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## *Children and adolescents in the reports of the Human Rights Commission of the Chamber of Deputies (Brazil – 1990)*

Crianças e adolescentes nos relatórios da Comissão de Direitos Humanos da Câmara dos Deputados (Brasil – 1990)

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**Abstract:** Since the beginning of the Brazilian democratization period, the Chamber of Deputies has acquired a new status, gradually accepting the demands of the most vulnerable populations. The Human Rights Commission of the Chamber of Deputies was created in 1995, based mainly on the guidelines of the Vienna Declaration and Programme of Action. In this article, we analyze the main complaints of human rights violations received by the parliament in the area of children and adolescents in the 1990s, as well as the paths proposed by federal deputies for addressing social problems at the time.

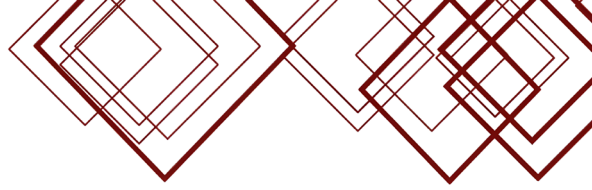
**Keywords:** Human Rights; Childhoods; Chamber of Deputies; Brazil

**Resumo:** Desde o início do período da redemocratização brasileira, a Câmara dos Deputados adquiriu novo *status*, acolhendo paulatinamente as demandas das populações consideradas mais vulneráveis. A Comissão de Direitos Humanos da Câmara dos Deputados foi criada em 1995, a partir sobretudo das diretrizes da Declaração e Programa de Ação de Viena. Neste artigo analisamos as principais denúncias de violações de Direitos Humanos recebidas pelo parlamento no campo das infâncias e adolescências na década de 1990, bem como os caminhos propostos pelos deputados federais para os problemas sociais na época.

**Palavras Chaves:** Direitos Humanos; Infâncias; Câmara dos Deputados; Brasil

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### Opening words<sup>3</sup>

In contemporary discussions about Human Rights in Southern Brazil, the phrase “A good criminal is a dead criminal” is frequently mentioned<sup>4</sup>. The prevalence of such social representation contrasts with Brazil’s democratic consolidation process, particularly in the 1990s, when the legal discourse on Human Rights gained institutional traction in Brazilian society. This discourse, largely associated with progressive and liberal agendas, was later reappropriated by various social groups with diverging political ideologies, including conservative and far-right movements, as evidenced by the impact of narratives like the one cited above (CAVALCANTI; FERREIRA, 2020).

This article focuses on the discourse of Human Rights articulated by the Human Rights and Minorities Commission (CDHM) of the Brazilian Chamber of Deputies during the 1990s<sup>5</sup>. Given the broad scope of this theme, the analysis centers on issues related to childhood and adolescence, particularly following the enactment of the Child and Adolescent Statute in 1990. This legislation was grounded in the legal doctrine of comprehensive protection and the principles of Human Rights, as outlined in the 1989 United Nations Convention on the Rights of the Child<sup>6</sup> (AREND, 2020).

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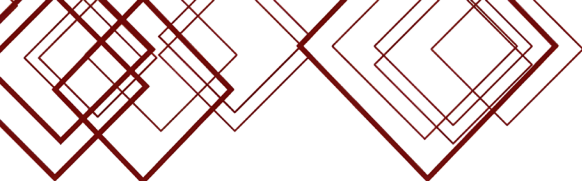
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3 A preliminary version of the article was presented at the ‘Sixth Conference of Studies on Childhood’, held in Buenos Aires - Argentina, between June 4th, 5th and 6th, 2024. I would like to thank historians Humberto da Silva Miranda, Isabela Cosse, Anderson Silva, Camila Serafim Daminelli and Elisângela da Silva Machieski for their comments.

4 The expression “A good criminal is a dead criminal” was used in the electoral campaign of the civil police officer Sivuca (José Guilherme Godinho) in his candidacy for state deputy of Rio de Janeiro, in the 1986 election, for the Liberal Front Party (PFL). The civil police officer belonged to the Scuderie le Coq, commonly known as the Death Squad (BITTENCOURT, 2014).

5 BRASIL. Law n°8.069, of July 13, 1990.

6 UNITED NATIONS. Children’s Rights Convention, November 20, 1989.



The child and adolescent-focused legislation reflected broader debates during the 1988 Constituent Assembly, which expanded social and political rights. Historians Angélica Muller and Francine Iegelski highlight this aspect of the Brazilian Constitution, noting:

Of the 122 popular amendments presented to the Board of Directors, 83 were accepted for meeting the required legal standards. The so-called “citizenship celebration” was regulated, and a “*Centrão*”, predominantly composed of Brazilian Democratic Movement Party (PMDB) members, was formed to mediate and fragment the diverse reform demands. Among the themes of the popular proposals, those advocating for increased societal participation in the State stood out. In this context, the Brazilian Constitution enabled progress in social rights, including education, health, food, work, housing, transportation, leisure, social security, maternity and juvenile protection, and assistance to the underprivileged (Brazil, 1988: art. 6). Political rights also advanced: direct and secret voting (Brazil, 1988: art. 14) and the free creation, merger, incorporation, and dissolution of political parties (Brazil, 1988: art. 17) (MULLER; IEGELSKI, 2022, p. 241).

