



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

IMPLEMENTATION - STEP BY STEP

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A photograph of a person's head and shoulders in profile, looking out through a chain-link fence. The person has dark hair and is wearing a red headscarf. The background is a blurred outdoor scene with a building and a paved area. The image is used as a background for the text overlay.

FOREWORD

The suffering of child victims or witnesses of violence seeking access to the justice system has drawn attention globally, and is addressed by United Nations Economic and Social Council (ECOSOC) Resolution 20/2005. Although Brazil's framework of child protection laws is closely aligned with the UN Convention on the Rights of the Child, it had not as yet put the terms of this resolution into effect.

Growing awareness of the need to improve Brazil's rights guarantee system, in view of the revictimization suffered by child victims or witnesses of violence when reporting a violation or giving evidence in court, led to the drafting of Law 13.431/2017, known as the Law on Protective Hearing, which has been in effect since 2018.

The Law on Protective Hearing seeks to organize the activities of agencies that provide services for children, by establishing a unified service workflow and protocols to ensure

comprehensive protection for child victims and witnesses of violence and to prevent revictimization.

This document offers step-by-step measures for implementation of this law, based on the experience of Vitória da Conquista, Bahia, a municipality that stands out for its achievement in putting the measures provided for in this law into effect. It is addressed to managers responsible for deployment of public policies and child-protection programs. Although the experience on which it is based is specific to the Brazilian context, we believe that similar challenges are faced in other nations and hope that the pathways indicated here can enrich debate and assist in refinement of protection mechanisms throughout the world.

BRIEF CONTEXT: LAW 13.431/2017

Under Brazilian law, child victims or witnesses of violence are entitled to an array of services from the Brazilian child protection network, the overall aim being to ensure that their rights and well-being are protected.

THE BRAZILIAN CHILD PROTECTION NETWORK

The Brazilian child protection system (known in Brazil as the Child Rights Guarantee System) encompasses the Education, Health, and Social-Development sectors, the Justice System and Law Enforcement agencies, Guardianship Councils and Prosecution services. Since its inception, the aim of the Child Rights Guarantee System (SGDCA) has been to serve as an integrated network, with unified service workflows, enhanced efficiency and designed to avoid overlapping of actions or demands.

In practice, however, by forcing child victims or witnesses repeatedly to recount their traumatic experiences, each service poses a risk of increasing their suffering, through a process known as revictimization.

Exposure to inappropriate questioning and comments from adults can also interfere with the record of testimony given by children. Owing to such pressures, many witnesses and victims give up on pressing charges against perpetrators and desist in seeking access to the health, well-being, and protection services to which they are entitled.

Absence of a unified service workflow and of integration among component agencies of Brazil's protection network, coupled with slowness of the Justice System, means that a child may spend years awaiting an outcome, under constant threat of revictimization. On average, it takes five

years for the initial report of a crime involving a child to result in a trial. In the meantime, many victims or their families simply give up on the whole process.

Implementation of Law 13.431/2017 and of its enabling Decree 9.603/2018 have served to promote reorganization of service provision agencies, by designing a unified service workflow and integrated service protocols designed to prevent revictimization and ensure the full protection of child victims and witnesses of violence throughout their contact with the system.



