and reorganize their internal procedures, was delayed until after the workflows had been determined.

▶ It is important, first, to maintain dialogue among the institutions and to report situations where change is needed. Personal contact with managers of each institution needs to be maintained to ensure the changes brought about by the law are consolidated into routine practices. The work of first constructing workflows, and then the protocol, proved effective by enabling reassessment of the dynamics and achieving consensus more closely aligned to the realities of each institution.

▶ Maintaining dialogue and persistent advocacy as to the importance of effecting change while maintaining a focus on the best interests of children is crucial. It took 4 months to complete and approve the flow. The protocol, in view of its complexities, has been under development for eleven months and is still awaiting validation. There is a consensus that training, which will be offered to the entire network in stages, will help the group to apply the new approaches agreed to in committee.

## 2.11 DECISION TO INVEST IN A PROTECTIVE HEARINGS COMPLEX

During discussions on implementation of Law 13.431/2017, it was found that the Court of Justice of the State of Bahia had neither an appropriate space nor trained staff to conduct the Special testimony provided for in the Law. The Municipality of Vitória da Conquista thus decided to invest in the construction of the Protective Hearings Complex, and to use part of the space available for an Integrated Center for Children's Rights.

Between October 2021 and October 2022, 67 special judicial testimonies in anticipation of evidence were conducted, and 19 special police testimonies were taken in this space.

The municipality invested five hundred and thirty-one thousand, four hundred and twenty-six reais and eighty-seven cents (R\$ 531,426.87) in the project, which began in 2020 and was inaugurated in August 2021.

The complex is a single-story structure with entrances at each end. This design ensures that children have no contact with the accused and their lawyers. Each group must enter from opposite sides, and there is a stipulated time difference for arrival and departure of such groups from the venue. The municipality intends to codify these operational rules into a protocol so as further to minimize any risk of encounters between parties involved in the cases.

The complex consists of: reception, welcoming room, technical team room, special testimony room, two bathrooms, hearing chamber, equipment room, and a waiting room for lawyers.

The structure planned by the municipality was the first in the country to house such a complex. Other municipalities have since allocated spaces for taking of special testimony in anticipation of evidence, but these are usually just a room with video and sound connections to the chamber where hearings take place.

Two psychologists trained in the Forensic Interview Protocol work in alternating shifts. One staff member is responsible for technical aspects, such as video and sound equipment for transmission to the hearings chamber; another manager is responsible for administration of the physical structure and organization of the dynamics of special testimonies. This is the venue where both special judiciary testimony in anticipation of evidence and special police testimony are conducted.

Decoration of the complex is in light colors to convey calmness to the children. The reception room for children when they arrive is especially welcoming. According to the forensic protocol rule, the interviewer introduces herself to the child immediately upon arrival and explains what

will be done shortly during testimony. The purpose of this initial contact is to minimize anxiety caused by this unusual situation.

Ideally, the literature recommends that only children age 6 and above be interviewed. Children under 6 can be interviewed, but for a much shorter time, and the quality of responses varies greatly from one child to another, and is often not very effective. In such cases, the interviewer should not insist. For younger children, interviewers are already prepared for the possibility that it may be unfeasible to proceed with the conversation.

Both the training in the Forensic Protocol and the technical supervision provided by a specialist who still accompanies the work of psychologists, were financed by Childhood as part of a Technical Cooperation agreement.

It is important that judges also receive training in the protocol so that they understand what the interviewer does and why. To some extent, judges also participate in interviews, as they can send questions over the sound system or by messaging the interviewer. According to the interviewers at the complex, differences are perceptible when the hearing is conducted by a judge of a Child Court or of a Women's Court and who is familiar with cases of abuse, and when the judge is from a different area. *"Usually, their questions are couched in vocabulary and with care that doesn't require adjustment before being addressed to interviewees,"* says Gracianny Bittencourt Machado, a forensic interviewer at the Protective Hearings Complex. When questions may sound harsh or are of a more

delicate nature, it is the interviewer's job to convey them in the appropriate tone to the child. It is also up to her to assess on the spot how to insist on a question, if necessary. A judge who is familiar with this type of testimony is more likely to respect this dynamic.