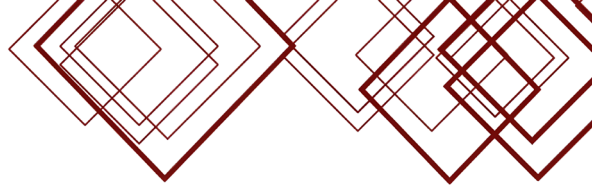
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The article is structured into two main sections. The first section focuses on the activities of the Human Rights and Minorities Commission (CDHM) of Brazil’s Chamber of Deputies, referred to in the 1990s simply as the Human Rights Commission (CDH), and highlights key characteristics of the annual social reports issued by the institution. The second section analyzes human rights violations specifically affecting Brazilian children and adolescents.

The narrative draws upon five social reports produced by the commission from 1995 to 1999, available online through the Cham-

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7 In Brazilian politics, the *Centrão* refers to a group of political parties that do not have a specific or consistent ideological orientation and aim at ensuring proximity to the executive branch to guarantee advantages and allow them to distribute privileges through clientelist networks.



ber of Deputies' website<sup>8</sup>. The annual social reports describe a range of human rights violations occurring in Brazil during that period and detail actions undertaken by state representatives and, frequently, by civil society to investigate them. The limitations of these reports are evident, as they were produced by an official body based on complaints submitted to members of the Brazilian parliament. Given the number of complaints documented in these annual social reports, as will be discussed later, it is clear that numerous violations occurring across the country never reached the reports produced in Brasília, remaining effectively “forgotten.”

It is understood, however, that these documents enable mapping of the themes debated in the 1990s within the sphere of Human Rights in Brazil. This mapping, specifically regarding children and adolescents, is of fundamental importance for understanding the direction taken in developing complementary legislation that regulated legal matters included in the Child and Adolescent Statute during the first two decades of the 21st century. In addition to the annual social reports, national legislation and international norms were also utilized to describe the characteristics of the Human Rights legal discourse at the end of the Cold War. Methodologically, the documents were analyzed using the content analysis framework proposed by Laurence Bardin (2015).

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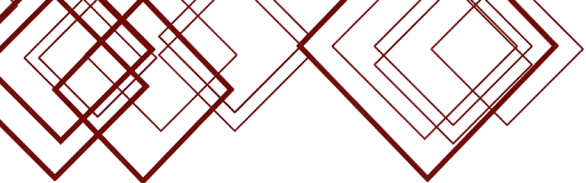
8 CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1995, p. 44

CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1996, p. 55

CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1997, p. 119

CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1998, p. 78

CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1996, p. 148



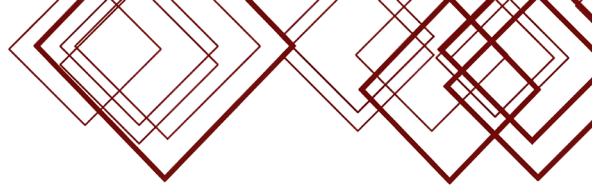
## Human Rights Commission of the Chamber of Deputies

In the mid-1980s, particularly during the work of the Constituent Assembly that led to the creation of the Federal Constitution of 1988, the Brazilian Chamber of Deputies acquired a new status in the country. For the first time since the establishment of the republican regime in 1889, the “voices” of socially vulnerable groups—such as women, Indigenous peoples, Afro-descendants, children and youth, rural workers, and political dissidents—were “heard” by the Brazilian parliament. These voices primarily originated from social movements that emerged during the struggle against the military dictatorship (1964–1985) and the political transition of the late 1970s into the following decade. Additionally, the end of the bipartisanship system in 1979 allowed the creation of new left-wing political parties in Brazil, notably the Democratic Labor Party (PDT), the Workers’ Party (PT), and the Brazilian Social Democracy Party (PSDB).

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The political programs of these new parties, which played a significant role in the Chamber of Deputies during the 1990s, included the issue of human rights violations. However, as will be discussed further, regarding the specific rights of children and adolescents, centrist and conservative parliamentarians played a prominent role. The legislative body, influenced by these processes, was gradually moving toward addressing the social demands of segments of the population that had long been excluded from Brazil’s sociopolitical and legal framework.