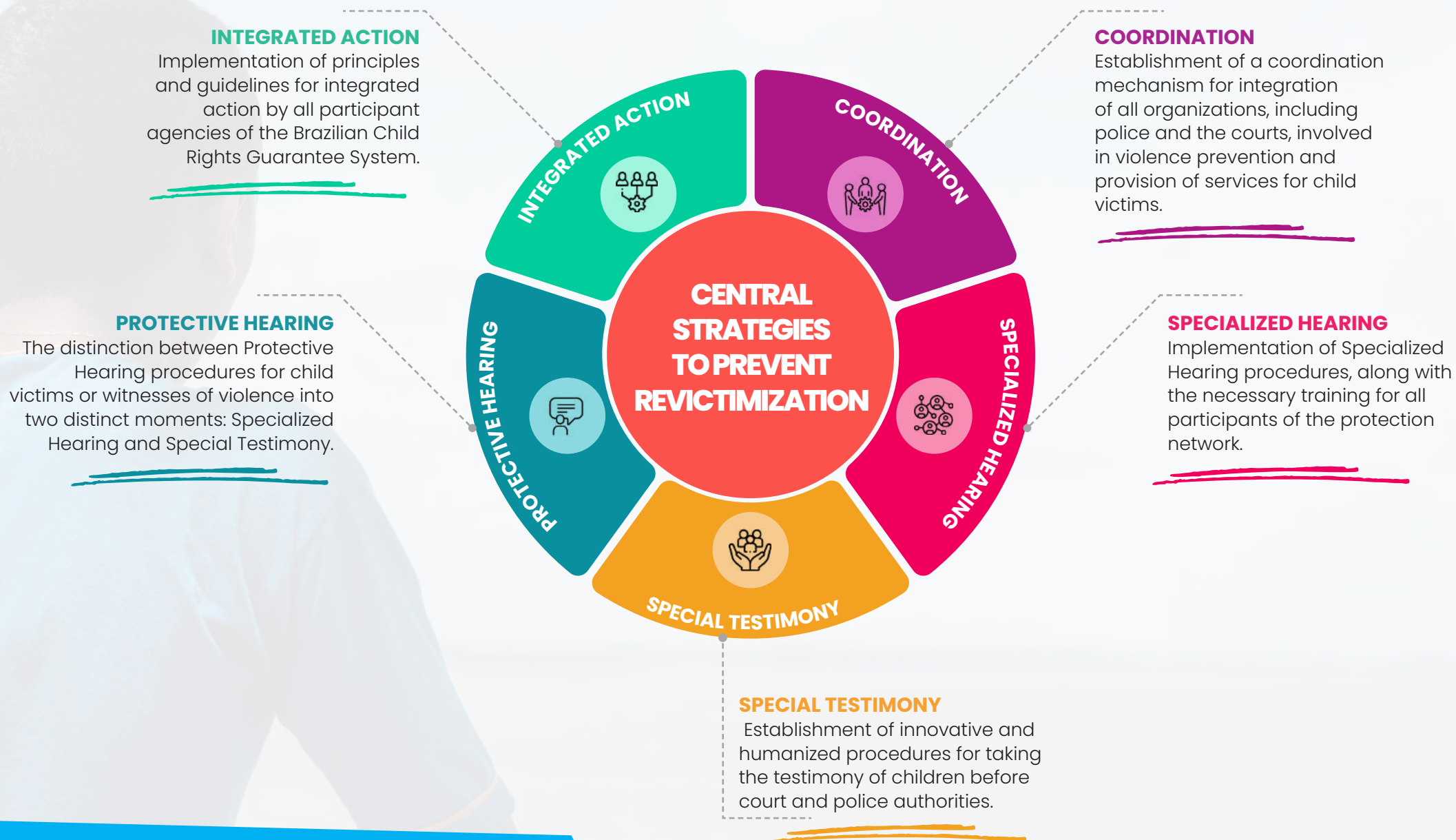
PROBLEMS THAT THE LAW ON PROTECTIVE HEARING CAME TO SOLVE:

A lack of programs for prevention of violence against children.

Poor coordination among the various participants of the protection network.

Absence of a unified workflow with clear protocols for actions of agencies of the protection network, to avoid challenges, overlapping or bottlenecks, and thus ensure effective child protection.

The manner in which testimony was taken from children caused revictimization and compromised integrity of the record, thereby rarely resulting in conviction of perpetrators.