The literature also shows that many interviewers have difficulty in performing their job well when the judge is unfamiliar with, or fails to respect, the forensic interview protocol. The main problem is the frequency of interruptions over the microphone and, at times, an authoritarian tone, which ends up distracting the interviewer and interfering with her technique for addressing the child (Hoffmeister & Potter, 2016). Another issue that has been observed in Vitória da Conquista is the lack of interest or dedication on the part of some judges in researching children's rights legislation, including the Law on Protective Hearing, or in taking a course on the forensic protocol (Hoffmeister, 2013).

In the experience reported by two interviewers, technical supervision has been invaluable. A simulation in the protocol, no matter how well performed, does not come close to the experience of what it is really like to be with a child or teenager addressing such delicate matters. Being able immediately to discuss the challenges faced in each hearing has added to the continuous learning experience for improving practice.

## Lessons learned during this phase

▶ **It is essential to have adequate funding.** During this phase, in Vitória da Conquista, funding was obtained for building of the complex, training in the forensic protocol and technical supervision by specialists to accompany the psychologists.

### Difficulties encountered at this stage

▶ Preparing interviewers for special testimony.

▶ The risk that some judges fail to understand the dynamics of forensic interview procedure and interfere with the dynamics of the secluded room, thereby detracting from the quality of the interview.

▶ Resistance on the part of some judges to participating in training on children's rights.

### Solution applied

▶ Continuous monitoring by a technical supervisor, providing a prompt opportunity to address doubts, has proven very effective in making each interview a valuable learning opportunity. This was made possible by a technical cooperation agreement with an institution outside the municipality, namely, Childhood Brasil.

▶ The training of judges in the forensic protocol and on the Law on Protective Hearing.

▶ Insistence on outreach to demonstrate the importance and complexity of the topic; awareness-raising events; coordination with the higher courts.

## 2.12 TRAINING IN THE LAW ON PROTECTIVE HEARING AND FORENSIC INTERVIEW PROTOCOL

People who work with child protection services in Vitória da Conquista are unanimous in believing that, once aware of the threat of revictimization, of its multiple implications for children, and of its repercussions in cases of violence, everyone will realize the importance of implementing Law 13.431/2017.

Since launching of the initiative for putting the law into effect, 172 members of the Child Rights Guarantee System have undergone the 120-hour training course on the Protective Child Hearings Law. Another round of training, focused on the Forensic Interview Protocol (applicable in both judicial testimony and special police testimonies) was attended by 41 law professionals (including judges, public defenders and public prosecutors) and Education and Social Welfare professionals (psychologists and teachers). Part of this training program was financed under the technical cooperation agreement between Childhood Brasil and Vitória da Conquista.

The Municipal Secretariat of Education has determined that all new teachers, before they start teaching, will have to undergo the training on the Law on Protective Hearing, currently provided by Universidade Corporativa do Brasil, by Equidade (a company focused on public policies for childhood) and by Childhood Brasil.

According to the municipal authorities, training on the Law on Protective Hearing is a strategy that will serve to reduce the risk of revictimization in a variety of environments. They propose to offer such training to anyone likely to become involved in such cases, including staff at schools, hospitals, CRAS, CREAS and police stations.

To this end, the Secretariat of Social Development intends to develop its own training methodology, covering basic concepts of children's rights, and to offer courses to a wide range of professionals, regardless of schooling levels, to help them understand the importance of this law and of knowing how to behave in the presence of children who have suffered or witnessed violence. Having its own proprietary methodology will free the municipality from having to seek funding for training.

This training methodology is currently being developed by the municipality and will include the following stages:

- I. Introduction to the National Human Rights Policy of Children and Adolescents;
- II. Structural and Fundamentals Aspects of Law 13.431/2017;
- III. Theory and Methodology of Specialized Hearing and of Special testimony.

By offering such training, the municipality also hopes to mitigate a persistent problem of high turnover among non-tenured staff in certain areas of the network. In the CREAS, for example, high staff turnover is a chronic problem. According to a former coordinator of social programs, over a 13-year period, every 12 or 18 months they lose a trained social worker and have to provide training for a new one. The main difficulty caused by such turnover, aside from the loss of institutional knowledge, is that the work requires experience and a keen eye that only day-to-day practice can provide. The main cause of this phenomenon is a lack of tenured positions in this field. It has been a long time since competitive examinations have been held for selection of permanent staff and, consequently, the network has had to rely on short-term contracts, under which staff work only for a limited period.

Between 2020 and 2022, hundreds of professionals from component agencies of the Child Rights Guarantee System received training on the Law on Protective Hearing and its institutional implications.