For historians Cláudia Viscardi and Fernando Perlatto, a distinct perspective on citizenship, unlike those previously established in Brazilian society, was forged during this period. However, a set of challenges hindered the implementation of these rights, particularly for the poorest segments of the population. According to the authors:

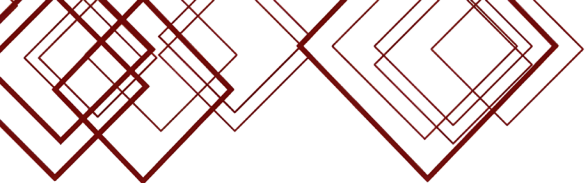


The German sociologist R. Bendix, in his study of modernization and citizenship processes across various continents, asserts that citizenship projects often emerged in completely adverse environments, in places where circumstances would not have naturally fostered them, clashing with prevailing traditions. This condition—which was characteristic of the Brazilian case—resulted in the formalization of rights without a simultaneous expansion of the state capable of enforcing them. In other words, legal recognition of rights occurred without the real capacity of the state to guarantee them, producing a unique situation, distant from the “ideal type,” but which should not be regarded as a deviation or insufficiency, merely as a peculiarity—a scenario also observed in other countries (VISCARDI; PERLATTO, 2018, p. 448-449).

In 1993, President Itamar Franco (of the National Reconstruction Party, PRN) convened with representatives of the Brazilian state to organize the agenda for the World Conference on Human Rights, which was to take place in Vienna. Part of this agenda involved the establishment of a legislative commission in Brazil dedicated to addressing Human Rights issues, largely inspired by international developments. The event, held from June 14 to 25, 1993, was the first and largest conference in the field during the post-Cold War era. It brought together diplomatic delegations from 171 nations and over 2,800 Non-Governmental Organizations (NGOs), who engaged in heated debates on Human Rights ideologies of the time. According to legal scholar José Augusto Lindgren Alves, the conference occurred in a geopolitical environment marked by new tensions and conflicts following the recent dissolution of the Soviet Union. The author notes:

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When, in 1990, the United Nations General Assembly formally convened the 1993 World Conference through Resolution 45/155, inspired by Western liberalism, the liberal triumphalism was bolstered by the attempted coup against Gorbachev and the dissolution of the Communist Party of the USSR. This triumphalism, however, was illusory, if not arrogant, as it ignored other emerging realities: the worsening economic



conditions in the Third World, migratory pressures from peripheral nations, the growth of Islamic fundamentalism, unemployment in developed societies, exacerbated nationalism in the former Yugoslav republics and Eastern Europe, and the resurgence of racism and xenophobia in Western Europe (ALVES, 1994, p. 171).

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The Vienna Declaration and Programme of Action, originating from the aforementioned event, provides insights into the international community's understanding of the Human Rights framework during the 1990s. This extensive document, composed of 100 articles, serves as a synthesis of the discussions that took place. The understanding reflected in the Declaration aimed to advance the propositions of the 1948 Universal Declaration of Human Rights (MOYN, 2015), focusing both on expanding the guarantee of rights and creating institutions capable of promoting and implementing them. The establishment of the Human Rights Commission of the Brazilian Chamber of Deputies occurred within this context. Simultaneously, at the federal executive level, the Secretariat for Human Rights of the Presidency of the Republic was created (BALLESTRIN, 2008).

Some of the socio-legal and economic propositions considered the “pillars” of the Vienna Declaration and Programme of Action hold significant relevance to the Brazilian societal context. These include the reaffirmation of the universality of human rights (Art. 1); the right to self-determination of peoples (Art. 2); the right to economic development with a focus on individuals (Arts. 10 and 11); the eradication of poverty, recognizing it as a barrier to the promotion of human rights (Arts. 14 and 25); the promotion of democracy as a political system essential to guaranteeing human rights (Art. 8); and ensuring rights for women, ethnic, religious, and linguistic minorities, children, Indigenous populations, the elderly, and individuals with disabilities. Finally, the



document strongly condemns practices identified as racist.

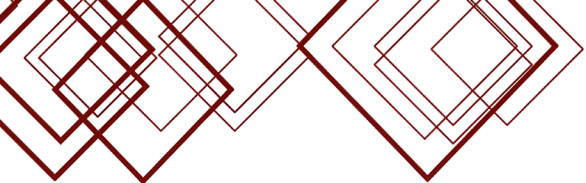
As José Augusto Lindgren Alves notes, constructing the text of the international normative framework was a complex task due to fierce critiques, particularly from diplomatic delegations of African and Asian nations and feminist NGOs, which perceived it as reaffirming Western values and practices (ALVES, 1994, p. 173). Additionally, the debates highlighted a thematic shift, largely influenced by the human rights violations during Latin American dictatorships from the 1960s to the 1980s. The focus on guaranteeing individual rights—such as not being forcibly disappeared, tortured, or having one's children abducted—became central to actions expected from both states and civil society (MARKARIAN, 2004, p. 86).

Regarding children and adolescents, the Vienna Declaration and Programme of Action refers explicitly to the Convention on the Rights of the Child, ratified by numerous nations, including Brazil in September 1990. Article 21 of the Vienna Declaration highlights the legal principles of protection, provision, and child participation, which guided the formulation of this international treaty:

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In all initiatives concerning children, the principles of non-discrimination and the best interests of the child must be paramount, while duly considering the child's views. National and international mechanisms and programs should be strengthened to protect and safeguard children, particularly girls, abandoned children, street children, those subjected to economic and sexual exploitation (including child pornography, prostitution, and organ trafficking), children affected by diseases like AIDS, refugees, displaced children, detained children, and those involved in armed conflicts. Special attention should also be given to children suffering from hunger, drought, and other emergencies. International cooperation and solidarity must be promoted to support the implementation of the Convention, ensuring that children's rights remain a priority within the United Nations' broader human rights agenda (United Nations, Vienna Declaration and Programme of Action, June 14–25, 1993, Art. 21).





