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REPORT No. 103/24
PETITION 2225-15
REPORT ON ADMISSIBILITY

ADOLESCENTS IN THE CUSTODY OF SOCIO-EDUCATIONAL
CENTERS OF BELO HORIZONTE
BRAZIL

Approved electronically by the Commission on July 12, 2024.

Cite as: IACHR, Report No. 103/24. Petition 2225-15 Admissibility. Adolescents in the custody of Socio-educational Centers of Belo Horizonte. Brazil. July 12, 2024.

I. INFORMATION ABOUT THE PETITION

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| Petitioner: | Afrânio José Fonseca Nardy |
| Alleged victims: | Adolescents deprived of liberty at the Centro Socioeducativo Santa Terezinha (CSEST), the Centro de Atendimento ao Adolescente Lindeia (CEAD Lindeia), the Centro de Reeducação Social São Jerônimo (CRSSJ), and the Centro Socioeducativo Santa Clara (CSE Santa Clara) |
| Respondent State: | Brazil |
| Rights invoked: | Articles 5 (humane treatment), 8 (judicial guarantees), 17 (protection of the family), 19 (rights of the child), 25 (judicial protection), and 26 (economic, cultural, social and environmental rights) of the American Convention on Human Rights, ¹ in conjunction with Articles 1(1) (obligation to respect the rights) and 2 (domestic legal effects); and Article 13 (education) of the Protocol of San Salvador. |

II. PROCEEDINGS BEFORE THE IACHR²

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| Filing of the petition: | December 29, 2015 |
| Additional information received at the stage of initial review: | June 3, 2016; October 27, 2017 |
| Notification of the petition to the State: | May 13, 2019 |
| Request for extension: | August 13, 2019 |
| State's first response: | January 6, 2020 |
| Notice of possible archiving | November 10, 2020; December 21, 2021 |
| Additional observations from the petitioner: | February 16, 2022; March 20, 2023; April 14, 2023; December 18, 2023 |

III. COMPETENCE

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| Competence <i>Ratione personae</i>: | Yes |
| Competence <i>Ratione loci</i>: | Yes |
| Competence <i>Ratione temporis</i>: | Yes |
| Competence <i>Ratione materiae</i>: | Yes, American Convention (instrument ratified on September 25, 1992); Protocol of San Salvador (instrument ratified on August 21, 1996) |

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

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| Duplication of procedures and International <i>res judicata</i>: | No. |
| Rights declared admissible | Articles 5 (humane treatment), 8 (judicial guarantees), 17 (protection of the family), 19 (rights of the child), 25 (judicial protection), and 26 (economic, social, cultural and environmental rights), in conjunction with Articles 1(1) (obligation to respect rights) and 2 (domestic legal effects) of the American Convention; Article 13 (education) of the Protocol of San Salvador |

¹ Hereinafter the "American Convention" or "the Convention."

² Each party's observations were duly forwarded to the other party.

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| Exhaustion of domestic remedies or applicability of an exception to the rule: | Yes, in the terms of Section VI |
| Timeliness of the petition: | Yes, in the terms of Section VI |

V. POSITIONS OF THE PARTIES

The petitioner’s arguments

1. The petitioner alleges that adolescents deprived of liberty in Belo Horizonte, detained at four socio-educational centers, were submitted to lack of water; overcrowding; failure to separate the adolescents according to age, physique, and infraction committed; detention of adolescents from other regions; failure to carry out appropriate socio-educational activities; lack of sufficient agents and technical personnel; among other issues related to the conditions and structural features of those centers.

2. According to the petitioner, on December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte issued four judicial orders to establish administrative procedures for looking into irregularities and the Centro Socioeducativo Santa Terezinha (CSEST), the Centro de Atendimento ao Adolescente Lindeia (CEAD Lindeia), the Centro de Reeducação Social São Jerônimo (CRSSJ), and the Centro Socioeducativo Santa Clara (CSE Santa Clara).