Course / Year	Number of participants
Path of Protective Hearing in Vitória da Conquista and identification of cases of violence against children (for teachers and school staff)	474
The art of Protective Hearing, 2019 May 8 to 10, 2019 - on site	74
Specialized Hearing Course - Online Module 2020	98
Brazilian Forensic Interview Protocol, 2021	41
Specialized Hearing Course - On site *First phase: Aug 2 to Sep 17, 2021 *Second phase: Sep 20 to Sep 24, 2021 *Third phase: Oct 8, 2021.	41
Growing up without Violence - Jan to Jun 2022 - online	126
Specialized Hearing Course - Online Module, 2022	81

## 2.13 WHAT HAS BEEN PLANNED

Vitória da Consquista has a series of actions planned for the coming months, with strategies designed to address current structural issues and challenges that must be continuously addressed by the network.

**The Judiciary:** Concentrate all cases relating to children under one judge.

A significant obstacle to the performance of the current service workflow is that Vitória da Conquista, like most other Brazilian municipalities except the state capitals, does not have a dedicated Juvenile Court. *“There is a shortage of judges throughout the country, which is why it is difficult to institute a specialized criminal court. Judges tend to be generalists, precisely so as to be able to handle the largest number of demands,”* says Dr. Marcos Coelho, a prosecutor who works with children’s issues. Generally speaking, it is the lack of a dedicated court that causes delay in the processing of child abuse cases, as they pile up in a queue that encompasses crimes of all kinds.

In practice, in Vitória da Conquista, crimes against girls are referred to the Women’s Court. There the presiding Judge, Julianne Nogueira, is well versed in children’s rights legislation and the forensic protocol, and is accustomed to working with children. Though her performance is well

regarded, regrettably, her remit only encompasses girls.

Another issue is volume. Even before the introduction of the Law on Protective Hearing, the volume of criminal cases awaiting trial at the municipal Women’s Court was much greater than a single judge could handle within an appropriate timeframe. Despite the priority awarded to crime against children, the emergencies that the Court has to address inevitably affect the timeline for taking of Special Judicial Testimony.

Cases involving boys who are victims of violence or abuse face similar limitations. Upon referral to the local Criminal Court, the network seeks to ensure that such cases are assigned to a judge who is prepared to view them from a children’s right standpoint. As at the Women’s Court, in the Criminal Court, crimes against children have priority. The timeframe for processing of such cases is nonetheless slower than it would be if there were a special court dedicated to cases involving children.

In accordance with the service flow prescribed in Law 13.431/2017, the child would ideally be heard upon initial filing of the case under a procedure known as ‘judicial testimony in anticipation of evidence’, the aim being to ensure that the child need speak only once; and that any investigation



or any other procedure would be based on this recorded testimony. *“Our focus is to ensure that the child need speak only once about violence suffered or witnessed and that testimony be taken in an environment where he/she may feel protected,”* says Julianne Nogueira, Judge of the Court of Domestic and Family Violence against Women.

The municipality is currently negotiating with the state authorities to designate one more judge for the region. It seems unlikely that a new Juvenile Court will be created, since it would demand greater investment and staffing. However, under current conditions, appointment of an additional judge with jurisdiction over all crimes relating to children appears to be the most viable alternative.

**Public Security:** creation of a Child and Youth Precinct.

Securing authorization to establish a dedicated police precinct (and not just a unit, as is currently the case) is another challenge the municipality faces. The existing unit has insufficient staff and lacks appropriate facilities to handle the volume of demand, all of which must be attended by Police Chief Rosilene Correia who, alone, bears responsibility for all cases.

According to the rule, when a police officer is on vacation or furlough, another assumes his/her duties; in practice, however, it implies that cases involving children s are attended to only once a week and, as a consequence, they pile up.

Another impact of the current lack of facilities is that Incident Reports (B.O.) can only be filed at the main police station of the municipality, which entails an additional journey for the victim’s family. Under the new flow procedure proposed by the municipality, Incident Reports would be filed at the Integrated Children’s Rights Center; however, owing to a lack of staff and facilities, this innovation is not yet in effect. The same municipal task force that is negotiating with the state authorities for appointment of an additional judge is also requesting authorization, funding and staff for the establishment of a Juvenile Precinct. In the meantime, the municipal administration is arranging training for police officers and chiefs, so as to ensure that all units know how appropriately to handle situations involving children.