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The establishment of the Human Rights Commission in the Chamber of Deputies in Brazil was not solely influenced by international events and guidelines. According to jurist Carlos David Carneiro Bichara, five Parliamentary Inquiry Commissions (CPIs) formed between 1991 and 1994 addressed various human rights violations, including those affecting children, women, the penitentiary system, and rural areas. Notably, the CPI investigating the extermination of children and adolescents, active from 1991 to 1993, recommended the creation of an institution dedicated to addressing such issues (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1995, p. 11). Bichara further emphasizes that this alignment extended to entities like the External Commission monitoring the plight of individuals killed or disappeared during the military dictatorship and the Subcommission combating slave labor (BICHARA, 2020, p. 5). Additionally, the federal deputy Benedita da Silva (PT - Rio de Janeiro) had previously attempted to establish a similar institution in the Brazilian parliament, though this initiative was unsuccessful at the time.

The Human Rights Commission was officially established in the Brazilian Chamber of Deputies on January 31, 1995 and began operations on March 7 of the same year. Federal Deputy Nilmário Miranda (PT - Minas Gerais) authored Resolution n<sup>o</sup>. 231, which formalized the commission as a permanent body. According to the 1995 activity report, the commission's primary role was to expedite responses to human rights violation complaints reaching the Brazilian parliament without requiring the lengthier process of Parliamentary Inquiry Commissions (CPIs). The commission was envisioned to act "creatively" by proposing and reviewing bills, establishing networks with other parliamentary committees, state institutions, and civil society organizations. However, during the 1990s, the Human Rights Commission lacked the



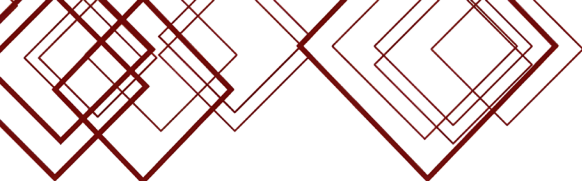
authority to deliberate on legislative matters, meaning it could not propose or vote on bills. This limitation was amended in 2004, granting its members greater legislative powers and enhancing its role in shaping human rights policies.

The activities of the commission members included public hearings, site visits to reported locations, seminars, and the creation of informational materials for the general public about the investigated issues and human rights themes. The “DH FAX” (Human Rights Fax), the first regular newsletter produced by a committee of the Chamber of Deputies, was issued biweekly, and distributed to national and international press organizations as well as institutions within Brazil and abroad. The 1995 annual report emphasized the importance of disseminating the concept of human rights to Brazilian society at the time, stating:

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One significant contribution of the Human Rights Commission since its establishment has been the dissemination of information and the shaping of public opinion. These activities were particularly notable due to the nascent understanding of human rights concepts in Brazilian society. Compared to other countries, human rights occupy a limited space in Brazil’s political culture. Among the general public, this misunderstanding is even greater, necessitating institutional efforts to promote concepts and values that strengthen human rights at every opportunity. Additionally, public officials and non-governmental organizations associated with the subject often lack adequate tools for information exchange. This gap motivated the creation of a biweekly newsletter aimed at addressing this need (CHAMBER OF DEPUTIES, Activity Report of the Human Rights Commission: 1995, p. 43).

The Human Rights Commission during the study period comprised 46 federal deputies, with 24 serving as regular members and 22 as alternates. The leadership structure included a president and three



vice presidents. Being a regular member of the Human Rights Commission did not preclude deputies from participating in other parliamentary commissions. Between 1995 and 1999, the presidency of the Human Rights Commission was held four times by members affiliated with center-left political parties and once by a member of a right-wing party. Nilmário Miranda, who had previously chaired the Commission on Deaths and Disappearances, presided over the Human Rights Commission in 1995 and 1999. Hélio Bicudo (PT – São Paulo) served as president in 1996, and Pedro Wilson Guimarães (PT – Goiás) in 1997. Miranda and Guimarães were both former political prisoners during the military dictatorship, while Bicudo had served as interim Minister of Finance under João Goulart and actively denounced human rights violations during the dictatorship. In contrast, Eraldo da Silva Trindade, a radio broadcaster and member of the Progressive Party (PP) from Amapá, led the commission in 1998.

