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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 51/2022**

Precautionary Measure No. 302-15

Adolescents deprived of their liberty at the Center for Socio-Educational Attention of  
Adolescents (CASA) Cedro regarding Brazil

October 4, 2022

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) has decided to lift these precautionary measures in favor of the adolescents deprived of liberty at the Center for Socio-Educational Attention of Adolescents (CASA) Cedro in Brazil. At the time of making this decision, the Commission considered the change in circumstances, the suspension of activities since March 10, 2021, and the fact that there are no longer adolescents deprived of their liberty at the Center. Currently, since the procedural requirements are no longer being met, the IACHR has decided to lift these measures.

**II. BACKGROUND INFORMATION**

2. On July 21, 2016, the IACHR granted precautionary measures in favor of the adolescents deprived of liberty at the Center for Socio-Educational Attention of Adolescents (CASA) Cedro in Brazil, represented in the matter at hand by the Public Defender's Office of the State of São Paulo. The request for precautionary measures alleged the excessive use of force by the detention center staff, prolonged and continuous solitary confinement as a disciplinary sanction, and the lack of adequate medical care in response to these episodes of violence. The request placed emphasis on the violent events of July 9, 2015, March 30, and April 5, 2016.

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considered that the information presented *prima facie* showed that the adolescents deprived of liberty at the Center for Socio-Educational Attention of Adolescents (CASA) Cedro were in a serious and urgent situation, since their rights to life and personal integrity were at serious risk of irreparable harm. Consequently, in accordance with Article 25 of the Rules of Procedure, the Commission requested that Brazil: a) adopt the necessary measures to preserve the life and personal integrity of the adolescents detained at CASA Cedro in the state of São Paulo; b) provide adequate medical care that guarantees the protection of the personal integrity and life of the adolescents; c) implement concrete measures to prohibit the application of disciplinary sanctions contrary to international standards on children and adolescents, including the practice of isolation; d) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and e) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this precautionary measure, so as to prevent them from reoccurring.<sup>1</sup>

**III. INFORMATION PROVIDED DURING THE TIME THE MESAURES WERE IN FORCE**

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<sup>1</sup> IACHR. [Resolution 43/2016](#). MC 302-15 - Adolescents deprived of liberty at the Center for Socio-Educational Care of Adolescents (CASA), Brazil. 21 July 2016.

4. While the precautionary measures were in force, the Commission followed up on the situation by requesting and forwarding information to the parties.<sup>2</sup> On March 22, 2017, the Commission held a thematic hearing on adolescents in conflict with the law in Brazil, which addressed, *inter alia*, the situation of the beneficiaries of these precautionary measures.<sup>3</sup> Between November 13 and 17, 2017, the IACHR, with its respective rapporteurs for children's rights and country rapporteur, conducted a visit to follow up on the functioning of the National System of Socio-Educational Assistance (SINASE) for adolescents in contact with criminal law, as well as the conditions of deprivation of liberty of these adolescents, which included an on-site visit to CASA Cedro.<sup>4</sup> In addition, during the 173rd Period of Sessions, the IACHR held a working meeting in the framework of this precautionary measure.

5. On March 29, 2021, the State requested the lifting of the precautionary measures at hand. On October 1, 2021, the Commission forwarded that request to the representatives, in accordance with Article 25(9) of the Rules of Procedure of the IACHR, which replied on October 4, 2021.

#### **A. Information provided by the representatives**

6. Following the granting of these precautionary measures, the representatives provided information on May 2, 2017, indicating that the State had reduced the population of CASA Cedro to 40 adolescents, allowing all of them to have classes or courses during the same period of the day. They also reported that some of the beneficiaries were transferred to other units. However, the Public Defender's Office continued to receive reports of violence and threats against the beneficiaries. In December 2016, some adolescents reported they had been handcuffed for about 5 hours. The handcuffs were so tight that they had impaired their blood circulation and caused pain.

7. The representatives acknowledged that from December 2016 to March 2017, CASA Cedro received fewer complaints about rights violations; however, these had not ceased, and, during this period, officer A. continued to be mentioned by the beneficiaries in threatening and intimidating events. On March 8, 2017, the Ombudsperson's Office conducted a monitoring visit to the unit after receiving again a significant number of complaints, apart from the beneficiaries who expressed their fear of formalizing the complaints. On that occasion, officer A. was again mentioned and held responsible by the beneficiaries for interrupting the water supply "as a form of punishment for acts of indiscipline." Also, there were allegations of threats of retaliation by officers against beneficiaries for alleged disturbances that occurred in January 2017. The adolescents E.H.S.R. and A.C.S. requested to be transferred for fear of being assaulted.

8. On March 17, 2017, a series of aggressions, threats and acts of violence took place at CASA Cedro, the mothers of different adolescents denounced that they were injured. On March 22, 2017, the Ombudsperson's Office collected testimonies and later initiated legal proceedings on behalf of several beneficiaries individually. According to the representatives, on March 14, 2017, some officers of CASA Cedro had assaulted the adolescent R.P. The officer C. allegedly even used handcuffs to assault him, resulting in the fracture of the beneficiary's finger. On March 17, the adolescents reportedly decided to discuss what had happened with officer C., a situation that unleashed widespread disturbances. After they were restrained, officers allegedly forced their way in and assaulted the beneficiaries, causing bruises, injuries and wounds that required medical attention. Individual accounts provided by the adolescents indicated "constant threats" from identified officials; the aggressions by CASA Cedro officers included

<sup>2</sup> The IACHR requested information from the parties on December 10, 2018, September 20, 2019, and October 1, 2021. The State sent information to the IACHR on May 11, 2018, February 27, 2019, January 15, March 29, and October 29, 2021. For its part, the representation sent information on May 2, 2017, February 2, 2019, October 22, 2019, May 5, and October 4, 2021.