3. In the terms of those orders, the adolescents deprived of liberty at the CRSSJ and the CSEST did not have regular access to water, and the State should have halted the reception of more adolescents at those centers until the restrictions and shortcomings of its water supply system were resolved. At the same time, the CEAD Lindeia (i) was overcrowded, with the presence of many adolescents from other regions; (ii) failed to duly separate the adolescents based on the criteria of age, physique, and infractions; and (iii) was receiving adolescents older than 14 years (an irregular change in that unit’s age profile). The petitioner argues that the State should stop receiving adolescents from other regions, as well as adolescents over the age of 14. In addition, at the CSE Santa Clara the adolescents are being kept in their dormitories, with which they are not carrying out the socio-educational activities provided for in their respective Individual Plans for Attention.

4. Even so, as of June 2, 2016 irregularities persisted at the units mentioned. The table below summarizes the information presented by the petitioner:

| Unit | Summary of the facts alleged |
|--------------|--|
| CRSSJ | This center is a unit caring for female adolescents. The works to ensure regular water supply and build the nursery had not been completed. There was no nursing team at night. Lack of technical personnel and socio-educational agents in sufficient numbers. The criteria for separating adolescents by age, physique, and infraction were not being observed. Irregular coexistence of persons detained under different regimes (provisional cautionary hold, detention-sanction, definitive detention). Lack of places in courses for professional training. Not enough vehicles to meet the demand for socio-educational activities outside the facility. No budget to promote contact and stimulate the persons held engaging with their families. Most of the adolescents deprived of liberty were from other regions of the state. Overcrowding. Detainees with mental suffering without proper services. |
| CSEST | Continued shortcomings in water supply and availability. Nursing team is absent at night. Technical personnel and socio-educational agents are too few in number. Failure to abide by the criteria of separating adolescents by age, physique, and infraction. Overcrowding. Lack of places in courses for professional training. Accumulation of trash in area outside the unit, resulting in rat and cockroach infestations. |

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|--------------------------------|---|
| CSE Santa Clara | Facilities in precarious condition. Nursing team absent at night. Technical personnel and socio-educational personnel too few in number. Failure to abide by the criteria for separating adolescents by age, physique and infraction. Overcrowding. Lack of sufficient places in courses for professional training. Lack of vehicles to meet the demand for socio-educational services outside the facility. Large number of detainees experience mental suffering. |
| CEAD Lindeia | Overcrowding and adolescents forced to sleep on the floor in the dormitories. Nursing team absent at night. No physician to serve the unit. Too few technical personnel. Failure to abide by the criteria of separation of adolescents by age, physique, and infraction. Disrepair in the sanitary facilities. Lack of ventilation in the dormitories. |

5. The petitioner reports that all the units were subject to judicial inspection, and the information above was passed on to the National Justice Council (CNJ: Conselho Nacional de Justiça). The Inter-American Commission received copies of the receipts from the inspection registry of the CNJ for April 2016.

6. Moreover, the CRSSJ was also the subject of a public civil action aimed at compelling the State to build and maintain a nursery to allow adolescents who are mothers and their children to live together during the period of breastfeeding (Case 0024.14.217.186-7). That action, brought by the Attorney General's Office, met with a favorable decision by the judge for Children and Youth Infractions of the district of Belo Horizonte on December 9, 2014. Nonetheless, after an appeal by the State the decision was overturned by the Court of Justice of Minas Gerais (TJMG) on July 8, 2016. According to the TJMG, the reorganization of the Judicial Branch subdivided justice for children and adolescents into the Civil Court for Children and Adolescents and the Court of Infractions for Children and Adolescents, and the matter regarding breastfeeding mothers would correspond to the Civil Court, not to the Infractions Court that had issued the judgment of first instance.