In the 1990s, the annual rosters of federal parliamentarians who served on the Human Rights Commission as full or alternate members were predominantly male, representing various regions of Brazil. These rosters primarily featured federal deputies affiliated with center-left political parties. Human rights violations involving children and adolescents were mainly investigated by two female federal deputies: Marilu Guimarães<sup>9</sup> of the Liberal Front Party (PFL) from Mato Grosso do Sul and Rita Camata<sup>10</sup> of the Brazilian Democratic Movement Party (PMDB) from Espírito Santo. Both were members of center-right political parties. The hierarchies of Brazilian society, particularly concerning gender relations, were mirrored in the parliament, with women

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9 For the biography of federal deputy Marilu Guimarães, see: <https://www.camara.leg.br/deputados/73759/biografia>

10 For the biography of federal deputy Rita Camata, see: <https://www.camara.leg.br/deputados/74777/biografia>

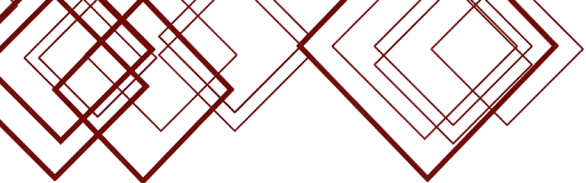


often assigned cases related to the child and adolescent population. It is noteworthy that federal deputy Rita Camata served as the rapporteur in the Chamber of Deputies for the bill that led to the creation of the Child and Adolescent Statute in 1990.

The Human Rights Commission, as required by its internal regulations, was tasked with producing an annual social report documenting its activities. These reports typically included an introduction featuring a message from the Commission's president, a list of bills in progress addressing human rights issues, and documentation of complaints received by the Commission regarding human rights violations. They also addressed budgetary concerns and provided details on the Commission's actions, such as public hearings and seminars. Notably, the reports emphasized the importance of the National Human Rights Conferences as a key initiative undertaken by the Commission.

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The five analyzed annual social reports do not include epistemic or doctrinal legal discussions regarding the federal parliamentarians' understanding of Human Rights. These reports primarily describe events—often critically—and document the actions of federal parliamentarians, lacking broader contextualization within the political debates triggered by the theme. For instance, there is no reflection on why specific cases were investigated by the Human Rights Commission rather than another parliamentary commission dealing with legal matters, such as the Commission on Constitution, Justice, and Citizenship. It is plausible that socio-legal issues of this nature were debated during the National Conferences on Human Rights. Only in one message from federal deputy Luiz Alberto (PT - Bahia), included in the 1997 report, is there a reference to the historical context of Human Rights discourse. The deputy, aiming to contextualize his actions and those of the commission members, stated:



The generations of Human Rights represent distinct agendas and stages in the struggles of individuals and social groups for the right to human dignity. First-generation Human Rights reflect the individualistic perspective of the emerging bourgeois society. Second-generation Human Rights encompass collective and social demands. Third-generation Human Rights address meta-individual issues, such as ecological concerns and multiculturalism. Debates about the ethics of human cloning fall within the scope of fourth-generation Human Rights. (CHAMBER OF DEPUTIES. Report on Activities of the Human Rights Commission: 1997, p. 42).

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In the debates of the National Constituent Assembly, there was limited participation of children and adolescents during the drafting of the 1988 Constitution. The possibility for children and adolescents to play a leading role in advocating for and constructing their rights, as stipulated in the Convention on the Rights of the Child, was often considered utopian. In the annual social reports produced by the Human Rights Commission from 1995 to 1999, discussions about the active involvement of children and adolescents were highlighted in two main contexts: the National Conferences on Human Rights and the Forums for the Eradication of Child Labor. On one side, the leading voice of the Movement of Street Boys and Girls (“Movimento de Meninos e Meninas de Rua”, MMMR), Brazil’s principal social movement in the field of children’s rights during that period, was prominent in the Forums for the Eradication of Child Labor. On the other, such perspectives had to contend with an adult-centered viewpoint, dominant in Brazil’s socio-legal culture, which shaped the understanding and implementation of rights for children and adolescents.

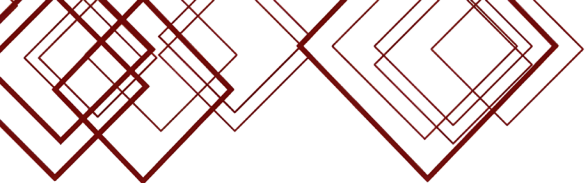
### **Children and adolescents in the Human Rights Commission’s reports**



Federal deputy Pedro Wilson stated the following about the complaints received by the Human Rights Commission and its referrals in the 1997 social report. According to the parliamentarian:

The 388 complaints processed during the year contributed to the search for concrete solutions in specific cases, with the most emblematic ones being treated with the appropriate priority. Regarding the monitoring of the legislative process, the Human Rights Commission, although not a deliberative committee, offered suggestions aimed at improving the text of the bill creating the protection program for threatened victims and witnesses, forwarded suggestions to the President of the Republic and monitored the processing in the National Congress of dozens of proposals of interest to the area of Human Rights. (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission:1997, p. 10).