<sup>3</sup> IACHR. [Public Hearing 161 POS. Brazil: Adolescents in conflict with the law](#). March 22, 2017.

<sup>4</sup> IACHR. [Press Release 209/17](#). IACHR concludes visit to Brazil. December 15, 2017.

beatings with the use of tapes, padlocks, chairs, tables, and in one case, “cuts with a lamp,” sometimes even when the adolescents were already “lying on the floor” and/or after the disturbances had ceased. The Ombudsperson’s Office requested a hearing for several individual cases of aggression, which were rejected by the court hearing those cases.

9. Similarly, the mothers of other beneficiaries reported similar stories, adding that officer C., on one occasion, left the beneficiary A.P.S. without water and sleepless, “hitting him in the face whenever he started to fall asleep”; and that the officers frequently turned off the water and electricity in the center and denied the use of the bathroom as a form of punishment. Reportedly there are also cases of adolescents being left without a mattress, they have their mattresses wet before they can go to bed, or are woken up with water on their faces. The information provided indicates that officer C. is a coordinator and the administration of CASA Cedro was aware of the aggressions. The Ombudsperson’s Office provided photos of the injured beneficiaries.

10. The representatives added that after insistence by the Ombudsperson’s Office, the court decided to hold some of the initially rejected hearings. Nonetheless, none of the hearings related to the events of March 17, 2017, adopted suitable protection measures in favor of the beneficiaries, merely referring to some individual complaints to Judge Corregidora or determining that CASA Cedro, if appropriate, could assess the possibility of transferring the adolescent, without this being mandatory. In addition, the representatives indicated that CASA Cedro denounced the events that occurred on March 17, 2017, identifying certain staff members as victims of the aggressions and 23 of the beneficiaries as perpetrators. The adolescents were reportedly not summoned by the responsible authorities to respond to these allegations.

11. Subsequently, after the Public Hearing held by the IACHR on March 22, 2017, and the working visit of the Rapporteur for Children and Adolescents and the Country Rapporteur, which took place between November 13 and 17, 2017, the representatives sent information on February 12, 2019, indicating that “it was noted that the precautionary measures granted by the Inter-American Commission had a concrete effect on significantly reducing the violence dynamics at the Unit.” The beneficiaries’ accounts of physical and psychological violence had not entirely ceased; however, after the measures were adopted by the State, CASA Cedro was observed to be in contrast to the other detention units located in the Raposo Tavares Complex. According to the representatives, “[i]t is concluded, therefore, that these precautionary measures are the only element capable of reducing the scenario of violence and maintaining the operation of the facility at a higher standard than the other units around CASA Cedro.”

12. In this context, the representatives observed important changes such as i. increased dialogue between professionals from different areas to discuss specific cases; ii. increase in the variety of activities available to adolescents such as physical education, culture, professional training, reducing their leisure time; iii. development of Action Plans that include dialogue as a core strategy to avoid conflicts; iv. increased family members participation, who are now invited to take part in the Center’s day-to-day routine, with scheduled visits that allow them to follow the adolescents’ routine during the day, as well as monthly meetings; v. implementation of the unit’s security team meetings to guide them on how to act and security procedures; vi. changes in the staff; and vii. implementation of the “Peace Circles” project.

13. Regarding the measures to ensure access to health care and infrastructure improvements, however, the representatives argued that these had not been sufficient. They acknowledged that the State created a library at CASA Cedro, stating that previously: “Brazil maintained a detention unit for adolescents and youths with no library and they did not have access to books.”

14. Concerning the measures to investigate the alleged facts that originated the precautionary measure at hand, the representatives indicated that the Director of CASA Cedro and three other officers were dismissed; however, the Public Prosecutor's Office had decided not to prosecute them for "administrative improbity" due to the dismissal and other criminal proceedings in process. The representatives highlighted that, in view of the factual changes in the situation at CASA Cedro, the State had "mistakenly" shelved several proceedings, "evidencing that there is no interest in effectively identifying the persons responsible and to correct management errors that permeate and sustain practices that violate human rights."

15. In a report dated October 21, 2019, the representatives again acknowledged the implementation of the precautionary measures at CASA Cedro and its results in favor of the beneficiaries. They indicated, however, that despite the decrease in episodes of violence, the adolescents alleged the existence of aggression at the time of arrival at the Center, as a form of "welcoming." Such events reportedly are also characterized by "strong psychological violence" with the alleged aim of showing the newly admitted person "what can happen if he/she does not fully accept all the commands of the socio-educational support agents." In this context, the representatives stated that "the current reduction of physical violence, in reality, is based on an alternative form of violence that is preponderantly psychological but equally torturing and traumatizing."