In addition to the accumulation of cases and the delays that this causes, deficiencies in the facilities also increase the risk of revictimization. Officers responsible for drafting Incident Reports at the central police station affirm that no less than half of the adults who accompany a child or adolescent, report the violence suffered by the child in the child’s presence. This occurs across a long counter where up to four people (there are generally at least two) are filing reports simultaneously. The environment provides no privacy, as only a transparent acrylic screen separates each partition, thereby leaving the child exposed not only to the officer in charge, but also to other people circulating around the office.

**Legislation:** Approval of a municipal law to ensure continuity of the system.

Notwithstanding political changes of administration, the development of public policy has proceeded in Vitória da Conquista with continuous improvement and continuity of investments. Since 2008, when creation of the CIDCA complex was first requested, the municipal administration has been under management of the full spectrum of political parties.

According to the Secretariat of Social Development, the activism of child defense and protection agencies ensures that aspiring politicians are enlisted to the cause long before they are elected, and this is why, once in office, they are already committed.

Despite these favorable factors, everyone who works in this area is aware of how remarkable the commitment these mayors have consistently shown towards children is. According to Michael Farias of the Secretariat of Social Development, it is not that the theme of sexual abuse and exploitation is popular; “for most people, abuse against children and adolescents is something that only happens far away, to people far removed from the circles they frequent,” he says. *“We know that this is not the case; and that, as custodians of the framework of children’s and adolescents’ rights, public agencies have to be prepared to handle these situations adequately. To this end, political will is essential.”*

*“It is our view that protection of children and adolescents must be a non-partisan and long-term project. It is here in the municipality that services for families gain traction. They are a pledge to our future and our rights,”* says the Mayor, Ana Sheila Lemos. Her mother, Irma Lemos, is a former Secretary of Social Development and Deputy-Mayor. This has helped Ana Sheila better understand the background of efforts to usher in services to guarantee children’s rights. Since she took office as mayor in 2021, she has agreed to finance expansion works, purchase new computers for participating agencies, and contract new staff psychologists and members of the forensic team.

Despite this favorable background of multipartisan support, one of the committee’s unfulfilled ambitions is to enshrine progress achieved hitherto into a municipal law, so as to ensure that these achievements cannot be reversed. *“Our motto here is: we don’t step back; not even to gain momentum to go further,”* says prosecutor Marcos Coelho.



