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## Five years of Brazilian law No. 13,431/2017: History, development, challenges and perspectives

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### Abstract

This article shows the descriptive research results, based on the deductive method and extensive bibliographical review, about the practical application of Law No. 13,431/2017 in Brazil, which established a system of guarantees for the rights of child victims or witnesses of violence. According to this law, children began to be heard in the courts through a protective listening procedure named Special Testimony. The history of approval of this law, the development of its application over the five years of its validity, the challenges for the complete implementation of the new law in Brazilian forensic practice and the perspectives for the future will be analyzed.

**Keywords:** Violence against children. Special Testimony. Forensic interview

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### 1. Introduction

On April 4, 2017, during the solemn opening of the Global Child Forum, at the Federation of Industries of the State of São Paulo headquarters, Brazilian Law No. 13,431/2017 was sanctioned.

The Law No. 13,431/2017 amended provisions of the Child and Adolescent Statute (ECA) of 1990 and established the system to guarantee the rights of children and adolescents who are victims or witnesses of violence. It provided that the hearing of such people, in a peculiar stage of development would follow different procedures.

It is true, however, that even before 2017 it was already possible to observe a notable advance in the inquiry of children and adolescents in Brazilian territory.

In fact, law operators were already aware of the importance of protected listening. The pioneering initiative dates back to 2003, when José Antônio Daltoé Cezar, judge at Rio Grande do Sul, took the initial step towards implementing the 'Depoimento Sem Dano' Project.

Although, the law approval, more than ten years later, in the sense of making the adoption of special criteria mandatory for children hearings, signaled in legislative terms the adhesion of Brazil to the international movement to recognize the rights of children and adolescents who enter in contact with the court system.

The law was the result of the Bill approval (PL) No. 3,792/2015, proposed by federal deputies. Before, other projects had already passed through the National Congress, with the purpose of turning the experience proposed by Judge Daltoé Cezar into a law text, without success, however.

Thus, this article aims to bring up a brief overview of the historical evolution, both worldwide and in Brazil, which culminated in the sanction of Law No. 13,431/2017.

The study also aims to investigate what has changed after the law was approved, highlighting the positive improvements, as well as the challenges facing the effective and integral practical application of the law, including the differences observed between the different States-members that compose the Brazilian Federation, in a continental extension territory.

Likewise, future perspectives are also projected for the special testimony improvement. To achieve the objectives, the study was supported by a bibliographic review of Brazilian and foreign documents, as well as empirical research aimed the concrete application of Law No. 13,431/2017.

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## 2. The historical background of Law No. 13,431/2017

For many decades, children and adolescents were not recognized as rights individuals. Under the former irregular situation model, which was similar to the welfare model, they were nothing more than supposed protection objects, dismissed of any power of speech and influence. Under the pretext of protecting vulnerable children and youth, they declared their incapacity and condemned themselves to segregation under the stigmatizing label of ‘minors’.

Based on a ‘protectionist-savior’ ideology, the State meddled in the poorest families and made use of institutional apparatus (such as internment houses) for the domestication of abandoned and marginalized childhood (García Méndez and Costa, 1994).

In this context, jurists, like doctors, had a fundamental role in the creation of an ideology aimed at the surveillance and prevention of dangerous, poor and unassisted childhood, which should be regulated according to dominant standards (Bulcão, 2002) to a lower category of semi-citizens.

The ideology reached its top in the Convention on the Child Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of November 20<sup>th</sup>, 1989 and entered into force on September 2<sup>nd</sup>, 1990.

Indeed, the Convention adopted the Child Rights-Based Approach, which recognizes all children and adolescents, without any kind of distinction, as individuals with fundamental rights.

Since then, they become protagonists of their own history, individuals of their trajectory holding all the rights inherent to human beings (to life, health, physical integrity and moral, education, housing, food, etc.), even other rights connected to their special condition as a person in a particular stage of development (for instance, the right to family and community living, to play and leisure).