16. In regard to the health care situation, the representatives indicated that the beneficiaries are attended by a "Comprehensive Adolescent Health Care Unit (*Unidad de Atención Integral a la Salud del Adolescente, UAISAS*)", which is responsible for about 300 adolescents and does not perform complex procedures, alleging that the medical care in this Unit is "precarious." In addition, the representatives indicated that the practice of solitary confinement on adolescents as a form of punishment is still observed, in contravention of the standards of international law. The representatives added that the State had not adopted any consultation measures and has held only one meeting with the Ombudsperson's Office on August 10, 2016.

17. Subsequently, on May 5 and October 4, 2021, the representation informed that, in a decision dated March 5, 2021, the operation of CASA Cedro was suspended, the Center was emptied and the beneficiaries who remained there were transferred to other units. It was emphasized that the Center did not permanently cease its activities and could be reopened "at any time". The representatives alleged that the suspension of operations was due to the COVID-19 pandemic and is not related to the implementation of the precautionary measures. During the pandemic there was a "decrease in the number of sentences pronounced," impacting the number of inmates in different socio-educational units, with activities being suspended in eight units in the city of São Paulo.

18. Considering the above, the representatives alleged that it would be hasty to lift these precautionary measures. It was argued that during the COVID-19 pandemic, the so-called "Help Group" was terminated and instead "support teams"<sup>5</sup> were established with unclear delimitation of activities. Thus, "it was not possible to determine, under normal circumstances, the new operating dynamics of the CASA Foundation units without it."

## **B. Information provided by the State**

19. The State reported that, in August 2015, following the disturbances that occurred on July 9, 2015, which formed part of the basis for the granting of the instant precautionary measure, a new "Action Plan"

<sup>5</sup> Portaria Administrativa 1160/2020, 23 September 2020.

aimed at “Non-Violence” was drawn up, the objective of which was to direct the Center’s activities to preserve the physical and psychological integrity of the adolescents. However, despite the implementation of the planned activities,<sup>6</sup> it was found necessary to adopt new revisions and actions to achieve the expected objective. In this regard, the State reported that in August 2016, the Director of the Care Center, the administrative manager, and some of the team coordinators were replaced. The new Plan established the following goals:

- 1) Hold a meeting with the two adolescent wings of CASA Cedro, recorded in minutes signed by all, in order to consolidate some essential procedures for the organization for the socio-educational routine, and to listen to the suggestions and demands of the adolescents;
- 2) Systematic monitoring of the work routine at CASA Cedro;
- 3) Hold meetings to strengthen the shift teams with the Socio-Educational Support Agents and the psychosocial and pedagogical sector, listen to the demands, to diagnose the failures, decide the basic procedures for the resumption and maintenance of an organized and harmonious routine, and initiate the preparation of a new contingency plan;
- 4) Hold meetings with the team coordinators to discuss together the essential procedures for the socio-educational organization routine, and review the contingency plan and other issues;
- 5) Hold multi-sectoral meetings to facilitate communication between teams;
- 6) Continue with the meetings with the reference teams, to increase communication between the psychosocial, pedagogical, and security sectors, strengthening their actions with adolescents;
- 7) Hold monthly meetings with adolescents and their parents or guardians, emphasizing the importance of follow-up and family guidance to maintain an organized and harmonious routine;
- 8) Maintain the temporary suspension of the admission of new adolescents, in order to consolidate the stability of the Center and increase the confidence within the security team;
- 9) Propose different activities, such as theatre and lectures appropriate to the age of the inmates, to improve the relationship of adolescents and encourage positive behaviors;
- 10) Conduct extraordinary meetings with the referral team and family members of adolescents who exhibit aggressive and undisciplined behaviors;
- 11) Suggest the expansion of the Peace Circles for the adolescents of the Center.

20. According to the State, after the implementation of the second version of the Plan, “[t]here was a significant reduction in the number of conflicts and an increase in family participation in adolescents’ routines.” In addition, new courses on sports, vocational training, art, and culture were implemented. In

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<sup>6</sup> 1) Systematic follow-up of the CASA Cedro and the Multiprofessional Agenda; 2) Continuity of the Culture of Peace Project at the Center, to strengthen the sense of collectivity and cooperation among the staff; 3) Reinforce the security team with the participation of the Operational Support Management and Internal Security Management (GSO/GSI) and the security officer of the complex, to reorganize the discipline at the Center and regain their confidence in the direction of the work; 4) Conduct multi-sectoral meetings with the objective of promoting communication between the teams; 5) Conduct meetings with the reference teams, to enable the readjustment of the work and improve communication between the psychosocial and psychosocial sectors, in order to improve communication between the psychosocial and psychosocial sectors; 4) Hold multi-sectoral meetings with the aim of promoting communication between the teams; 5) Hold meetings with the reference teams, to enable the readjustment of work and improve communication between the psychosocial and security and discipline sectors; 6) Direct the person in charge of the technical area on the frequency of meetings with the reference team, in order to improve internal dialogue; 7) Sensitize the person in charge of the technical area on the importance of their approach to the psychosocial team, through regular meetings and discussions of specific cases; 8) Suggest the assignment of a physical education professional from another Center for CASA Cedro, so that this Center has access to sports activities in accordance with the guidelines of the Pedagogical Superintendence; 9) Suggest the transfer of the adolescents T.E. and W.W.; 10) Discuss with officials and managers the Joint Resolution and Internal Regulations that provide for the Management Council of CASA Foundation, so that they can identify the family and society as facilitators of their work.