7. The petitioner also reports that the state of Minas Gerais filed a writ of mandamus against the Judge of the Court of Infractions for Children and Adolescents of the District of Belo Horizonte (Case 1.0000.16.008869-6/000) after the judge (i) established a procedure for looking into the irregularity related to the CSEST, and (ii) determined that the State shall not receive more youths at the Center until the shortcomings in the water supply system are resolved. On March 11, 2016, the TJMG decided to suspend the judge's decision and to authorize the Center to receive more youths.

8. In conclusion, in addition to denouncing the socio-educational centers, the petitioner reports on the violent deaths of four adolescents: Richard Santana Bicalho Rocha died in September 2021 as a result of a contuse cranioencephalic traumatism; Israel Junio Alves dos Reis died on January 6, 2023, due to the same cause; Marco Antônio dos Reis Soares died on January 11, 2023 after suffering gunshot wounds; Keven Felipe da Silva Guimarães died in May 2023 as the result of a contused puncture polytrauma. The memorials submitted by the petitioner indicate that the four adolescents were also subject to socio-educational measures, and that the need for those measures ended with their deaths. For the petitioner, although the adolescents were not under the custody of the State, their violent deaths occurred in a context of social exclusion stemming from the State's failure to provide comprehensive protection for children.

The position of the Brazilian State

9. The Brazilian State notes that the petitioner is a judge who sits on the Court of Infractions for Children and Adolescents of Belo Horizonte, and that the petition is the result of supposed irregularities identified by him through the monitoring and accompaniment performed at four socio-educational units. In the view of the State, as Article 44 of the American Convention refers to "any nongovernmental entity," the petitioner, being a public servant, is not competent to come before the Inter-American Commission.

10. The State also considers that domestic remedies were not exhausted. It argues that although the issues related to the socio-educational units have been the subject of various judicial actions, these actions were annulled or suspended, or were terminated without a judgment on the merits. Accordingly, the State

presents a record of procedural movement in the proceeding to look into irregularities in care facilities (*entidades de atendimento*) 1331857-40.2015.8.13.0024.

11. As regards the CSEST, the judge of the Court of Infractions for Children and Youth of Belo Horizonte had proffered a decision that determined the establishment of an administrative procedure to look into irregularities in the unit, as well that the unit should not receive any more youths until a regular water supply could be secured. The State filed a writ of mandamus (*mandado de segurança*) against those determinations (Case 1.000.16.008869-6/000) and, on March 11, 2016, the TJMG decided to suspend the determinations. According to the decision, interrupting the intake of new adolescents would be an “extreme and disproportionate measure,” for the State “recognizes the precarious situation of the facilities at the locale” and “has been making efforts to repair them.”

12. As regards the CEAD Lindeia, the judge of the Court of Infractions for Children and Youth of Belo Horizonte had handed down a decision that determined the establishment of an administrative procedure to look into irregularities at the unit, as well as deciding that the unit should not receive more youths from other regions or adolescents over the age of 14 years. The State challenged that decision by a bill of review (*recurso de agravo de instrumento*) and, on February 22, 2016, the TJMG decided to annul the findings of the judge of the Court of Infractions, as it considered them to violate the principle of separation of powers (Case 1.0024.15.159517-0/001). According to the decision of the Court, the decisions on receiving adolescents of a certain age or geographic origin correspond exclusively to the Executive branch. The decision also mentions that the unit “has a planned capacity for 30 persons, and there are only seven adolescents beyond this number.” On that basis, it states that at the unit there is not a “flagrant unviability of the service provided” by the unit in question.

13. As regards the CRSSJ, the judge of the Court of Infractions for Children and Youth of Belo Horizonte, on analyzing a petition to look into irregularities, determined that the State should present a plan for correcting irregularities at the detention center. The State appealed that decision by a bill of review and, on June 12, 2015, the TJMG decided that the determination by the judge of the Court of Infractions had been irregular, for issues of social rights must be analyzed by a Civil Court for Children and Youth (Case 1.0024.14.343176-5/001).