In other terms,

Children and adolescents are no longer *capitis deminutae* people, but individuals with full rights; they even have more rights than other citizens, that is, they have specific rights later indicated in the successive titles of the first part; and these specific rights are precisely those that must ensure their development, growth, fulfillment of their potential, and becoming free and dignified adult citizens. <sup>[1]</sup> (Vercelone, 2018, p. 60).

An important right recognized in the 1989 Convention is in its article 12, that ensures that a child is able to form and express its own opinions freely in all matters affecting them, their opinions being considered according to their age and maturity (OHCHR, 1989) and, consequently, ‘the opportunity to be heard in any judicial and administrative proceedings affecting them’ (OHCHR, 1989).

In fact, article 12 is the normative *locus* that underlies the right of every child to be heard and to express their opinions, points of view and feelings in the course of judicial and administrative proceedings concerning them. From this article, the child is recognized as having the right to take part

in the processes that affect them, and no longer be left out, forgotten or ignored.

The Committee of the Rights of the Child, in General Comment No. 12 (2009), rightly understands that article 12 contains a rule that recognizes the right of children to participate:

Since the adoption of the Convention in 1989, considerable progress has been achieved at the local, national, regional and global levels in the development of legislation, policies and methodologies to promote the implementation of article 12. A widespread practice has emerged in recent years, which has been broadly conceptualized as “participation”, although this term itself does not appear in the text of article 12. This term has evolved and is now widely used to describe ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes. (COMMITTEE ON THE RIGHTS OF THE CHILD, 2009).

In other words, “the right to speak and be heard is even taken further, recognizing the child as a ‘party’ to the proceedings, having the opportunity to fully participate and make his/her views known” (Verhellen, 2015, p. 50).

In short, “it is a substantive right which entitles children to be actors in their own lives, not merely passive recipients of adult care and protection” (Lansdown, 2005, p. 1). Now, children must be seen as parts, social actors, protagonists, to sum up, as citizens (Pechtelidis, 2021).

It is impossible to establish any age limit for children's participation. However, it is also not conceivable that children's contact with Justice occurs under the same traditional molds as adults' participation.

It is, therefore, necessary to think properly to serve children in the judiciary system, in order to preserve them from any damage or trauma that may result from the imperfect performance of state agents.

In this sense, the world literature began to investigate the best practices for the judicial questioning of children. By the way, “in some cases, the veracity of the child's testimony or the forensic interviewer performance has been questioned only based on the used model” (Newlin *et al.*, 2015, p. 2).

Young children are already able to express opinions, desires and perceptions, even in their own way, which should not be rejected by an adult-centric view (Bastos and Ferreira, 2021). Children have the right (and not the obligation) to participate in processes that affect them. This is what is expressed in the Convention Article 12. It is up to adults to provide means for children to exercise this right.

It is this imposition of an active effort by each and every adult so that the child or adolescent is able to exercise this intellectual and legal competence that dictates the Convention on the Rights of the Child Article 12. If every child and adolescent is guaranteed

<sup>1</sup> Free Translation. Originally in Portuguese: “Crianças e adolescentes não são mais pessoas *capitis deminutae*, mas sujeitos de direitos plenos; eles têm, inclusive, mais direitos que os outros cidadãos, isto é, eles têm direitos específicos depois indicados nos títulos sucessivos da primeira parte; e estes

direitos específicos são exatamente aqueles que têm que lhes assegurar o desenvolvimento, o crescimento, o cumprimento de suas potencialidades, o tornar-se cidadãos adultos livres e dignos”.

the right to express their own judgments and to have them recognized in all matters related to their lives, it is up to adults to find the cognitive and practical criteria that will allow them to take a stand. <sup>[2]</sup> (Melo, 2020, p. 97).

The Optional Protocol to the Convention of the Rights of the Child Art. 8 on the sale of children, child prostitution and child pornography, mentions the possibility of adapting the procedures to their special needs.