## 2.14 PLANS FOR THE FUTURE

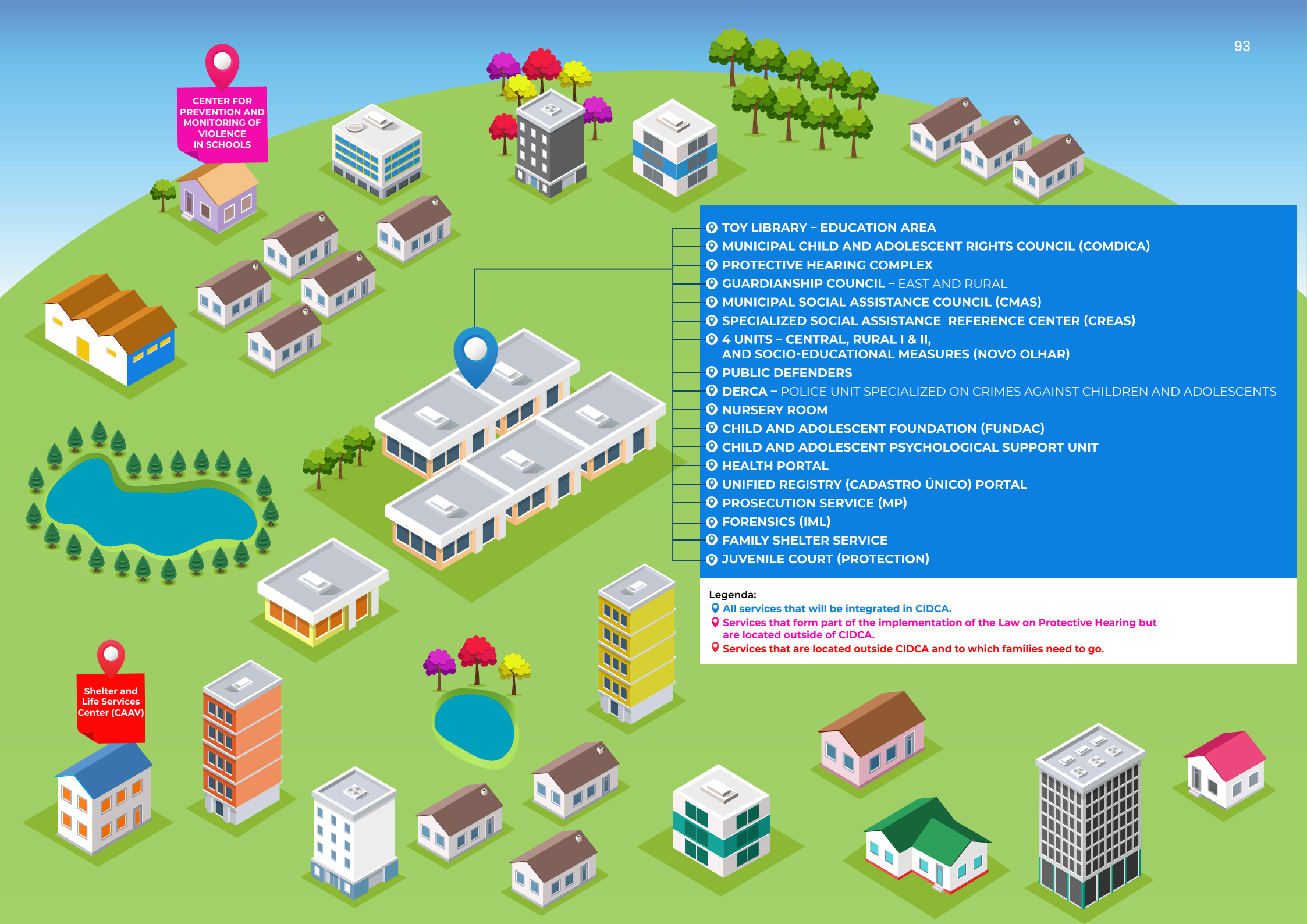
**HOW SERVICES FOR CHILD VICTIMS OR WITNESSES OF VIOLENCE WILL BE PROVIDED ONCE THE LAW HAS BEEN FULLY IMPLEMENTED**

**CENTER FOR PREVENTION AND MONITORING OF VIOLENCE IN SCHOOLS**

**Shelter and Life Services Center (CAAV)**

- 📍 TOY LIBRARY – EDUCATION AREA
- 📍 MUNICIPAL CHILD AND ADOLESCENT RIGHTS COUNCIL (COMDICA)
- 📍 PROTECTIVE HEARING COMPLEX
- 📍 GUARDIANSHIP COUNCIL – EAST AND RURAL
- 📍 MUNICIPAL SOCIAL ASSISTANCE COUNCIL (CMAS)
- 📍 SPECIALIZED SOCIAL ASSISTANCE REFERENCE CENTER (CREAS)
- 📍 4 UNITS – CENTRAL, RURAL I & II, AND SOCIO-EDUCATIONAL MEASURES (NOVO OLHAR)
- 📍 PUBLIC DEFENDERS
- 📍 DERCA – POLICE UNIT SPECIALIZED ON CRIMES AGAINST CHILDREN AND ADOLESCENTS
- 📍 NURSERY ROOM
- 📍 CHILD AND ADOLESCENT FOUNDATION (FUNDAC)
- 📍 CHILD AND ADOLESCENT PSYCHOLOGICAL SUPPORT UNIT
- 📍 HEALTH PORTAL
- 📍 UNIFIED REGISTRY (CADASTRO ÚNICO) PORTAL
- 📍 PROSECUTION SERVICE (MP)
- 📍 FORENSICS (IML)
- 📍 FAMILY SHELTER SERVICE
- 📍 JUVENILE COURT (PROTECTION)

**Legenda:**  
 📍 All services that will be integrated in CIDCA.  
 📍 Services that form part of the implementation of the Law on Protective Hearing but are located outside of CIDCA.  
 📍 Services that are located outside CIDCA and to which families need to go.



The Protective Hearing Complex will accommodate two new services and the new police precinct. Psychological counseling will be provided for child victims of violence and a room prepared for forensic examinations (which are currently performed at the Forensic Institute). The municipality has approved the contracting of two psychologists and a (female) forensic expert to conduct on-site examinations.

Also underway is installation of a reception area, offering psychosocial care and screening services at the entrance of the building. The Integrated Center for Children's Rights currently covers a total area of 6,356.21 square meters and has various entrances, making it impossible to know how many people access the building each day. The new reception will enable monitoring, so as better to determine which services are in greatest demand.