14. The State also presented Memorandum SESP/SGES 229/2019, of the government of the State of Minas Gerais, dated June 14, 2019, with the following information: (i) the works for water supply and construction of a nursery at the CRSSJ are said to have been concluded, and the unit was within its capacity to house 43 female adolescents; (ii) the CSEST was said to have been entirely renovated in 2017; the trash is collected three times a week; the unit has a capacity for 30 adolescents and had 36, “however, even in the face of overcrowding, all the adolescents cared for have enough beds to stay”; (iii) the Santa Clara CSE was renovated in 2017 and 2018; the unit has a capacity for 66 adolescents and had 78, “however, even in the face of overcrowding, all the adolescents have enough beds to stay”; and (iv) the Lindeia CEAD had a capacity for 30 adolescents and had 30; in 2017 work to renew the unit was begun that has yet to conclude.

15. In addition, the State seeks to show the existence of a team of suitable professionals in sufficient number to care for the adolescents. In the terms of Memorandum SESP/DAS 58/2019, it reports that there is an explanation based on the rules concerning the non-existence of any nursing team at night, highlighting that those professionals work from 7:00 a.m. to 9:00 p.m. In addition to the team of health professionals, there is a list of other professionals who work at the centers, which, according to the State, showed that the number of teachers, psychologists, occupational therapists, security agents, among other staff, has been satisfactory (Memorandum SESP/DOS 63/2019 and Memorandum SEJUSP/DSS 360/2019).

VI. COMPETENCE RATIONE PERSONAE

16. The State considers that the petition is inadmissible because it was presented by a public servant. On this matter, the Inter-American Commission on Human Rights clarifies that in the terms of Article 44 of the American Convention on Human Rights, any person, group of persons, or nongovernmental entity may file a petition with the Commission. Accordingly, there is no prohibition on public servants bringing

human rights situations to the attention of the Commission, as has already happened in other petitions and cases.³

17. Another aspect of the Commission's competence *ratione personae* has to do with identifying the possible victims. The instant petition is focused on allegations of poor conditions to which adolescents were subjected at four socio-educational units. To date the petitioner has not presented the names of the adolescents who are possible victims, even though it identified the socio-educational units denounced and the period involved. The text of Article 44 of the Convention does not contain limitations of competence in terms of the full and total identification of the persons affected by the alleged violation, allowing for an examination of violations which, due to their characteristics, may affect a given person or group of persons, but who are not necessarily fully identified. The Commission considers, as it has in the past, that the criterion for identifying the victims should be flexible, so long as the full identification of all the victims is determined with the evidence presented by the parties in the merits phase.⁴ In this regard, it is especially important that the petitioner identify the possible victims during the subsequent procedural stage.

VII. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF PETITION

18. The main subject matter of the petition has to do with the allegations of poor conditions to which adolescents detained at four socio-educational units are subjected. Though reference is also made to the deaths of Richard Santana Bicalho Rocha, Israel Junio Alves dos Reis, Marco Antônio dos Reis Soares, and Keven Felipe da Silva Guimarães, regarding these deaths there is no further information nor details on how they are connected to the main allegations in the petition. In addition to not presenting details on the circumstances of the deaths, the petitioner does not attribute them to the action of state agents. Therefore, the analysis on exhaustion of domestic remedies and time for presentation will refer to the above-noted main subject of the petition.

19. The State argues that although the issues related to the socio-educational units have been the subject of a variety of judicial actions, those actions were annulled or suspended, or were terminated without a judgment on the merits. However, the State only presents a record of procedural movements related to the process of looking into irregularities in care institutions (*entidades de atendimento*) 1331857-40.2015.8.13.0024, it not being possible, based on the information presented by the State, to know which to which unit or units that process refers.