During the 1990s, members of Brazil's parliament investigated various human rights violations, focusing on several key areas. These included violence in rural areas, particularly in the northern regions; violence against Indigenous groups; police violence in both urban and rural settings; abuses committed by repressive agencies and other entities during the military dictatorship; and violence against children and adolescents. Additional concerns encompassed issues related to international migration and human trafficking, labor relations in rural and urban environments, violence against women, and crimes targeting individuals identified as homosexual. Racism-related crimes were also addressed. Notably, data on violence against women and LGBTQ individuals were explicitly mentioned only in the 1998 and 1999 social reports. This classification of human rights violations was developed based on the complaints documented in the annual social reports. These complaints reflected the principles outlined in the Vienna Declaration and Programme of Action. An example from the 1999 social report illustrates the types of allegations brought to the Human Rights



Commission, underscoring the broad spectrum of violations addressed during this period:

The Human Rights Commission held a public hearing on June 16 to receive the testimony of José Antônio de Magalhães Monteiro, who reported being tortured by federal police in 1970. He alleged that João Batista Campelo, recently appointed as Director-General of the Federal Police by the President of the Republic, participated in the acts of torture. According to Monteiro, the newly appointed director-general assisted in binding him to the “pau-de-arara,” a torture device, at the Federal Police station in São Luiz, Maranhão. (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1999, p. 69).

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According to the analyzed social reports, the commission received 1,481 human rights violation complaints during the 1990s, based on the previously mentioned classification. Among these, 65 complaints pertained to children and adolescents, representing 4.38% of the total cases reported to the institution. While this proportion appears small relative to the range of challenges faced by the country in this area, the data provided in the reports do not clarify the reasons for this scenario. Below, Table I details the annual number of complaints involving children and adolescents received by the commission during this period.

Table I

<b>Social Report</b>	<b>Total number of complaints</b>	<b>Number of complaints about children and adolescents</b>
1995	283	12
1996	318	13
1997	388	18
1998	324	12
1999	168	10

Source: Reports of the Human Rights Commission of the Chamber of Deputies - Brazil, 1995-1999



Throughout the five years analyzed, the number of complaints regarding violations of children's and adolescents' human rights remained relatively stable. These complaints addressed issues such as child labor, illegal adoptions, alleged mistreatment, sexual exploitation, police and institutional violence, judicial arbitrariness, sexual violence, disappearances, kidnappings, and murders. Most of the victims were impoverished boys and girls residing in rural areas and small, medium, and large cities across different regions of Brazil, with a significant concentration in the North and Northeast. Only one complaint involved middle-class students, specifically concerning a 1999 hazing incident at the University of São Paulo, which resulted in the death of a freshman medical student (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1999, p. 39).

It is important to note that the two Brazilian laws for children prior to the Child and Adolescent Statute, the Juvenile Code of 1927<sup>11</sup> and the Juvenile Code of 1979<sup>12</sup>, as well as the Penal Code of 1940<sup>13</sup>, made reference to infractions and crimes that would cover these cases. This observation highlights the tolerance of certain social practices in Brazilian society during the 1990s, such as child labor and sexual exploitation. However, this period also marked the beginning of a shift in how these practices were perceived, increasingly recognized as human rights violations. Evidence of this transformation can be seen in the rationale provided for funding a "citizenship" grant for children from impoverished families, as outlined in the 1999 social report. This justification reflects the growing acknowledgment of the need to address these violations systematically, as can be seen:

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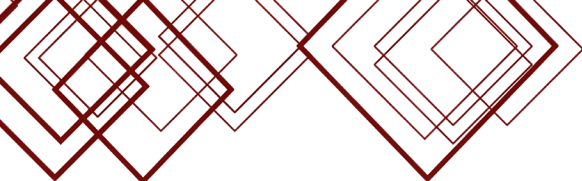
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11 BRASIL. Decreto-lei n° 17.943-A, de 12 de outubro de 1927.

12 BRASIL. Lei n° 6.697, de 10 de outubro de 1979.

13 BRASIL. Decreto-lei n° 2.848, de 07 de dezembro de 1940.



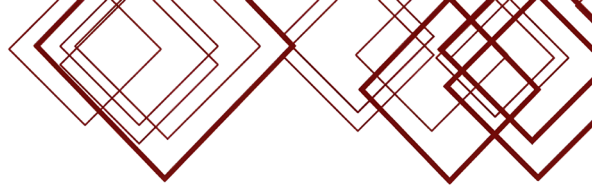


In Brazil, the labor exploitation of millions of minors remains a harsh reality, exacerbated by widespread adult unemployment. Many children are subjected to hazardous and unsanitary work environments, such as landfills, coal mines, plantations, brickyards, and workshops. These situations have become so commonplace that they no longer shock the general population. Children are often regarded as a source of cheap labor, frequently forced to abandon their education to contribute to their family's income. While the Ministry of Labor and the Public Prosecutor's Office have initiated numerous legal actions to combat child labor, addressing its underlying causes remains essential for eradicating this systemic issue. (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1999, p. 46).

