

ADOLESCENTS IN CONFLICT WITH THE LAW AND THE IMPACTS OF THE COVID-19 PANDEMIC ON MEN'S HOUSES OF SEMILIBERDADE IN THE MUNICIPALITY OF RECIFE

Silvana Oliveira Santos

Faculdade de Venda Nova do Imigrante,
Espírito Santo

Vivianne Lúcia Bormann de Souza

Centro Regional de Ciências Nucleares do
Nordeste, Recife – PE

Suzana Oliveira Santos

Universidade Federal de Pernambuco,
Department of Nuclear Energy, Recife – PE

Luana Caroline Domingos da Silva

Centro Regional de Ciências Nucleares do
Nordeste, Recife – PE

Gabriella Kalyne de Souza Braz

Centro Regional de Ciências Nucleares do
Nordestm, Recife – PE

Waldecy Ananias da Silva

Centro Regional de Ciências Nucleares do
Nordeste, Recife – PE

Janice Pereira de Sá Souza

Instituto Federal de Educação, Ciência e
Tecnologia de Pernambuco, Recife – PE

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Abstract: In the face of the new coronavirus pandemic, adolescents who had their semi-liberty measure suspended suffered direct impacts on their access to education, culture, information, leisure, professional training, housing, food and community life. The objective of this work is to report these impacts on men's semi-liberty houses in the Municipality of Recife, and it is important to demonstrate how the performance of employees was and the limitation of the presence of parents and/or guardians in the face of the confinement situation, at the time of the Pandemic. The bibliographic method was used for the preparation of the work, based on research on the subject on official websites of FUNASE (``Fundação de Assistência Socioeducativo``) and other institutions, as well as on legislation that governs the subject. Google-Academic was also used to obtain other publications and references that dealt with the subject. The abandonment/withdrawal resulting from the negligence of the family, the State and society, and the need for the youth to enter the labor market early (due to the family's lack of money), favored the removal of young people from the school environment, and from the policies social, as most adolescents continued to be exposed to situations that contributed to greater involvement in the practice of the infraction, as well as to the greater use of drugs.

Keywords: Teenagers. Socio-educational measure. Coronavirus. FUNASE. semiliberty

INTRODUCTION

Numerous changes and challenges in the different areas of research and social, political, economic and cultural relations, with a view to preventing the spread of the disease caused by the new coronavirus, declared by the World Health Organization on March 11, 2020, led CONANDA (Conselho Nacional dos Rights of Children and Adolescents) to report

the main health measures to prevent the Coronavirus adopted in the execution of the Socio-Educational Measure. Because millions of people were affected by the disease, whether asymptomatic (who could still transmit the new coronavirus to other people), or with mild symptoms of the disease, as well as with severe symptoms of Covid-19. And millions more have died from the disease all over the world and in Brazil since its outbreak.

Care for preventing and coping with the virus guided social distancing, the use of masks and gel alcohol, quarantine, immunization, among other initiatives (BRAZIL, 2020). Bearing in mind that, for adolescents who had their measure of semi-freedom suspended, such measures directly impacted access to education, culture, information, leisure, professional training, housing, food and community life.

Changes in institutional user service routines through new ways of working, the use of sanitary protocols, the worsening of expressions of the social issue and the need for protective intervention by public social policies. They lead to the assessment of the problem of whether the adolescents would get involved again with the practice of the infraction, as well as with the abusive use of drugs.

Being the hypotheses of the work, verifying whether or not such aspects would be intensified by the lack of access to social policies and by the coercive actions of intolerance and discrimination present in relations with society and the State.

The general objective of the work is to report the impacts of the COVID-19 pandemic on men's semi-liberty houses in the Municipality of Recife, with the specific objectives demonstrating how the employees performed and limiting the presence of tutors in the face of the confinement situation, necessary in pandemic moment.

The importance of this work is to demonstrate how the Institution and the Judiciary System acted in the face of the emergency in Collective Health (sanitary crisis) which the entire Brazilian and World society was going through at the time. Where, the individual awareness of detachment, isolation and subsequent vaccination schedule, and even the love of oneself and one's neighbor would influence in a fundamental way to save lives (SOUZA et al., 2021).

The type of research was bibliographic of official websites of "FUNASE" - Foundation for Socio-Educational Assistance, and other institutions, as well as by legislation that governs the subject. Google-Academic was also used to obtain other important publications and references.

The idea is to report how FUNASE and its derivative institutions came about. As well as adolescents and young people who have access to the semi-liberty system, what are the Institution's recommendations in the face of the new coronavirus pandemic, the actions taken by the institution and the feelings of servers and socio-educators in the face of the pandemic situation.

DEVELOPMENT

HISTORY

As a result of a movement from different spheres of society and intense debates based on the perspective of HUMAN RIGHTS, Law number 8,069 was published on July 3, 1990, which established the Statute of the Child and Adolescent (ECA) (BRAZIL, nineteen ninety). This document regulated the integral protection of children and adolescents and ensured all the fundamental rights inherent to human beings, reaffirming the need to respect the peculiar condition of development of children and adolescents, the recognition of their situation of vulnerability and the need

to implement of public and social policies in the promotion of these rights. From then on, mechanisms were created to guarantee the operationalization of this Law, such as the creation of the National Council for the Rights of Children and Adolescents (CONANDA).

Through Law number: 8,242, published on October 12, 1991. CONANDA is characterized as a deliberative body, formulator and controller of actions for the promotion, protection and defense of the rights of children and adolescents. In a context of strong mobilizations, it was necessary to standardize the socio-educational service policy in order to define pedagogical, architectural and management parameters to be followed. In this sense, the National System of Socio-Educational Assistance (SINASE) was created, instituted by law number: 12,594 of January 18, 2012. This law presents the principles, rules and criteria that involve the execution of measures, including in it, by adhesion, the state, district and municipal systems, as well as all plans, policies and specific programs to assist adolescents, young people considered perpetrators of an infraction (BRAZIL, 2012).