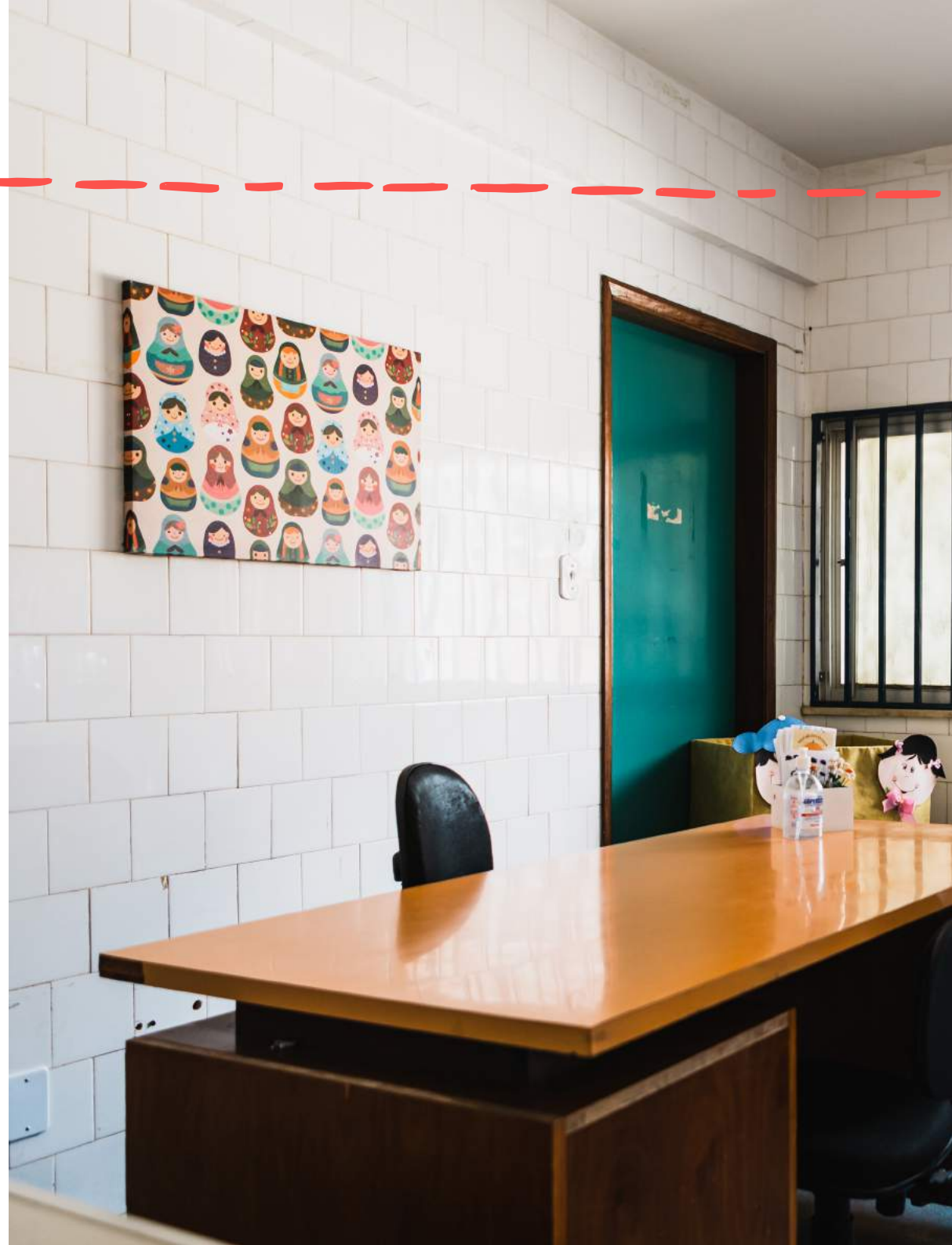
A black and white photograph of a person's legs from the knees down, wearing dark denim jeans and black sneakers with white soles. The person is standing on a light-colored, textured surface, possibly concrete. The background is blurred. A red banner with white text is overlaid on the left side of the image.

**HOW TO ORGANIZE
A NETWORK FOR
INTEGRATED
ACTION STEP
BY STEP**

1st STEP:

ESTABLISH A SMALL TEAM TO LAUNCH THE PROCESS

Bringing about cultural change in personal and institutional behaviors and practices requires effort on the part of a group of professionals who, understanding the necessity and urgency of the proposed measures, are willing to advocate for the cause and energize the process.



2nd STEP:

CREATION OF A JOINT MANAGEMENT COMMITTEE WITH REPRESENTATIVES FROM ALL AGENCIES OF THE SOCIAL CARE AND PROTECTION NETWORK FOR CHILD VICTIMS OR WITNESSES OF VIOLENCE

Formation of a Joint Management Committee with representatives from all agencies of the Child Rights Guarantee System, as provided for by Article 9 of enabling Decree 9.603/2018 which brought Law 13.431/2017 into force, is essential for coordination, mobilization, planning, monitoring and evaluation of actions of the child protection network. The committee will also be responsible for defining integrated service workflows and improving coordination among the participating agencies, overseeing and coordinating adaptation of facilities and budgets of agencies jointly responsible for execution of the implementation plan.