February 2017, a new version of the Action Plan<sup>7</sup> was developed with the aim of implementing actions that would improve the coexistence of beneficiaries and employees, and allow adolescents to “reflect on a possible life project.” In addition, judicial authorization was obtained to conduct psychological and neuropsychological tests on the adolescents in accordance with a methodology called “Mind Lab,” which would replicate contexts of intense personal interactions through reasoning games conducted by a professional. As a result, adolescents develop new cognitive strategies and methods relevant to everyday activities.

21. According to the State, the 2018 Action Plan included:

- 1) Promote meetings with the unit’s employees to intensify the relationship with the Regional Direction, aiming at the implementation of CASA Cedro’s Action Plan;
- 2) Maintain meetings with referral teams, enabling alignment of work and communication, and expand communication between the psychosocial, pedagogical, and security sectors to discuss cases;
- 3) Re-evaluate the service center’s routine and procedures, with the participation of all staff members;
- 4) Qualify the professionals of the reference team, subsidized by the legislation that regulates the socio-educational measures and by the regulations of the CASA Foundation, according to their area of work;
- 5) Organize a support team with security officers, coordinators from the regional office, and the other service centers to increase the number of employees on each shift, as a way to ensure routine surveillance and discipline;
- 6) Re-evaluate the multi-professional agenda;
- 7) Promote a socio-educational environment aimed at raising awareness among adolescents for the actual implementation of the socio-educational measure;
- 8) Schedule meetings with the parents or guardians of the adolescents, emphasizing the importance of follow-up and family guidance in order to maintain the routine in an organized and harmonious manner. Seek topics discussion in order to get closer to the family during the execution of the measure; and
- 9) Revitalize the physical space of the assistance center.

22. Regarding the measures adopted for the medical care of beneficiaries, the State clarified the relevant domestic legislation and provided information on the Adolescent and Servant Comprehensive Health Care Unit (UAISAS). The beneficiaries purportedly receive health care once a week, and can be assisted by the nursing team if necessary. In emergency cases, the adolescents are taken to public hospitals. Additionally, the State pointed out that the number of vacancies at CASA Cedro was reduced by half, temporarily suspending the admission of new adolescents, and that structural reforms were carried out, including painting, the installation of televisions and the creation of a library.

23. The State also added that it sought to prohibit the use of disciplinary punishments contrary to international law, established the “Circles of Restorative Justice and Peacebuilding,” which resulted in Working Groups composed of professionals in Mediation and Restorative Justice. The work of this group was divided into stages and involved different staff members of CASA Cedro. “After five months of CASA

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<sup>7</sup> 1) Support the security officers and regional coordinators to supervise, align and technically support the coordination team; 2) Request the support of four socio-educational agents from the centers of the Raposo Complex; 3) Meeting with the team coordinators; 4) Meeting with the management and the CASA support team; 5) Meetings with the four shifts of socio-educational agents; 6) Inform the judiciary frequently and in advance; 7) Change to a physical education professional to improve assistance to adolescents; 8) Hold a meeting with the pedagogical team; 9) Organize the students’ reflection and action activity upon indication of the pedagogical team; 10) Hold a meeting with the psychosocial team; 11) Share with adolescents the objective of the action plan and dialogue to avoid conflicts; and 12) Discuss with each reference team the role of each staff member within the team.

Cedro's support and the implementation of the work focused on circular processes, the [Working Group] observed progress in the dynamics of the organization teams' routines, as indicated by spontaneous statements made by officials and managers during the Peace Circles." In addition, the Superintendence of Security and Discipline is said to be performing particular monitoring of the Center, through visits to provide daily guidance to employees and managers. In 2018, meetings will continue to be held with the teams responsible for safety and periodic visits by supervisors, in parallel with the daily monitoring of the "monitoring room," as a way of verifying the routine of the care center.

24. Regarding the investigations related to the events of June 9, 2015, the dismissal of four officers was confirmed. Furthermore, the investigation reports were sent to the Public Prosecutor's Office, which decided to close the process "given the penalty of demission" and for the "processing of criminal proceedings in other instances." Moreover, other investigations related to the referred facts promoted by the Public Prosecutor's Office have been extinguished, "in view of the manifestation of the ministerial organ informing of the lack of interest in acting, due to the change of the factual situation in CASA Cedro". Furthermore, other investigations related to the referred facts promoted by the Public Prosecutor's Office have been extinguished, "in view of the manifestation of the ministerial body informing of the lack of interest in acting, due to the change of the factual situation in CASA Cedro." Also, an investigation related to acts of violence that occurred on March 30, 2016, concluded that there was no "functional failure." Additionally, a request for intervention formalized after judicial inspection carried out at the end of 2017 was filed given the "restructuring of CASA Cedro, the commitment of the entire structure of CASA Cedro to the execution of the Action Plan and involvement of the officers."