Among the services that will be available at the Integrated Center for Children's Rights by the end of 2023 are:

- ▶ Guardianship Council;
- ▶ Specialized Reference Center for Social Assistance (CREAS), where the child and family can receive initial psychosocial support and referral to other services in this network, as required;
- ▶ Juvenile Court - Protection area;
- ▶ Public Prosecutor's Office;
- ▶ Public Defenders;

- ▶ Complex for Protective Hearing (Special Judicial Testimony and Special Police Testimony);
- ▶ Family Shelter Service;
- ▶ Foundation for Children and Adolescents (FUNDAC);
- ▶ Municipal Child Rights Council (CMDCA);
- ▶ Municipal Social Assistance Council;
- ▶ Toy Library in the Education area;
- ▶ Health Portal for screening and referral of the child to the appropriate services;  
(temporarily suspended during the Covid-19 pandemic) (\*)
- ▶ CRAS Unit - Social Assistance Reference Center, which issues referrals for family benefits available on location  
(temporarily suspended during the Covid-19 pandemic) (\*)
- ▶ Forensic service with a (female) doctor, so that a child or adolescent need not go to the IML for a forensic examination, and will be attended in accordance with procedures that avoid the risk of revictimization (\*)
- ▶ Psychological Assistance for child victims or witnesses of violence (\*)
- ▶ A police precinct, where the Incident Report can be filed without the family having to go elsewhere (\*)
- ▶ A court facility, dedicated to handling cases involving children. It has not yet been determined whether a judge will be physically present, but it is expected that processing time, which currently averages 40 days, will be reduced (\*)

(\*) Foreseen, but not yet in effect.

## Changes underway

- ▶ On-site forensic examination, performed by a female specialist
- ▶ Psychological Care.
- ▶ Return of the Health Portal (suspended during the pandemic).
- ▶ Return of the CRAS (suspended during the pandemic).

## Measures to be taken under the 2022–2024 biannual action plan

- ▶ Approve protocols; formation and training of teams.
- ▶ Design of the continuous education program to inculcate the concept of revictimization for all participants and community services.
- ▶ Appointment of a Judge specialized in crimes against children.
- ▶ Establishment of a Special Juvenile Police Precinct.
- ▶ Installation of a unified reference and counter-reference system connecting all agencies.
- ▶ Enshrine into law Municipal Decree 20.304/2020 and make permanent the Municipal Joint Management Committee of the Social Care and Protection Network for Child and Adolescent Victims or Witnesses of Violence (CMRPC).

## 2.15 LESSONS LEARNED IN VITÓRIA DA CONQUISTA:

The experience of implementing Law 13.431/2017 and decree 9.603/2018 in Vitória da Conquista provides a series of lessons on the various dimensions of services provided to child victims or witnesses of violence under the Child and Adolescent Rights Guarantee System (SGDCA).

### Access to services

▶ Even before implementation of Law 13.431/2017, installation of the Integrated Children's Rights Center (CIDCA) in Vitória da Conquista demonstrated that **concentration of physical facilities** for serving children enhances communication among participant agencies, thereby also reducing the risk of revictimization and smoothing the service workflow. To achieve effective integration, however, service flows and protocols had to be established.

▶ When concentration of services at a single venue is not feasible, efforts should be made to **facilitate access**, so that logistical difficulties in getting around town do not discourage families from seeking services.



## Initial steps in application of Law 13.431/2017

It is vital, from the outset, to have **technical and operational support** focused on Law 13.431/2017. Collaboration can be sought from national and state authorities, from other municipalities that are further advanced in the process, from specialized professionals, or from agencies such as UNICEF and Childhood Brasil, for example.

It is essential to identify **local actors who are committed to the cause** of protecting children. They will play an inspiring and mobilizing leadership role throughout the process, from awareness building to implementation.

**Coordinated action among different agencies**, including the Judiciary, the Public Prosecutor's Office, the Public Defender's Office, the Public Security Secretariat, the Rights Councils and Guardianship Councils, and Civil Society Organizations, helps rally decision-makers to the cause.

**Political will** on the part of all those involved is indispensable, both when seeking partnerships and building consensus, and for obtaining the necessary investments.

The **dialogue between local and state-level authorities**, members of the Judiciary, the Public Prosecutor's Office, the Public Defenders, and the Public Safety has proven strategically important when reassigning responsibilities among executing agencies throughout the restructuring process.