However, the ECOSOC Resolution 2005/20 from The Economic and Social Council was the normative act that detailed special procedures to be adopted to enable children's participation in judicial proceedings.

The aforementioned Resolution contains Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, whose scope is to guarantee the means of children participation and protect them against suffering in the course of the process.

It was under the influence of this historical international evolution that, in Brazil, in 2003, the 2nd Court of Childhood and Youth of Porto Alegre started the execution of the Project 'Depoimento Sem Dano', as described by its creator:

It is about, on the occasion of the testimonies of children and adolescents victims of sexual abuse, removing them from the formal environment of the courtroom and transferring them to a room specially designed for this purpose, which must be duly connected, by video and audio, to the place where the Magistrate, Prosecutor, Lawyer, defendant and court clerks are, who can also interact during the deposition. Thus, it is possible to carry out these statements in a more relaxed and professional way in a more receptive environment, with the intervention of technicians previously prepared for this task, thus avoiding inappropriate, impertinent, aggressive and disconnected questions not only from the process object, but also from mainly on the personal conditions of the deponent. <sup>[3]</sup> (Cezar, 2007, p. 61-62).

It did not take long for that experience to become famous throughout Brazil. In 2006, Bill No. 7,524 was presented and it aimed to reduce damage during the production of evidence in judicial proceedings, in which children and adolescents are victims or witnesses. However, the project did not advance in Parliament.

In 2010, then, the National Council of Justice, the department responsible for controlling Brazilian Judiciary administrative action, edited the Recommendation no. 33, of November 23, 2010, which recommended that national courts create specialized services to listen to children and adolescents who are victims or witnesses of violence in judicial proceedings,

under the nomenclature 'special testimony'.

However, it was only a recommendation, of a non-mandatory nature, the application of which was subject to the discretion of each local court. Thus, protected hearing was already adopted in states such as São Paulo, Rio de Janeiro, Rio Grande do Sul and Pernambuco. However, in other states, such as Goiás and Ceará, the adoption of the new methodology was still incipient.

In 2015, a group of federal deputies introduced a new Bill, No. 3,792, which aimed to establish the system to guarantee the children and adolescent's rights, who are victims and witnesses of violence. During the legislative proposal process, a Working Group was formed on the Normative Framework for Listening to Children and Adolescents, composed of important jurists and researchers, such as Benedito Rodrigues dos Santos, Eduardo Rezende Melo, Luiziana Souto Schaefer and Daltoé Cezar himself.

Finally, under the blessings of Queen Silvia, of Sweden, on April 4<sup>th</sup>, 2017, what would become Law No. 13,431/2017 was approved. With it, the hearing of children and adolescents victims or witnesses of violence through special testimony became cogent, except when the child himself wishes to be heard directly by the magistrate (art. 12, § 1) or prefers to remain silent (art. 5<sup>o</sup>, VI).

According to the procedure provided for in Law No. 13,431/2017, the child will be heard by a specialized professional and duly qualified, in an appropriate and welcoming place, which guarantees their privacy and follows scientific protocols that lead to a more reliable report, based on the child's own free narrative (Schmidt, 2020).

One of the main objectives of Brazilian law is to avoid any contact between the victim/witness and the alleged aggressor (defendant). Therefore, the closed-circuit television (CCTV) system was chosen, so, the child remains in a separate room with the technician.

The interview being recorded and transmitted in real time to the courtroom, where the judge, the prosecutor, the defense attorney and the defendant (Santos and Gonçalves, 2009).

There is even the possibility of interaction between the rooms, with questions directed to the child, transmitted through the interviewer, who can adapt them to a more appropriate language.

The law came into force in early April 2018, as it contained one-year *vacatio legis*. At the end of 2018, on December 10<sup>th</sup>, Decree no. 9,603 was edited, which regulates Law No. 13,431/2017.