25. Subsequently, in February 2019, the State reported that the monitoring of CASA Cedro began to be carried out by the Office of the Promoter of Justice for Children and Youth of the State of São Paulo through bimonthly inspection visits and monitoring of individual processes of adolescents. According to the State, after the implementation of the aforementioned action plans, a change in the management of CASA Cedro and by having the participation of adolescents and their respective families, the measures implemented have been effective. In the judicial inspections conducted in 2018, there were no allegations of aggression or problems in the relationship between beneficiaries and officers. According to the State, "[o]n the contrary, in some reserved interviews with the judge, the adolescents praised the structure of the socio-educational environment and the functional body. Nor are there any records of complaints or denunciations in the Guardianship Council or the Public Prosecutor's Office [...]". In this regard, the State highlighted the change in the behavior of beneficiaries when compared to the first half of 2017 and stressed the structural changes made since the IACHR visit in 2017, indicating, for example, that the staff became compatible with the adolescent population. In October 2018, the "Child and Adolescent Forum" was held at CASA Cedro, aiming to allow the beneficiaries to participate in the process of evaluating the public policy for children and adolescents, through discussions aimed at social conviviality.

26. Likewise, considering the allegations of the representatives regarding the improper use of solitary confinement against the beneficiaries, whereby they would be deprived of engaging in activities, the State indicated that only non-compulsory pedagogical activities and recreational activities would be suspended. Referring to the restorative practices implemented in the context of prohibiting the use of disciplinary punishments contrary to international law, the State indicated that:

As a result of a meeting in August 2016 with the Public Defender's Office of the State of São Paulo, in which Resolution 43/2016 of the Inter-American Commission on Human Rights was discussed, within the scope of Precautionary Measure No. 302-15, the Technical Directorate of the CASA Foundation organized a program for the implementation of restorative practices in care centers, with the aim of significantly improving the formative processes. Almost two years after its implementation, the program has achieved the desired result, as evidenced by the signing, in October 2018, by the CASA Foundation, the Court of Justice, the Public

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Prosecutor's Office and the Public Defender's Office of São Paulo, under a Technical Cooperation Agreement for the implementation of the restorative practices program in all CASA Foundation's care centers.

27. In this regard, the State alleged that the IACHR decisions are being “rigorously complied with, guaranteeing that the adolescents in compliance with socio-educational measures do not suffer violations of their rights [...]. With regard to the events occurred in March 2017 reported by the representatives, the State indicated that they are being investigated and are being processed regularly. Preliminarily, the investigation indicated that on March 14, 2017, beneficiaries R.P. and E.H.S.R. set fire in their dormitory, requiring intervention by officers, who were allegedly assaulted by the adolescents. On March 17, 2017, the beneficiary E.H.S.R. allegedly hit officers C.S.M. in the refectory, “causing widespread disturbances in the care center.” Seven teenagers and six staff members were injured. Such events of March 2017, according to the State, “can be considered episodic and isolated,” and even if there are eventual disturbances, “inherent to the functioning of a complex institutional structure,” there are efforts to take the necessary measures under the relevant legislation.

28. During 2021, the State reported that a new internal regulation was implemented at CASA Cedro, which prohibits the possibility of reducing the time to receive visits, in light of the importance of family and society in the socio-educational process. It was also determined that each care center will create its own “Management Council” in order to ensure participatory management between public officers, adolescents, civil society, the justice system and family members. Since August 2020, the Northwest Metropolitan Regional Division (*División Regional Metropolitana del Noroeste*, DRMNO) has been reportedly making “systematic visits” to the Center to assess the necessary interventions, providing support and guidance. In this context, the State alleged that there have been no recorded events in which beneficiaries, their family members, or staff members have suffered physical or psychological aggression. The DRMNO purportedly continues to monitor the Center and to implement actions aimed at a culture of peace and conflict resolution.

29. The State added, regarding the representatives' allegations of psychological violence characterized by the threat of entry of the Support Group in the institution, that this has been extinguished on September 24, 2020, in the face of the “drastic reduction of cases of disturbances and rebellions in the care centers of the CASA Foundation.” Instead, a regional support team of Regional Divisions was created, “in order to provide preventive and/or emergency assistance in the units, to meet the needs of daily routines in direct assistance to adolescents. The qualification of the institution's employees benefits from partnerships between judges, prosecutors, public defenders, delegates and guardianship counselors.”

30. On health care, the State reiterated the work of the UAISAS and added that a psychotherapy program was implemented to provide specialized psychological assistance, and to expand the therapeutic and mental health actions available to beneficiaries, in addition to the psychological work of the Reference Team. With the pandemic, professional courses, art, culture, physical education, and sports activities were reportedly offered. Additionally, the “Guri Project,” which offers classes in percussion, singing and choir, drawing, painting, capoeira, visual arts, graffiti, popular culture, rhymes, among others, was highlighted.

31. In March 2021, the State reported that, given the decrease in the assisted population, potentially due to the COVID-19 pandemic, there was an impact on revenues in the state of São Paulo. Therefore, the activities of CASA Cedro on March 10, 2021, along with 16 other centers, were suspended. The beneficiaries who remained there were transferred to other CASA Foundation centers, considering the profile of the adolescent, the location of their families and the availability of places.



The deactivation of these centers has taken into account the average monthly cost per adolescent in socio-educational measure; the drop of 1/5 of the population in socio-educational measure since 2018; the geolocation of the socio-educational care centers; the distance from the residence of relatives to the centers; the architectural model and the state of conservation of the care centers; the conversion of shared management with Civil Society Organizations (CSOs) into full management by the Foundation; the administrative, concession, and lease contracts; the optimization of human and material resources in the administrative sectors; the transfer of officials from administrative areas to the final activity; and the age range of the staff.

32. Considering the suspension of CASA Cedro's activities, the State requested the lifting of this precautionary measure.