20. The Inter-American Commission clarifies that the rule on prior exhaustion has the aim of allowing the national authorities to take cognizance of the alleged violation of a right protected and to resolve the situation before it is heard by an international body.⁵ In addition, the Commission notes that Article 95 of the Statute on Children and Adolescents (ECA) (Law 8,069, of July 13, 1990) provides that the socio-educational units shall be inspected by the Judicial branch, the Attorney General's Office, and the Guardianship Councils (Conselhos Tutelares). In addition, Article 191 of the ECA provides for the possibility of establishing a procedure for looking into irregularities at the socio-educational units by an order of the judicial authority or representation of the Attorney General's Office or the Guardianship Council.

21. According to the facts narrated, the allegations about the four socio-educational units were first brought to the attention of the judicial authorities on December 14, 2015, when the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte issued judicial orders establishing administrative procedures for investigating the irregularities at the units known as CRSSJ, CEAD Lindeia, CSEST, and CSE Santa Clara. Those orders identified specific issues such as lack of regular access to water and

³ In this regard, see, for example, IACHR, Report No. 341/21. Petition 441-10. Admissibility. Persons deprived of their liberty in public prisons in Minas Gerais. Brazil. November 22, 2021; IACHR, Report No. 358/21. Petition 724-13. Admissibility. Daniel Nitzsche Starling. Brazil. December 1m 2021; IACHR, Report No. 70/20. Petition 2326-12. Admissibility. Jonatan Souza Azevedo. Brazil. March 12, 2020; IACHR, Report No. 26/08. Petition 270-02. Admissibility. César Alberto Mendoza et al. Argentina. March 14, 2008.

⁴ Similarly, see, for example, IACHR, Report No. 12/18, Petition 178-10. Admissibility. 48 workers killed in the explosion at the Pasta de Conchos Mine. Mexico. February 24, 2018, para. 28; IACHR, Report No. 61/16, Petition 12.325. Admissibility. Peace Community of San José de Apartadó. Colombia. December 6, 2016, para. 62.

⁵ IACHR, Report No. 21/12. Petition 885-03. Inadmissibility. Valentina de Andrade. Brazil. March 20, 2012, para. 29.

overcrowding. The judge issued decisions for the units to not receive any more adolescents until the deficiencies were cured.

22. As regards the units known as CRSSJ, CEAD Lindeia, and CSEST, the IACHR received information that the judicial orders were contested by the state of Minas Gerais, which appealed to the TJMG (appellate court). This court, by decisions of June 12, 2015, February 22, 2016, and March 11, 2016, overturned the determinations of the judge in relation to the units CRSSJ, CEAD Lindeia, and CSEST, respectively. As for the unit CSE Santa Clara, however, there was no information regarding the continuity or ending of the procedure initiated with the judicial order mentioned by the petitioner. In addition, the Attorney General's Office pursued a public civil action related to the CRSSJ aimed at compelling the State to build and maintain a nursery to make it possible for those adolescents who were breastfeeding to live with their children. The action had a favorable decision by the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte on December 9, 2014. After an appeal by the State, the decision was overturned by the TJMG on July 8, 2016. The following table pulls together the information referring to each of the units:

| Unit | Domestic Remedies |
|------------------------|--|
| CRSSJ | <i>On December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte decided to establish a procedure to investigate irregularities at the unit. The State appealed that decision. On June 12, 2015, the TJMG ruled favorably on the appeal and overturned the decision of the judge of first instance. In addition, the Attorney General's Office filed a public civil action aimed at compelling the State to build and maintain a nursery to allow for breastfeeding adolescents to live with their children. The action was ruled on favorably by the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte on December 9, 2014. After an appeal by the State the decision was overturned by the TJMG on July 8, 2016.</i> |
| CEAD Lindeia | <i>On December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte decided to establish a procedure to investigate irregularities at the unit. On February 22, 2016, the TJMG ruled favorably on the appeal and overturned the decision of the judge of first instance.</i> |
| CSEST | <i>On December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte decided to establish a procedure to investigate the irregularities at the unit. On March 11, 2016, the TJMG ruled favorably on the appeal and overturned the decision of the judge of first instance.</i> |
| CSE Santa Clara | <i>On December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte decided to establish a procedure to investigate irregularities at the unit. There is no information about further progress in the process.</i> |