The following year, the National Council of Justice issued the Resolution No. 299/2019, which provides for the system for guaranteeing the rights of children and adolescents who are victims or witnesses of violence, which deals with Law no. 13,431 <sup>[4]</sup>.

Today, in 2022, Law no. 13,431/2017 completes five years of existence and the time has come to examine the advances,

<sup>2</sup> Free Translation. Originally in Portuguese: "É essa imposição de esforço ativo por parte de todo e qualquer adulto para que a criança ou o adolescente tenham condições de exercer essa competência intelectual e jurídica que dita o Art. 12 da Convenção sobre os Direitos da Criança. Se toda criança e todo adolescente têm garantido o direito à expressão de seus juízos e ao reconhecimento destes em todos os assuntos relacionados à vida da criança e do adolescente, incumbe, aos adultos, encontrar os critérios cognitivos e práticos que lhes permitam se posicionarem".

<sup>3</sup> Free Translation. Originally in Portuguese: "Trata-se de, na ocasião dos depoimentos das crianças e dos adolescentes vítimas de abuso sexual, retirá-las do ambiente formal da sala de audiências e transferi-las para sala especialmente projetada para tal fim, devendo esta estar devidamente ligada,

por vídeo e áudio, ao local onde se encontram o Magistrado, Promotor de Justiça, Advogado, réu e serventuários da justiça, os quais também podem interagir durante o depoimento. Assim, é possível realizar esses depoimentos de forma mais tranquila e profissional em ambiente mais receptivo, com a intervenção de técnicos previamente preparados para tal tarefa, evitando, dessa forma, perguntas inapropriadas, impertinentes, agressivas e desconectadas não só do objeto do processo, mas principalmente das condições pessoais do depoente".

<sup>4</sup> It should be noted that Resolution no. 299/2019 is mandatory for Brazilian Courts, while Recommendation no. 33/2010 was only optional, without binding force.

challenges and future perspectives of its practical application in Brazilian territory.

### 3. Development, challenges and perspectives: the state of the special testimony art in Brazil

Despite being a law for five years, effective since 2018, the special testimony is still not a reality throughout Brazil, a country of continental dimensions, which has 27 Federative Units and a rich cultural, climatic and economic diversity, with very different scenario, as is the case of the northeastern arid and the southern pampa.

In a survey published in 2013, therefore, even before the enactment of Law No. 13,431/2017, experiences of special testimony were identified in 15 states and the Federal District. In the majority (73%) there was only one experience in progress, and in 11 federative units there was no such experience (Santos *et al.*, 2013).

Moreover, there was a notable regional inequality in terms of the special testimony procedure application. The notorious majority (55%) of the special rooms were located in the Southern Region, followed by the Southeastern Region (17%), and in the last place, with only 5 %, the Northern Region (Santos *et al.*, 2013).

It is true that the aforementioned survey already pointed to significant advances. Since 2003, the year of the first special testimony room creation in the 2nd Court of Childhood and Youth of Porto Alegre, until 2013, the number of suitable rooms grew more than twenty times.

Proceeds:

Both the internal growth movement in the Rio Grande do Sul State and the expansion of the number of Federation Units with at least one experience were exponentially impacting. Internally, the number of experiences in Rio Grande do Sul grew more than 20 times in 7 years, while the number of Federation Units with at least one experience increased almost 15 times in the period.<sup>[5]</sup> (Santos *et al.*, 2013, p. 51).

The reality of the São Paulo State, the richest and most populous Brazilian state, is emblematic. Under the leadership of Judge Eduardo Rezende Melo, in 2011 the Children and Youth Coordination of the São Paulo Court of Justice, edited a normative act regulating the procedure in the São Paulo territory (CIJ Protocol No. 00066030/11).

Notable work was carried to equip the São Paulo Judicial Districts with material, furniture, computer equipment, etc., necessary for the practical realization of the special testimony.

By the year 2019, the procedure of Law No. 13,431/2017 had been implemented in 96% of the São Paulo State Judicial Districts (Garcia, 2021).