#### **IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM**

33. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, which is also enshrined in Article 18(b) of the IACHR Statute, while the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. Pursuant to that article, the Commission grants precautionary measures in serious and urgent situations, and in which such measures are necessary to prevent irreparable harm to persons or to the subject of a petition or case before the organs of the inter-American system.

34. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.<sup>8</sup> Regarding the protective nature, the measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>9</sup> To this end, an assessment must be made of the problem posed, the effectiveness of the State's actions in the situation described, and the degree of vulnerability in which the persons for whom measures are requested would be left unprotected if the measures are not adopted.<sup>10</sup> With respect to precautionary measures, the purpose of precautionary measures is to preserve a legal situation while it is being considered by the organs of the inter-American system. The purpose of precautionary measures is to preserve the rights at risk until the petition before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of the decision on the merits and, in this way, to prevent the alleged rights

<sup>8</sup> See in this regard: I/A Court H.R., Inter-American Court of Human Rights. [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#). Request for Provisional Measures presented by the IACHR with respect to the Bolivarian Republic of Venezuela, Resolution of the Inter-American Court of Human Rights of March 30, 2006, Considerandum 5; I/A Court H.R., Case of Carpio Nicolle et al. v. Guatemala. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Judgment of July 6, 2009, Considerandum 16.

<sup>9</sup> See in this regard: I/A Court H.R., Case of El Rodeo I and El Rodeo II Capital Judicial Prison. [Case of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, Considerandum 8; I/A Court H.R., Case of Bámaca Velásquez. [Case of Bámaca Velásquez](#). Provisional Measures with respect to Guatemala, Order of the Court of January 27, 2009, Considerandum 45; I/A Court H.R., Case of Fernández Ortega et al. [Case of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, Considerandum 5; I/A Court H.R., Matter of Milagro Sala. [Case of Milagro Sala](#). Request for Provisional Measures with respect to Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, Considerandum 5.

<sup>10</sup> See in this regard: I/A Court H.R., Case of Milagro Sala. [Case of Milagro Sala](#). Request for Provisional Measures against Argentina, Resolution of the Inter-American Court of Human Rights of November 23, 2017, Considerandum 5; I/A Court H.R., Case of the El Rodeo I and El Rodeo II Capital Judicial Internment. [Matter of the Internado Judicial Capital El Rodeo I and El Rodeo II](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, para. 9; I/A Court H.R., Judgment of the Court of February 8, 2008, para. 9; I/A Court H.R.. [Case of the Plácido de Sá Carvalho Criminal Institute](#). Provisional Measures with respect to Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, Considerandum 6.

from being harmed, a situation that could render moot or undermine the useful effect of the final decision. In this sense, the precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to comply with the reparations ordered. In reaching a decision, and in accordance with Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

35. With respect to the above, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions to grant, extend, modify, or lift precautionary measures must be adopted through reasoned resolutions. Article 25(9) establishes that the Commission shall periodically evaluate, on its own initiative or at the request of the parties, whether to maintain, modify or lift precautionary measures in force. In this regard, the Commission must evaluate whether the situation of seriousness, urgency, and the possible generation of irreparable harm, which led to the adoption of the precautionary measures, persist. It must also consider whether, subsequently, new situations have arisen that may meet the requirements established in Article 25 of the Rules of Procedure.

36. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is made from a *prima facie* standard, keeping these measures in force requires a more rigorous evaluation.<sup>11</sup> In this sense, the evidentiary and argumentative burden increases as time passes and there is no imminent risk.<sup>12</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without threats or intimidation, coupled with the lack of imminent risk, may lead to the lifting of international protection measures.<sup>13</sup>

37. In analyzing whether these precautionary measures should remain in force, the Commission recalls that when granting them, it took into consideration the alleged existence of a widespread practice of violence against the beneficiaries by officers of CASA Cedro, including threats that extended to their family members. In particular, the IACHR received information that, on July 9, 2015, the adolescents had been assaulted by the “Rapid Intervention Group” and officers of the institution after the containment of disturbances and, subsequently, in retaliation. Some of the injuries recorded included arm fracture, nose fracture, eye injury, among others. On March 30, 2016, allegedly after an argument between a teenager and a staff member that had been extended, about 15 to 20 agents of the Support Group allegedly entered the institution and physically and verbally assaulted the teenagers “using pieces of chairs and blows and kicks. They also report that the officers congratulated each other and made death threats against the adolescents. On April 5, 2016, the adolescents were allegedly assaulted again by agents of the Support Group and by officers of the Center, with the use of bludgeons against the adolescents, even using force to strangle one of them during a training call for the counting of inmates.