23. Considering the domestic legal framework mentioned, and the procedural information put forward by the parties, the Inter-American Commission concludes that as regards the allegations on the CEAD Lindeia, the CSEST, and the CRSSJ, domestic remedies were duly exhausted with the decisions of the TJMG, the appellate court. On this same issue, the Commission also notes that the State did not specifically contradict the possibility of exhaustion based on those appellate decisions; moreover, the consistent case-law of the Inter-American Commission considers that in general it is not necessary to exhaust extraordinary remedies.⁶ Based on the foregoing, as regards the units CEAD Lindeia, CSEST, and CRSSJ the petition complies with the requirement at Article 46(1)(a) of the Convention due to the natural exhaustion of domestic remedies. Regarding the time for filing, the latest domestic law decisions were adopted on February 22, 2016, and March 11, 2016, in relation to the units CEAD Lindeia and CSEST. In the specific case of the CRSSJ, the decision of the TJMG dated June 12, 2015, regarding the procedure for investigating the irregularities at the unit, was not the latest domestic decision, as one of the irregularities noted was still being discussed in the court in another proceeding, the public civil action decided by the TJMG on July 8, 2016. This last decision, therefore, establishes the time frame for the time period as understood by the inter-American system. Considering all the foregoing,

⁶ IACHR, Report No. 161/17, Petition 29-07. Admissibility. Andy Williams Garcés Suárez and family. Peru. November 30, 2017, para. 12.

as the petition was submitted to the IACHR on December 29, 2015, the requirement at Article 46(1)(b) of the Convention is also satisfied in relation to the three units mentioned.

24. As regards the CSE Santa Clara, according to the petitioner, on December 14, 2015, the judge of the Court of Infractions for Children and Youth of the district of Belo Horizonte issued a judicial order establishing a procedure to investigate irregularities. The Commission did not receive enough information on the conclusion of the procedure, nor on whether all the irregularities indicated had been corrected. For purposes of the analysis of exhaustion of domestic remedies, therefore, the information presented by the parties indicates that the procedure initiated December 14, 2015 remains open to the present day. Therefore, more than eight years have elapsed without any indicia of procedural progress, which is why the Commission concludes that, as regards this aspect of the petition, the exception to the prior exhaustion rule provided for at Article 46(2)(c) of the American Convention applies.

25. In this respect, the Commission reiterates first, as it has done consistently, that Article 46(2) of the Convention, in light of its nature and object, is a provision with content that is autonomous in relation to the substantive provisions of the American Convention. Accordingly, the determination as to whether the exceptions to the prior exhaustion rule are applicable to the case should be made prior to and separate from the analysis of the merits, as it depends on a different standard of appreciation than that used to determine the possible violation of Articles 8 and 25 of the Convention. The IACHR has also noted already that there are no provisions in the Convention or the Rules of Procedure that specifically regulate the length of time that constitutes an unwarranted delay, which is why the Commission makes a case-by-case evaluation to determine whether such a delay has occurred.⁷ Along those lines, the Inter-American Court established, as a guiding principle in analyzing a possible unwarranted delay as an exception to the prior exhaustion rule, that “[t]he rule of prior exhaustion must never lead to a halt or delay that would render international action in support of the defenseless victim ineffective.”⁸ Therefore, the complementarity of the international protection provided for in the American Convention also implies that the involvement of the organs of the inter-American system must be timely if it is to have a useful effect protecting the alleged victims’ rights.