However, unfortunately, the reality of São Paulo state is not the same in every Brazilian territory. The Analytical Report produced by the Fortaleza University at the National Council

of Justice request in 2019, which study aimed to investigate the Law No. 13,431/2017 application, chose 24 locations in different regions of Brazil. It was found that only 14 were adopting the procedure prescribed by law, in other words, almost half (10 locations) did not apply the rite of special testimony (UNIFOR, 2019).

In addition, the study revealed that ‘The Judiciary of some states implemented the procedure only in their capital, as is the case of the Goiás Court of Justice, where the special testimony room available covers the whole state’ (UNIFOR, 2019, p. 61).

‘In Goiás, all procedural subjects must be transported to the state capital to take the special testimony properly, something that can be an obstacle for all magistrates to apply such a procedure’ (UNIFOR, 2019, p. 62).

Such limitation has the power to harm the access to justice of the needy population that lives in the most remote areas of the great centers, or even to provoke undue emotional exhaustion in the victim or child witness, who, in order to give their testimony, is forced to take the public transport for large displacements, in addition to the financial expenses to spend the night in the capital.

The UNIFOR study, commissioned by the CNJ, also highlighted certain structural deficiencies in some Brazilian special deposition rooms. For example, of the 14 localities that enforced the law, one did not have any means of communication between the hearing room and the listening room, 3 did not have air conditioning equipment and 10 did not have a soundproofing system (UNIFOR, 2019).

Even so, the scenario is relatively positive and promising, with progress in the implementation of Law No. 13,431/2017. The case of Ceará State can be used as a revealing example. In 2019, in the UNIFOR survey, the Ceará Court of Justice (TJCE) did not provide special testimony and the court did not even offer training for technicians (UNIFOR, 2019). Since then, the Law No. 13,431/2017 procedure is already being followed in Ceará, including in the interior, like the case of Jijoca de Jericoacoara, which on October 21, 2020, held its first special testimony hearings, under the presidency of judge Renata Esser de Souza, according to news published on the TJCE electronic portal<sup>[6]</sup>.

The Goiás State case, already mentioned above, is also promising. Currently, there are already special testimony rooms in the interior, so that it is no longer exclusive to the capital. At the end of 2019, a special testimony room was installed in Luziânia, as published on the website of Goiás State Court of Justice (TJGO)<sup>[7]</sup>. Currently, the rooms already exist in 14 Counties and the TJGO is studying implementation of the law expansion, a topic that was discussed at an institutional meeting held on August 10, 2021, coordinated by Judge Sirlei Martins da Costa, as disclosed on the official website of the TJGO<sup>[8]</sup>.

Despite the progress, some challenges are still on the horizon to achieve the goal of effective implementation of Law No. 13,431/2017 in all corners of the Brazilian territory.

<sup>5</sup> Free Translation. Originally in Portuguese: “Tanto o movimento de crescimento interno no estado do Rio Grande do Sul como a expansão do número de Unidades da Federação com pelo menos uma experiência foram exponencialmente impactantes. Internamente no estado do Rio Grande do Sul, o número de experiências cresceu mais de 20 vezes em 7 anos, ao passo que o número de Unidades da Federação com pelo menos uma experiência aumentou em praticamente 15 vezes no mesmo período”.

<sup>6</sup> Available in: Comarca de Jijoca de Jericoacoara passa a utilizar depoimento especial para ouvir crianças e adolescentes – TJCE. Accessed on: 20 Apr. 2023.

<sup>7</sup> Available in: <https://www.tjgo.jus.br/index.php/institucional/centro-de-comunicacao-social/17-tribunal/18529-inauguracao-da-sala-de-depoimento-especial-na-dpca-de-luziania-go>. Accessed on: 20 Apr. 2023.