<sup>11</sup> I/A Court H.R., Inter-American Court of Human Rights. [Provisional Measures regarding Mexico](#). Judgment of February 7, 2017, paras. 16 and 17.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

38. While the instant precautionary measures were in effect, the IACHR again received information about acts of violence at CASA Cedro. According to the representatives, on March 17, 2017, there were disturbances that resulted in injured beneficiaries. The IACHR notes that several of the adolescents indicated that the aggressions against them were carried out by officers and personnel of the Support Group after the situation had already normalized. They also alleged that they were beaten with chairs, tables, ribbons, padlocks, and even a lamp had been used to cut a beneficiary. Although the representatives had filed legal remedies on behalf of the beneficiaries, they alleged that the State had failed to adopt adequate protection measures at that time. In this regard, the IACHR notes the seriousness of these allegations, particularly considering the State's duty to protect children and adolescents, as well as its position as guarantor of the persons in its custody. Considering the above scenario, the IACHR visited CASA Cedro in 2017 and observed the following:

In the state of São Paulo, during the visit to CASA Cedro and CASA Nova Aroeira, both in the Raposo Tavares Complex, the Commissioners observed the existence of physical structures similar to those of prisons and received worrying information about the existence of violent practices of a systematic nature adopted by the staff of the socio-educational units, such as the confinement of newly arrived adolescents in isolation cells where they are subjected to physical violence by several agents (the "reception") and subjection to painful positions for long periods of time, sometimes naked (the "procedure"), among other physical and verbal aggressions, sometimes perpetrated by several agents at the same time. According to what was reported to the Commission, some of these practices are allegedly justified by the agents as measures for non-compliance with the institution's internal disciplinary rules. The adolescents also reported that the management is allegedly negligent in cases of violence against them and indicated aggressions against those residents denounce these acts.<sup>14</sup>

39. For its part, the State indicated that the events of March 2017 were "episodic and isolated," and provided information on measures implemented in favor of the beneficiaries. In this regard, both parties noted that after the precautionary measures were granted, the dynamics of violence in the unit were "significantly" reduced. Among the measures implemented, the State specifically highlighted the following:

- Reduction of the number of adolescent inmates by half;
- Action plans for the promotion of a culture of peace elaborated and implemented and periodically reviewed;
- Listening and participation of adolescents;
- Replacement of the Director of the Care Center, the administrative manager and some of the team coordinators;
- Increased family involvement in adolescents' routines;
- Implementation of new sports, professional, art and culture courses;
- Efforts to improve communication between different areas of CASA Cedro through multi-sectoral meetings;
- Revitalization of the physical space;
- Increase in the proportion of staff members;
- Conducting monitoring visits to the center by external regulatory institutions;

<sup>14</sup> IACHR. [Press Release 209/17](#). IACHR concludes visit to Brazil. December 15, 2017.

- Implementation of restorative practices in care centers, in order to improve significantly the training processes;
- Implementation of a new internal regulation, which prohibits the possibility of reducing the time of receiving visitors.

40. Likewise, regarding health care, the State indicated that it would be provided mainly by the Adolescent and Servant Comprehensive Health Care Unit (UAISAS) and that in emergency or more complex cases they would use the public network. Regarding the alleged misuse of solitary confinement as a punishment, the State clarified that only non-compulsory educational and recreational activities would be suspended, and that solitary confinement is used in accordance with applicable international standards.

41. Considering what has been said by both parties, the Commission notes that the State has implemented measures in favor of the beneficiaries that have had a positive impact on their protection, generating significant changes in the risk initially observed in this precautionary measures' proceeding. The Commission even notes that effective practices, such as the use of restorative justice, have also been applied in other centers. At the same time, the IACHR notes that, while the precautionary measures were in effect, the representatives continued to provide information on events of violence and threats, such as assaults upon arrival at the center, known as "reception," the use of isolation or "*tranca*" as a form of punishment in an inappropriate manner, as well as indicating that health care would be "precarious." Although the State has indicated that such situations became isolated, it should be recalled that "respect for the rights to life and integrity of children requires the prohibition and prevention of all forms of violence in the framework of juvenile justice. This includes all stages of the process, from the first contact with the police authorities to the execution of sanctions."<sup>15</sup>

42. In this regard, both the Commission and the Court have expressed themselves on the particular duties of protection of the States in relation to children and adolescents, mainly those in their custody, such as those who are deprived of their liberty. In the Resolution on Provisional Measures in the matter of the Socio-educational Internment Unit, the Court has stated that "[...] it reiterates the obligation to take immediate action to guarantee the physical, psychological and moral integrity of the inmates, as well as their right to life and their right to enjoy minimum conditions for a dignified life, especially when children and adolescents are involved."<sup>16</sup>

43. Without prejudice to the foregoing, and from the information sent by both parties, it is noted that on March 10, 2021, the activities at CASA Cedro have been suspended and the beneficiaries have been transferred to other centers, given the decrease in the population in compliance with socio-educational measures and budgetary challenges. In this regard, the State has requested that the present precautionary measure be lifted. In this regard, the representatives argued that the lifting of the precautionary measure would be premature, since the activities of CASA Cedro could be resumed without knowing the new scenario generated after the extinction of the Support Group and the establishment of the "support teams" (*see supra* paras. 18 and 29). However, more than a year having elapsed since the suspension of activities, the Commission does not have elements of assessment that indicate that the activities will be resumed soon, or that, when they begin, the situation of CASA Cedro will be similar to the temporary moment in which the IACHR decided to grant precautionary measures. On the contrary, the available information

<sup>15</sup> IACHR. [Juvenile Justice and Human Rights in the Americas](#). July 13, 2011, para. 460.

<sup>16</sup> I/A Court H.R., Case of the Socio-Educational Internment Unit regarding Brazil. [Case of the Socio-educational Internment Unit regarding Brazil](#). Provisional Measures. Order of the Inter-American Court of Human Rights of November 15, 2017, para. 66.

indicates that CASA Cedro's situation has been improving over time, for purposes of the analysis carried out under the terms of Article 25 of the Rules of Procedure.