**The establishment of the Municipal Joint Committee as a governance mechanism is essential for organizing the implementation stages and long-term planning, in accordance with the mechanisms and instruments of the Law.**

Step 1: Creation of the joint committees;  
 Step 2: Network diagnosis;  
 Step 3: Designing the flows;  
 Step 4: Drafting of protocols;  
 Step 5: Monitoring and evaluation.

## Establishment of the Committee

▶ **A dedicated professional, skilled in leadership and well versed in matters relating to implementation of Law 13.431/2017 needs to be appointed as Executive Coordinator of the Municipal Joint Committee.** The committee must have dedicated administrative technical support staff to organize and lead the process and, from the outset, requires guidance from experts familiar with the legislation and operation of child protection services to assist with implementation of the law.

▶ **Exercise flexibility during the awareness-building phase** and selection of committee members to ensure commitment on the part of all actors.

▶ **Formalize the status of the committee by municipal decree.** This provides insurance against potential changes of administration or governmental priorities and reinforces the legitimacy of its collective decisions. Once established and consolidated, the next step is to secure its status in law.

▶ **Maintain close contact, both with each component agency and with committee members** to secure their active participation and compliance. This is to ensure that whatever is agreed in committee will be respected by the agencies represented and that, if necessary, the representative will receive support to overcome resistance. Committee meetings should take into account differences of organizational cultures among the agencies represented.

## Continuous education

Maintenance of a **continuous training** program for participants in the SGDCA helps to stimulate engagement, prevent revictimization, and reduce the effect of high staff turnover at Guardianship Councils and other agencies that have permanent-staff shortages.

Make training in Protective Hearing a **prerequisite for newly contracted staff** as a strategy for preventing revictimization, as Vitória da Conquista did in the field of Education.

## Service flows and protocols

Design of integrated service flows and the unified service protocol were the most challenging stages of consensus building for the Committee. These phases **require agencies to reexamine their internal dynamics and also a willingness to make adjustments so as to work collaboratively.**

It took four months to finalize and approve the services flow. Owing to its greater complexity, the protocol took over a year to be completed and validated by all stakeholders. This was achieved by persistence and dialogue to persuade all actors of the importance of changing their institutional perspectives, so as to act with a focus on what is best for children.

## Forensic Interview

In addition to training on the **Forensic Interview Protocol for all staff**, continuous monitoring of interviewers by a technical supervisor has proven to be of inestimable value, as it provides an opportunity to consult and clarify doubts. This helps make each interview a learning opportunity and is especially valuable for newly contracted staff of the Protective Hearing Complex.

It is essential that **training be provided for judges**, prosecutors, and police chiefs in the Brazilian Forensic Interview protocol and the new institutional standards introduced under the Law on Protective Hearing, in order for them to understand the dynamics of special judicial testimony and ensure that they respect the role of the forensic interviewer in guiding conversation with the child.

## Filing and formalization of complaints

It would be desirable to have a **Police Precinct** with staff trained to handle the specificities of cases involving children.

In the event that it's not possible to have a police precinct dedicated exclusively to crimes against children (and if the municipality does not have a Juvenile Court) it's important that such cases be referred to a specialized court. Concentrating these cases in a single court makes it possible to build awareness of the care that must be taken when dealing with children.

## Investments

Continuity of the work has depended upon a commitment on the part of managers of the component agencies of the Child Rights Guarantee System to enlisting support of **newly elected municipal administrators** after each election. Such advocacy cannot be limited to a single administrative term. By building a service that is respected by the local community, staff, and public opinion far beyond the municipal boundaries, Vitória da Conquista has shown how such investments can be protected and continuous improvement ensured.

**Partnership financing** was necessary to cover investments that the municipality could not afford on its own. Vitória da Conquista received external support for items such as the ongoing specialist consultancy, for training courses, and the technical assistance of forensic interviewers.