<sup>8</sup> Available in: <https://www.tjgo.jus.br/index.php/institucional/centro-de-comunicacao-social/17-tribunal/22285-implantacao-de-sala-de-depoimento-especial-nas-comarcas-de-goias-e-discutida-em-reuniao>. Accessed on: 20 Apr. 2023.

Firstly, it is possible to highlight as a challenge to be faced the availability of the necessary infrastructure for the adequate realization of the special testimonies. That is to say, it is necessary that the administration of the Brazilian courts have in all the Counties spread throughout the country appropriate rooms for listening to children and adolescents, with furniture, tools, decoration, technology and soundproofing equipment. Evidently, to be overcome, the obstacle requires investment of public money, budget forecasting and commitment of the expenditure organizer to the correct destination of public funds.

Another challenge concerns the magistrates and interviewers training expansion in the regulations contained in Law no. 13,431/2017, in the special testimony procedure and in the scientific protocols used to conduct the interview. Moreover, the article 14 of Resolution No. 299/2019 exposes that 'state and federal courts shall train magistrates and professionals who work in carrying out the special testimony, upon convening, in an interdisciplinary and continuous way, jointly preferred'<sup>[9]</sup> (Brazil, 2019).

The deficiency of human resources in Brazilian courts, with a reduced number of civil servants, especially social workers, pedagogues and judicial psychologists, makes it difficult to train qualified professionals to apply the law correctly.

As an alternative, some courts, such as Santa Catarina, Bahia, and Ceará states, have allowed interviews to be conducted by people outside the civil service, provided they have received the appropriate technical training, admitted by the article 11 of Resolution No. 299/2019, from CNJ.

Despite the fact that Law No. 13,431/2017 does not specify mandatory degree to occupy the position of forensic interviewer, merely requiring that the professional has to be trained and specialized, which is observed in most Brazilian courts, as in the states of São Paulo and Minas Gerais, is that the work is performed by social workers and judicial psychologists of the servants team.

However, it is important to note that even before Law No. 13,431/2017, the Social Assistance and Psychology professional councils deliberately positioned against the performance of these professionals in the role of forensic interviewers, understanding that such activity should be carried out exclusively by the magistrates.

Therefore, Resolution No. 554/2009, of the Federal Council of Social Service, as the attribution and competence of social workers to hear children and adolescents victims and/or witnesses of violence in judicial proceedings. Likewise, Resolution No. 10/2010, of the Federal Council of Psychology, prohibited the psychologist from playing the role of inquirer in the care of children and adolescents in violence situations.

The issue is still controversial and pending final judgment. There are psychologists and social workers who are clearly against acting in the special testimony procedure (Fávero, 2008). On the other hand, there are those who are in favor of acting as forensic interviewers (Wolff, 2008).

It is essential that psychologists, social workers, pedagogues and all other professionals who are qualified in the forensic interviewer worthy role of children and adolescents, as well as magistrates, are aware of the Law No. 13,431/2017 importance and fight to make what is in the text of the legislation comes true.

Therefore, it is essential that the courts, through their administrative departments, and in partnership with the National Council of Justice (CNJ) and the Magistrates Training National School for the Training (ENFAM), provide training courses and continuous training in special testimony. The courses must include the Brazilian Forensic Interview Protocol study (PBEF), published in 2020, prepared by a partnership between the CNJ, Childhood Brazil, UNICEF and the National Children's Advocacy Center, which contains technical recommendations that must be observed by the entire Brazilian Judiciary (article 14, §§ 2 and 3, of Resolution no. 299/2019, of the CNJ).

Another challenge that must be faced by national courts is related to the Law No. 13,431/2017 application to the most vulnerable children and adolescents, such as those from indigenous peoples and traditional communities (e.g. "quilombolas" and Roma people), as well as children and adolescents with disabilities. For the proper audience of such children, it will be necessary to rethink the procedure the special deposition procedure, in order to make it more accessible, including physical access to deposition rooms and the use of adapted material.