26. As regards the time of the filing, the Commission observes that the facts are alleged to have occurred as of 2015; that the domestic judicial remedies were pursued in the same year; and that the consequences of those facts continue to this day, more than eight years later. Accordingly, considering that the instant petition was lodged on December 29, 2015, the Inter-American Commission finds that the petition was filed within a reasonable time in the terms of Article 32(2) of the Rules of Procedure of the IACHR, in keeping with Article 46(2) of the American Convention.

VIII. ANALYSIS OF COLORABLE CLAIM

27. The facts narrated refer to poor conditions at socio-educational units where there are adolescents deprived of liberty. Those poor conditions include issues such as: overcrowding; precarious facilities, defects in the sanitary facilities; lack of ventilation; lack of water; accumulation of trash around the unit and infestation of rats and cockroaches; insufficient number of technical staff, socio-educational agents, and health professionals; lack of adequate care for persons with mental suffering; lack of adequate infrastructure for adolescent mothers and their babies; failure to separate the adolescents by age, physique, and infraction committed; irregular coexistence of adolescents facing different legal regimes (provisional precautionary hold, detention-sanction, definitive detention); failure to carry out the socio-educational activities; failure to promote the adolescents living with their families; and confinement of persons from other regions.

⁷ IACHR, Report No. 14/08, Petition 652-04. Admissibility. Hugo Humberto Ruíz Fuentes. Guatemala. March 5, 2008, para. 68.

⁸ Inter-American Court of Human Rights, Velásquez Rodríguez v. Honduras, Preliminary objections, judgment of June 26, 1987, para. 93.

28. In its monitoring activities, the Inter-American Commission already addressed the units of the socio-educational system in Brazil suffering similar problems as those observed in the prison system, “such as overcrowding, poor health and food conditions, ill-treatment and torture. Although the socio-educational system aims to provide an educational process that transforms the reality of adolescents in conflict with the law, in practice the Commission observed a context of deprivation of liberty which, as in the prison system, reflects patterns of institutional racism, criminalization of poverty and human rights violations.”⁹ Moreover, in the context of its system of petitions and cases, the Inter-American Commission has already ruled on the admissibility and *prima facie* characterization of similar facts both to the detriment of adults in the prison system and in relation to adolescents detained at socio-educational units.¹⁰

29. Bearing in mind the subject matter of the petition and the earlier pronouncements of the Inter-American Commission on the same issue, the IACHR considers that if proven, the facts narrated tend to establish violations of Articles 5 (humane treatment), 8 (judicial guarantees), 17 (protection of the family), 19 (rights of the child), 25 (judicial protection), and 26 (economic, social, cultural, and environmental rights) of the American Convention, all in conjunction with its Articles 1(1) (obligation to respect the rights) and 2 (domestic legal effects), as well as Article 13 (education) of the Protocol of San Salvador, to the detriment of the adolescents detained at the CRSSJ, CEAD Lindeia, CSEST, and CSE Santa Clara, in the terms of this report.

IX. DECISION

1. To declare the instant petition admitted in relation to Articles 5, 8, 17, 19, 25, and 26 of the American Convention, related to Articles 1(1) and 2; and Article 13 of the Protocol of San Salvador.

2. To notify the parties of this decision, continue with the analysis on the merits, publish the decision, and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 12th day of the month of July, 2024. (Signed:) Roberta Clarke, President; Carlos Bernal Pulido, Vice President; Arif Bulkan, and Gloria Monique de Mees, Commissioners.

⁹ IACHR. *Situation of human rights in Brazil*. OEA/Ser.L/V/II. Doc. 9. February 12, 2021, para. 204.

¹⁰ See, in this regard: IACHR, Report No. 148/20. Petition 1017-08. Admissibility. Persons Deprived of Liberty at the Polinter-Neves Incarceration Facility. Brazil. June 9, 2020, para. 16; IACHR, Report No. 39/02. Petition 12,328. Admissibility. Adolescents in the custody of the Febem. Brazil. October 9, 2002, para. 42.