44. Given the foregoing, the Commission recalls the temporary and exceptional nature of precautionary measures<sup>17</sup>, which requires, over time, that the IACHR assess the continuity of a situation of risk that meets the requirements of seriousness, urgency, and irreparable harm of Article 25 of its Rules of Procedure. In the instant case, the identifiable beneficiaries are the adolescents held at the Cedro Socio-Educational Adolescent Care Center (CASA) in the state of São Paulo, a center that, since March 10, 2021, has had its activities suspended with no return schedule indicated by the parties. Thus, the Commission notes that the present case has lost its purpose. A resumption of activities in the future, and the occurrence of a concrete scenario of the CASA Cedro similar to that of 2016, currently translates into a hypothetical situation, which does not allow for the analysis of the imminence of a risk situation in the terms of Article 25 of the Rules of Procedure. The foregoing does not prevent the Commission from re-analyzing a new risk situation under the mechanism of precautionary measures in the event of the occurrence of new events that may eventually arise.

45. In this regard, considering the analysis previously conducted, and in light of the State's request to have the measures lifted, the Commission understands that the factual circumstances that led to the granting of these precautionary measures have changed significantly. Thus, the Commission considers that it has not identified a situation that complies with the requirements of Article 25 of the Rules of Procedure at present. In view of the foregoing and considering the exceptional and temporary nature of precautionary measures,<sup>18</sup> the Commission considers that these measures should be lifted.

46. In line with what has been indicated by the Inter-American Court in various matters,<sup>19</sup> a decision to lift the measures does not imply that the State is relieved of its general obligations of protection, contained in Article 1(1) of the Convention, in the framework of which the State is especially obliged to guarantee the rights of persons at risk, and particularly those of children and adolescents. In this regard, the IACHR has indicated that:

[...] when the State is in the presence of children deprived of their liberty, it has, in addition to the obligations indicated for all persons, an additional obligation established in Article 19 of the American Convention and Article VII of the American Declaration. Accordingly, the State must assume its special position as guarantor with greater care and responsibility, and must take special measures guided by the principle of the best interests of the child.<sup>20</sup>

47. The Commission also recalls that the State continues to be obliged to conduct the necessary investigations to clarify the facts, followed by the consequences that may be established. The foregoing takes on particular relevance in view of the allegations of the representatives, not disproved by the State, which indicate that investigations and judicial proceedings have been shelved in the face of alleged acts of ill-treatment and even torture against adolescents in the custody of the State (see *supra* paras. 7-9). In

<sup>17</sup> I/A Court H.R., [Case of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador](#). Judgment of the Court of August 21, 2013, para. 22.

<sup>18</sup> I/A Court H.R., [Case of Adrián Meléndez Quijano et al. Provisional Measures regarding El Salvador](#). Order of the Court of August 21, 2013, para. 22, and [Case of Galdámez Álvarez et al.](#) Provisional Measures with respect to Honduras. Resolution of the Inter-American Court of Human Rights of 23 November 2016, para. 24.

<sup>19</sup> See: I/A Court H.R., Case of Velásquez Rodríguez. Case of Velásquez Rodríguez. Provisional Measures regarding Honduras. Resolution of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3, and [Case of Giraldo Cardona et al.](#) Provisional Measures with respect to Colombia. Resolution of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

<sup>20</sup> IACHR. [Juvenile Justice and Human Rights in the Americas](#). July 13, 2011, para. 460.



this regard, the Commission observes that, from the information provided by Brazil, it does not identify that it has established the corresponding criminal liabilities of the alleged perpetrators, nor did it provide details on proceedings underway in this regard. The IACHR recalls that, according to the Inter-American Court, “[...] the fact that the alleged victims were children requires the application of a higher standard for the classification of actions that violate their personal integrity.”<sup>21</sup>

48. Similarly, also based on the findings of the Inter-American Court, the lifting does not imply an eventual decision on the merits of the matter through a petition, nor does it prejudice State responsibility for the alleged facts.<sup>22</sup>

49. Finally, the Commission emphasizes that, regardless of the lifting of the measures at hand, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Brazil to respect and guarantee the rights recognized therein. In particular, the Commission calls on the State to continue with the actions implemented with a view to guaranteeing the rights of adolescents in compliance with socio-educational measures.

## **V. DECISION**

50. The Commission decides to lift the precautionary measures granted in favor of the adolescents deprived of liberty at the Cedro Adolescent Socio-educational Care Center (CASA) in Brazil.

51. The Commission recalls that the lifting of these measures does not preclude the representatives from submitting a new request for precautionary measures, should they consider that there exists a situation presenting a risk which complies the requirements set out in Article 25 of the Rules of Procedure.

52. The Commission instructs its Executive Secretariat to notify the State of Brazil and the representatives of this resolution.

53. Approved on October 4, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Esmeralda Arosemena de Troitño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

<sup>21</sup> I/A Court H.R., Case of the Gómez Paquiyauri Brothers v. Peru. [Case of the Gómez Paquiyauri Brothers v. Peru](#). Merits, Reparations and Costs. Judgment of July 8, 2004. Series C No. 110, para. 170.

<sup>22</sup> See: I/A Court H.R., Case of Guerrero Larez. [Case of Guerrero Larez](#). Provisional Measures regarding Venezuela. Judgment of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16, and [Case of Natera Balboa](#). Provisional Measures with respect to Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16.