Furthermore, it will often be essential to have the specialized anthropologists and translators support, who can contribute to building a link of trust and communication between the interviewer and the child. In the absence of its own staff, it will be necessary to appoint expert translators (for the indigenous languages or sign language translation, for deaf children), as authorized by Resolution No. 299/2019 article 12, of the CNJ.

Finally, it is possible to highlight as another challenge to be overcome the need to improve the institutional dialogue between the Judiciary, the Public Prosecutor's Office, the Police Station and the other agents of the protection network. Mainly with the purpose of shortening the elapsed time between the revelation of the violence and the taking of the special testimony, which is still considerably extensive, as demonstrated by a research carried out by the Rio Grande do Sul Justice Court (Rio Grande do Sul, 2021).

A comparison between Brazil in 2002, in which children were heard in court just like adults, and Brazil in 2022, the year in which Law No. 13,431/2017 completes five years of existence, is positive. There are many challenges, but also progress, which is why the prospects for the future are the best ones.

There are good prospects that the participation of social workers and judicial psychologists will be definitively pacified, with the positive acceptance of the professional attribution in the special testimony procedure.

In fact, many lawsuits have already suspended the Federal Council of Social Work Resolution No. 554/2009, and the Federal Council of Psychology Resolution No. 10/2010, as is the case of Public Civil Action no. 0004766-50.2012.058100 and Writ of Mandamus No. 5017910-94.2010.404.7100, beyond the National Council of Justice in Administrative Control Procedure No. 0004543-46.2018.2.00.0000 favorable decision.

It is also expected that there will be a dialogic solution of procedural differences between magistrates, social workers and psychologists, such as the need (or not) of prior evaluation to the special and judicial acceptance of the

<sup>9</sup> Free Translation. Originally in Portuguese: "os tribunais estaduais e federais deverão capacitar magistrados e profissionais que atuam na

realização do depoimento especial, mediante convocação, de forma interdisciplinar e continuada, preferencialmente conjunta".

technique by the contraindication to the special testimony (São Paulo, 2021).

It is to be expected that, finally, all Brazilian Jurisdictions will be fully equipped to take the special testimony.

By the way, over letter issued on February 14, 2022, the Children and Youth Coordination Court of Justice of São Paulo State consulted the local magistrates <sup>[10]</sup> about the material reality of each District, in order to instruct a study to improve the environments intended for special testimony. The purpose is to improve the infrastructure in aspects such as lighting, ventilation, acoustic insulation, sound and image recording and internet access.

The perspectives are also positive regarding the children and adolescents special testimony from vulnerable social groups, a topic that has attracted increasing attention from the National Council of Justice and the Brazilian judiciary.

In this sense, the CNJ formed a Working Group with notable jurists, which resulted in the “Special Testimony Manual for Children and Adolescents Belonging to Traditional Peoples and Communities”, published at the end of 2021.

#### 4. Final Considerations

The special testimony of children and adolescents who are victims or witnesses of violence acts is an immeasurable achievement for the Brazilian people. It is a mark of commitment to the realization of human rights, insofar as it prevents the children contact with Justice from being a factor of re-victimization. The demand for the total elimination of any form of institutional violence is urgent, and, in this way, Law No. 13,431/2017 signals a child-friendly Justice.

True progress, however, will only happen when what is said in the law becomes reality in the world of facts. Thus, it is urgent that all the devices stamped in Law No. 13,431/2017 are applied in the Brazilian forensic routine. It is necessary, for example, that all Jurisdictions throughout Brazil, not only the large urban centers, have special testimony rooms.

In view of all the stated, it is essential to conclude that Law No. 13,431/2017 completes five years of existence in 2022, with notable progress already achieved and many challenges still to be overcome. However, with positive perspectives for a brief full implementation in the entire Brazilian territory.

We hope so.

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<sup>10</sup> The consultation with the magistrates was carried out through an electronic form available at the address <https://forms.office.com/Pages/ResponsePage.aspx?id=LUKQNVmONKCS>

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