3rd STEP:

DIAGNOSIS OF THE SERVICES PROVIDED TO CHILD VICTIMS OR WITNESSES OF VIOLENCE BY THE MUNICIPAL PROTECTION NETWORK, ESPECIALLY ON HOW HEARINGS AND REFERRALS ARE MANAGED



The aim of the diagnosis is to detect coordination gaps that result in revictimization so as to enable the network to implement solutions. The survey should map out common challenges across different agencies within the system, identifying overlapping attributions, poorly-defined roles and area-specific difficulties, and provide general orientation for the committee's work.

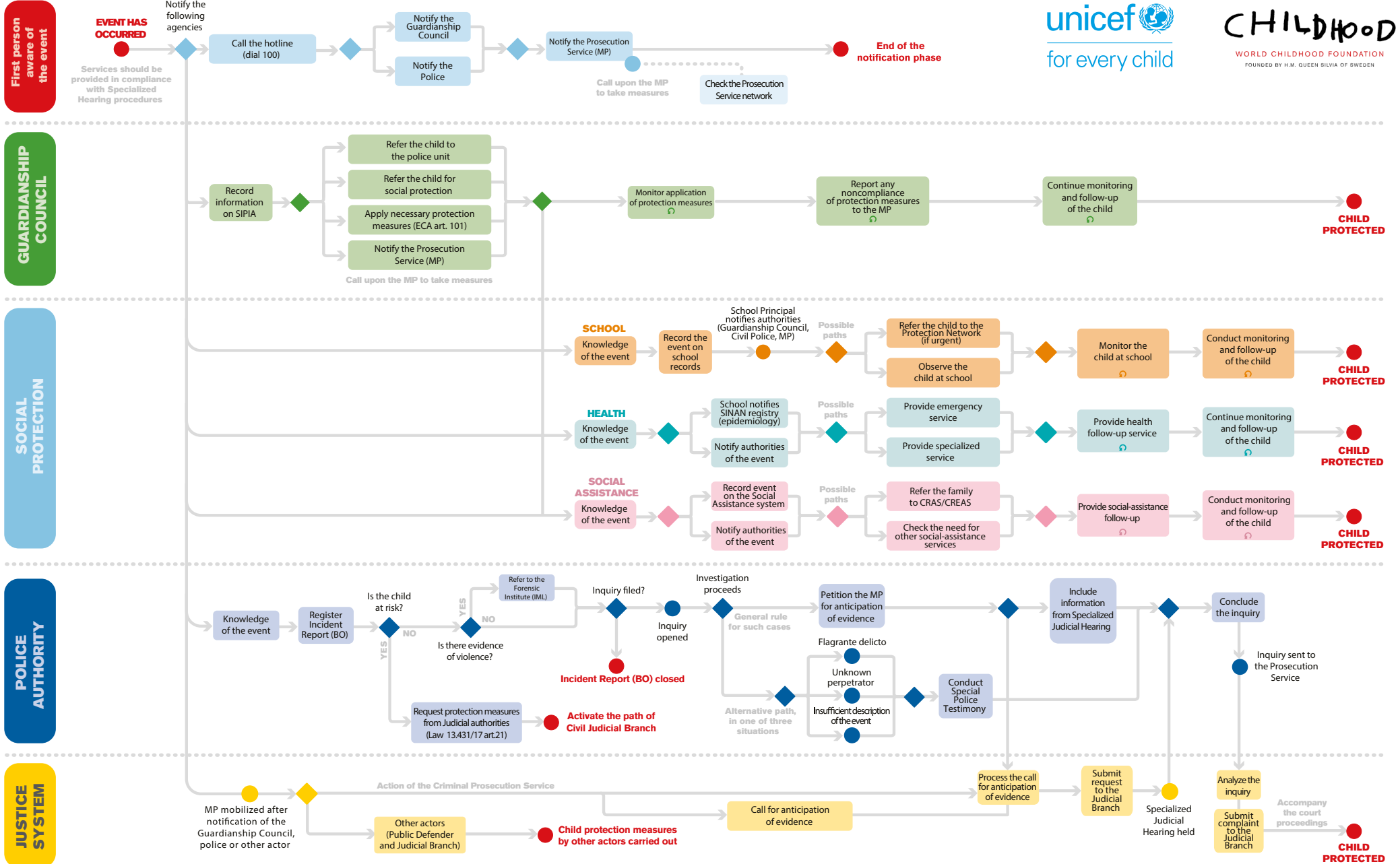
4th STEP:

DRAW UP A UNIFIED INTEGRATED SERVICE WORKFLOW

Institutions need to learn to engage in dialogue and work harmoniously in a coordinated and efficient manner, with a clear focus upon what is best for the child. This shift in focus requires a reexamination of processes within organizations and a commitment to advancing the network's unified service workflow (rather than the internal dynamics of each institution).

Each organization must observe two service workflows: the collectively-assembled unified service workflow for the entire network; and its own internal service workflow. For example: the internal workflows of the Education System must be capable of receiving and processing events, complaints or spontaneous reports of violence against children. Aside from referring the child to the Guardianship Council (i.e., to the general unified service workflow) the case is also processed through the Education system's internal service workflow.

INTEGRATED WORKFLOWS AND INTEGRAL SERVICE PROTOCOLS FOR CHILDREN



5th STEP:

PETITION THE STATE COURTS TO EXPEDITE SPECIALIZED TESTIMONY PROCEEDINGS IN YOUR MUNICIPALITY

For the conduct of Special Testimony procedures, the following facilities are needed: a child-friendly interview room with video and audio transmission to the court chamber; professionals trained in forensic interview protocols; judges, prosecutors and public defenders that have received training in special testimony procedures.



6th STEP:

DRAFT PROTOCOLS AND PROCEDURES FOR SPECIALIZED HEARING AND SPECIAL TESTIMONY

No less important than the design of municipal service workflows are the protocols that determine actions to be carried out at each stage. This is a responsibility of the municipal committee, but requires ample participation. The law and its enabling decree require that such protocols provide for a constant exchange of information among participating agencies, including reports of services provided to the child at each stage. Referral and counter-referral are the terms used to describe this essential exchange of information for ensuring swift service with full protection and guarding against revictimization.



7th STEP:

IMPLEMENTATION OF MECHANISMS FOR CASE-MANAGEMENT, MONITORING AND EVALUATION

Adequate monitoring and evaluation mechanisms are essential for ensuring quality and constant improvement of services provided by the network. The design of these instruments requires consensus among representatives of the agencies that comprise the protection network.



8th STEP:

CONTINUOUS EDUCATION AND CAPACITY BUILDING FOR PARTICIPANTS OF THE PROTECTION NETWORK FOR INTEGRATED AND HUMANIZED ACTION

It is a unanimous perception among people who work with child protection services in Vitória da Conquista that, once aware of the threat of revictimization, of its multiple implications for children, and of its repercussions in cases of violence, all stakeholders will realize the importance of implementing Law 13.431/2017.

Comprehensive training is the best strategy for mitigating the risk of revictimization of children under the auspices of the protection services. This can best be achieved by extending capacity building on the law to staff of all agencies that come into contact with cases, including school and hospital staff, social workers and police officers.

Photo:
TO LISTEN IS TO PROTECT
May 18
National Day for Combating Abuse and Sexual Exploitation of Children and Adolescents.



9th STEP:

DOCUMENT AND SYSTEMATIZE THE PROCESS OF SETTING UP AND DEPLOYING INTEGRATED SERVICE WORKFLOWS AND PROTOCOLS

It is important, from the very beginning of the process, to keep minutes of each meeting, rather than trying to recreate a record later. Records of the processes of drafting service workflows and protocols serve to preserve institutional history and are of inestimable value when developing parameters for future evaluations and potential referencing of best practices.





CHALLENGING STRATEGIES

Some stages of an implementation process for this type of law are more challenging precisely because they require willingness, on the part of representatives of different organizations, to alter their own procedures in order to accommodate to the dynamics of an integrated system.

Experience demonstrates that setting up the Joint Management Committee and an administrative structure for establishing service workflows and protocols demands great attention from public managers. The full report on the implementation of Law 13.431/2017 in the Municipality of Vitória da Conquista, which provides details on each of the steps described herein, offers a pathway for addressing the various challenges encountered when implementing strategies of this kind.

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