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According to the social reports, among the violations documented during this period, federal parliamentarians focused their most intense efforts on five critical social issues, given the severity of the cases. The 1995 and 1996 social reports provide details on the Altamira Massacre in Pará State, which occurred between 1989 and 1993. These reports reveal that 18 boys, aged 10 to 14, were sexually assaulted (including emasculation) and subsequently murdered. Due to the number of victims and the gravity of the crimes, the massacre received international media attention. The Commission held debates and public hearings to clarify the facts. Unlike earlier child and adolescent exterminations of the 1990s, such as the notorious Candelária Massacre, the Altamira killings occurred in rural areas and involved sexual violence. Ensuring the rights of children and adolescents living in rural regions of Brazil became a significant focus in the human rights agenda of that time.

The topic of child labor, which at the time became a major concern for the federal executive branch, was also extensively discussed within the Human Rights Commission (BALLESTRIN, 2008). The Child Labor Eradication Program (PETT) was launched in 1996 by the federal government, following guidelines established by the Internatio-

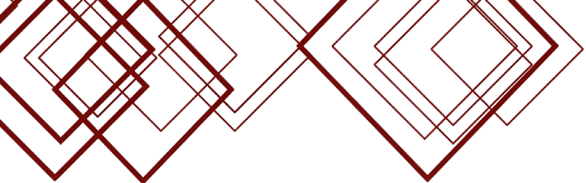


nal Labour Organization (ILO). The analyzed social reports presented statistical data and identified locations where poor children and adolescents across the country worked, including coal mines, brickworks, and agricultural sectors. Particularly, none of the documents mentioned the involvement of children and adolescents in drug trafficking, which was a frequent occurrence in medium and large cities throughout the country.

To address the issue of child labor, the Human Rights Commission proposed the “School Grant” (Bolsa Escola) social program, which was initially implemented in the Federal District and subsequently expanded to other cities in Brazil. The 1999 social report reveals that federal parliamentarians on the commission had requested 20 million reais (BRL) in the federal budget to fund this program. Notably, the slogan at the beginning of the 1999 report declared, “There are no Human Rights without Social Rights.” This emphasizes that guaranteeing Human Rights in a democratic regime necessitates compensatory social policies aimed at combating social inequality. Furthermore, the 1999 report contextualized this discussion within the rationale for budget allocation to establish the “citizenship grant”:

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An important action to eradicate child labor is the provision of the “citizen-child grant,” also known as the “school grant”, which has effectively enabled the right to education. Through this program, families receive a monthly financial contribution in exchange for committing to keep their children in school. This initiative has demonstrated excellent results where implemented, efficiently contributing to the reduction of child labor rates. However, the funds allocated in the 2000 budget proposal are deemed entirely insufficient. In this context, a proposal has been presented to increase this allocation, expanding the reach of this policy to a greater number of children who depend on this public initiative to secure a better future for themselves and the country (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1999, p. 46).



The analyzed social reports consistently addressed the issue of sexual exploitation of Brazilian girls. Discussions centered on two main contexts: the work of impoverished adolescent girls in Brazilian tourist cities, particularly in the Northeast region, and the trafficking of girls to mining areas in the North, especially Pará state, and to Guyana. Federal legislators proposed solutions that included increased oversight by state and federal authorities regarding the sexual exploitation of minors, stricter enforcement of existing criminal laws, and reducing social inequality to enable girls to remain with their biological families. According to the social reports, Federal Deputy Marilu Guimarães stood out in addressing this issue by organizing public hearings and visiting locations where underprivileged girls were involved in prostitution.

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The international adoption issue was prominently addressed in the social reports from the 1990s. A notable example involved a judge in Jundiaí, São Paulo, who, with the complicity of a public prosecutor, removed parental rights from impoverished mothers and facilitated the international adoption of their children by European families. This case garnered national and international attention due to advocacy by the Jundiaí Forum Mothers Movement, which fought for the return of their biological children. In response, the Human Rights Commission emphasized the statutory role of the State Judicial Commissions on Adoption (CEJAS), as prescribed by the Child and Adolescent Statute. These commissions, being established within state courts, were tasked with regulating and managing international adoption processes. CEJAS were expected to prevent such illegal migratory practices, recognized by Brazilian law as human trafficking.

Only the 1999 social report contains information about the crisis of the Foundations for the Welfare of Minors (FEBEMs) across the country. This “crisis” was synonymous with severe human rights viola-

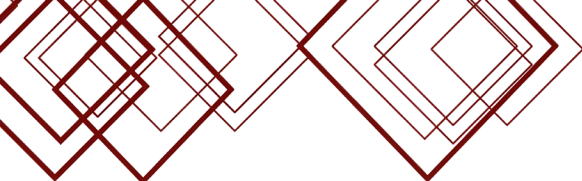


tions occurring in juvenile detention centers, particularly in São Paulo. These large detention facilities were often constructed during the military dictatorship and operated based on methodologies and human resources rooted in the legal discourse of minor protection found in the 1927 and 1979 Juvenile Codes. Physical and psychological punishments, along with the absence of formal education, remained routine practices in many detention centers nationwide. The implementation of open socio-educational measures for adolescents in conflict with the law required the creation of social programs at the municipal level. Detention centers also needed significant remodeling by state governments in terms of infrastructure and workforce training to comply with the new legislation. To address this long-standing social issue in Brazilian society, the Human Rights Commission of the Chamber of Deputies organized seminars and public hearings.