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## ► List of contributors to this report

Name	Position / Job description
Ana Sheila Lemos	Mayor of Vitória da Conquista, BA
Benedito Rodrigues dos Santos	Anthropologist, professor and associate researcher at Núcleo de Estudos da Infância e Juventude da Universidade de Brasília, Childhood Brasil and UNICEF consultant
Camila Fischer	Former Coordinator of Rede de Atenção e Defesa da Criança e do Adolescente
Carla Mascarenhas	Coordinator of Rede de Atenção e Defesa da Criança e do Adolescente
Gracianny Bittencourt Machado	Forensic interviewer at the Protective Hearing Complex
Itamar Batista Gonçalves	Advocacy Manager at Childhood Brasil
Julianne Nogueira	Judge at the Domestic Violence and Women's Court
Marcos Coelho	Prosecutor at the Juvenile Court
Michael Farias	Secretary for Social Development
Rosilene Correia	Police Chief
Salomão Resedá	Appeal-Court Judge - Bahia
Vanessa Severino dos Santos	Social Assistant

## ► List of interviewees

### ► UNICEF and specialists

- 1) Benedito Rodrigues, anthropologist, professor and associate researcher at Núcleo de Estudos da Infância e Juventude da Universidade de Brasília, Childhood Brasil and UNICEF consultant
- 2) Rosana Verga, Chief of Child Protection, UNICEF Brasil
- 3) Liliansa Chopitea, Chief of Social Policy, Monitoring & Evaluation and South-South Cooperation, UNICEF Brasil
- 4) Erotildes dos Santos, UNICEF Brasil consultant,
- 5) Helena Oliveira Silva, UNICEF Brasil Protection
- 6) Niklas Stephan, South-South Cooperation, UNICEF Brasil
- 7) Luiza Teixeira, Protection, UNICEF Brasil
- 8) Fabiana Gorenstein, UNICEF Dominican Republic
- 9) Itamar Batista, Childhood Brasil
- 10) José Antônio Daltoé César, Appeal-Court Judge - Rio Grande do Sul
- 11) Marleci Hoffmeister, social assistant of the Court of Justice of Rio Grande do Sul

### ► Federal Government

- 12) Maria Leolina Couto Cunha, director for Facing Up to Rights Violations MMFDH
- 13) Guilherme Dantas Nogueira, Brazilian Cooperation Agency - ABC

### ► São Tomé e Príncipe (UNICEF and government)

- 14) Angela de Barros Lima, Protection, UNICEF São Thomé e Príncipe
- 15) Vera Cravid, Attorney-General of the Republic
- 16) Esmeralda Diogo, Ministry of Justice
- 17) Míris Rosário, Family Court Judge

### ► Vitória da Conquista, Bahia

- 18) Michael Farias, secretary for social development
- 19) Ana Sheila Lemos, mayor of Vitória da Conquista
- 20) Camila Fischer (former-coordinator of the Social Assistance Network)
- 21) Carla Mascarenhas, current coordinator of the Social Assistance Network
- 22) Dr. Marcos Coelho, prosecutor Juvenile Court
- 23) Linda Kátia Faustino, coordinator integrated Rights Center
- 24) Poliane Santana, council member
- 25) Polimnia Olinto Casimiro, Violence prevention program- SEDUC
- 26) Kalilly Lemos Santos da Rocha, deputy-secretary of Health
- 27) Luciani, public defender

- 28) Lucineia, journalist responsible for local records
- 29) Dra Rosilene Correia, police chief
- 30) Vanessa Severino dos Santos, CRAS High-Complexity Coordination
- 31) Riviane Santana de Souza, coordinator CAAV Shelter and Life Services Center
- 32) Dr. Juventino Henrique
- 33) Gracianny Bittencourt Machado, forensic interviewer Protective Hearing Complex
- 34) Silvia T. Azevedo de Oliveira, forensic interviewer Protective Hearing Complex
- 35) Edilene Santos Freita, President CMDCA
- 36) Vannaide Freitas Brandão, Executive secretary CMDCA
- 37) Maria Betânia Vieira Santos, manager Reception Unit
- 38) Natália Silva Resente, psychologist Reception Unit
- 39) Dr. Luciano Trindade Rocha, public defender
- 40) Marcela Sena, manager Pop
- 41) Gleisele Dos Santos Ávila, social educator
- 42) Danilo Costa da Cunha, social educator
- 43) Elisene dos Santos Silva, social educator
- 44) Jamille Cruz Paiva, social assistant
- 45) Ana Paula dos Santos, social assistant
- 46) Dr. André Lavigne - Caocrim
- 47) Dr. Salomão Resedá – Appeal Court Judge – State of Bahia
- 48) Dr. Arnaldo Lemos – Juvenile Court, Salvador Court District
- 49) Dr. Julianne Nogueira, judge Women’s Court