Below is a description of a seminar held in October 1999 on this topic:

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The Human Rights Commission, in collaboration with the Parliamentary Front for Children and Adolescents, the Children's and Adolescents' Forum, INESC, and UNICEF, held the National Meeting on Socio-Educational Measures on October 13 and 14 in the Cultural Space auditorium of the Chamber. The event aimed to explore solutions to the FEBEM crisis in alignment with the Child and Adolescent Statute. The meeting opened with a debate on the challenges in implementing socio-educational measures. The following day featured a panel titled "Implementation Project for Socio-educational Measures," with presentations by Dr. Antônio Amaral e Silva, a judge from Santa Catarina; Dr. Gersino Gomes Neto, a juvenile prosecutor in Santa Catarina; and Dr. Olímpio de Sá Sotto Maior, a prosecutor in Paraná. Dr. Cláudio Luiz Galvão, a juvenile prosecutor from Alagoas, acted as a panelist. The seminar concluded with proposals submitted to the Ministry of Justice and state governors for better implementation of the measures outlined in the Child and Adolescent Statute. (CHAMBER OF DEPUTIES. Activity Report of the Human Rights Commission: 1999, pp. 58–59)

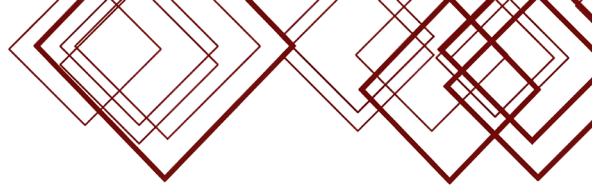


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The serious social challenges highlighted by this situation underscore the persistent difficulties in implementing the stipulations of the Child and Adolescent Statute at federal, state, and municipal levels, particularly regarding the establishment of required social programs. In 1999, federal legislators were informed that a significant number of Brazilian municipalities had yet to establish Guardianship Councils or Municipal Councils for Children's Rights, despite the statute being in effect for nearly a decade. Requests by federal deputies for funds to support the creation of these councils in poorer municipalities were rejected by the Chamber of Deputies. Resistance to the new legislation from municipal, state, and federal authorities, including legal professionals and politicians, remained substantial. This highlights the challenges faced during the gradual construction of a system to guarantee children's and adolescents' rights, one that was fundamentally guided by the principles of human rights. This narrative challenges overly optimistic views of the statute's implementation process. The system for guaranteeing rights for children and adolescents in Brazil was built incrementally, involving a wide array of social actors, including the Chamber of Deputies, during this critical period.

### **Final words**

The social reports produced by the Human Rights Commission of the Brazilian Chamber of Deputies serve as a vital source for constructing a historical narrative of human rights during the country's redemocratization period. As demonstrated in this article, the data within these reports enable historians to understand the socio-legal debates of the era and explore the potential "solutions" proposed by federal parliamentarians for addressing the social problems under investigation.



In the two decades that followed, various social policies and legislations were developed to effectively implement human rights for Brazilian children and adolescents. The debates and actions led by the Human Rights Commission of the Brazilian Chamber of Deputies significantly contributed to these initiatives by gathering support from political parties and civil society. While this discussion does not aim to exhaust the topic, it is important to highlight two social programs and a key piece of legislation stemming from discussions initiated in the 1990s.

In addressing child labor, the Child Labor Eradication Program (PETI) achieved nationwide coverage. Furthermore, in 2003, during the first term of the Workers' Party (PT) government, the "Family Grant" (Bolsa Família) program was introduced at the national level. This initiative aimed to combat child labor and ensure the education of children and adolescents through conditional cash transfers to families. On another front, the National System of Socio-Educational Assistance (SINASE), approved in 2012 during another PT-led administration, outlined pathways to address the crises of juvenile detention centers (FEBEMs), which had persisted since the end of the military dictatorship<sup>14</sup>. Lastly, the new adoption law<sup>15</sup> enacted in 2009 sought to regulate family living arrangements based on the best interests of children and adolescents, as well as their right to memory.

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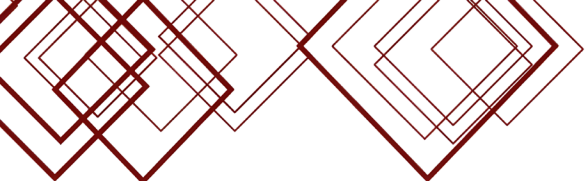
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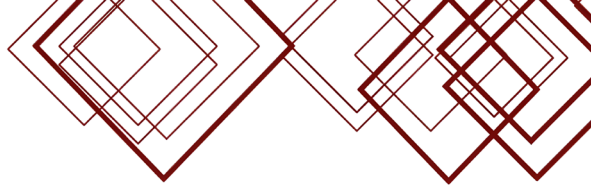
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