Therefore, FUNASE's actions are legally oriented, mainly, by ECA, CONANDA and SINASE, in addition to legal provisions in national and regional socio-education for the implementation of socio-educational measures in the State of Pernambuco (www.funase.pe.gov.br, 2018).

The Socio-Educational Assistance Foundation (FUNASE), the body responsible for assisting adolescents/youths under socio-educational measures of restriction and/or deprivation of liberty, in its roots in the former Social Service for Minors, an organization dedicated to assisting children and adolescents in situations of social vulnerability in the state of Pernambuco, linked to the time of the Juvenile Court of the Capital.

During the military regime, on June 14,

1966, through Law 5.810, the Foundation for the Well-Being of Minors (FEBEM) was created, an entity with a legal personality governed by Private Law, linked to the Department of Labor and Justice, which took over the responsibility for assisting the “abandoned and offending minor”. Supported by the Doctrine of Irregular Situation, FEBEM developed an assistance work with needy children and adolescents, regardless of the infraction.

In 1975, linked to the State Secretariat for Labor and Social Action, FEBEM’s scope of action was expanded with the creation of Prevention nuclei, located in Greater Recife and in the interior of the State. With the approval of the Child and Adolescent Statute (ECA), and through Complementary Law number: 3, article 17 of August 22, 1990, FEBEM was renamed the Child and Adolescent Foundation (FUNDAC), leaving behind the Doctrine of the irregular situation to validate the process of change starting with the Federal Constitution of 1988, which began to demand the effectiveness and universalization of the Socio-legal Doctrine of Integral Protection to all children and adolescents from 0 to 18 years of age.

Aiming to implement the advances contained in this legislation and contribute to the effective citizenship of adolescents in conflict with the law, in 2008 through Complementary Law number: 132, of December 11, 2008, FUNDAC was restructured and renamed, becoming Socio-Educational Assistance Foundation (FUNASE), with the purpose of implementing the policy of assisting adolescents involved or authors of an infraction, with deprivation or restriction of liberty. The foundation was then linked to the Secretariat for Social Development and Human Rights (SESDSDH).

With Law 14,264, of January 6, 2011, which instituted the new structure and operation

of the State Executive Branch, creating the Secretariat for Children and Youth (SCJ), FUNASE became linked to the new Secretariat, with the mission of plan and execute, at the state level, the socio-educational program aimed at the adolescents involved and/or perpetrators of an infraction, under confinement and semi-freedom measures, ensuring assistance and promotion of their fundamental rights and actions articulated with organized civil society and public institutions and private. Since 2015, FUNASE has been linked to the Secretariat for Social Development, Children and Youth (SDSCJ) of Pernambuco.

CONDITIONS FOR ACCESS TO THE SEMILIBERTY SYSTEM

The infraction is understood as a “conduct described as a crime or a criminal misdemeanor” (BRAZIL,1990) designated to adolescents in the age group of 12 to 18 years, which can be extended up to 21 years of age, considering the date of the infraction. They are criminally unimputable until they reach 18 years of age, that is, they cannot respond to their acts like adults, but they are also not exempt from responsibility for their acts, being subject to protective and socio-educational measures.

There are three subsystems for children and adolescents: the first, which provides for the guarantee of fundamental rights for children and adolescents; the second, which refers to guarantees of special protection for children and adolescents at risk; and the third related to guarantees for adolescents involved in infractions in a perspective of respect for pedagogical accountability. The ECA provides, on individual rights, procedural guarantees, presenting the definition of Protective Measures and Socio-Educational Measures (MSE), which involve the warning, the obligation to repair the damage, Assisted Freedom, semi-liberty and hospitalization

that are classified such as legal measures or criminal legal sanctions imposed on adolescents who commit an infraction.

According to the sum of the infraction committed and described in the sentence, there is a “ranking” of priority of vacancies for the units. Soon after, an administrative analysis is carried out on the availability of vacancies in the units. And at the end of this process, if there is a vacancy, the student will be inserted in one of the units.

For men, there are five provisional detention centers (CENIP), nine detention centers (Case) and seven semi-liberty houses (Casem) (FUNASE, 2021). Adolescents will have their rights to education and professional training guaranteed in the services offered in neighborhoods close to Casem, without the need for judicial authorization.

RECOMMENDATIONS IN THE FACE OF THE NEW CORONAVIRUS PANDEMIC

The main recommendations for the adoption of sanitary measures were: the reduction of crowds in the units, measures in cases of suspicion or confirmation (isolation of the adolescent who presents symptoms and immediate referral for treatment in the health network), communication to the competent court about the cases and rules for visiting the units, the mandatory cleaning of the visiting spaces and the supply of masks, as well as personal protection items to visitors and socio-educators.

The National Council of Justice (CNJ) recommended that judges reassess the measures of internment, internment-sanction and semi-liberty, aiming at the possibility of replacing them with another measure in an open environment, suspension or remission for adolescents who were part of the risk group., those who were in crowded detention and semiliberty units, or those who were in

units that did not have a health team or who were under interdiction or precautionary measure (BRAZIL, 2020). The semi-liberty measure was suspended (the moment when the adolescents returned to their family and community life).

In view of the restrictions, telephone contact between the student and the family took place through video calls, via cell phones and computers, under the supervision of the technical and security team. Virtual contact is still available at the units, mainly for socio-educational students whose families live far from the unit. The number of administrative transfers between units has also been reduced, as well as the prohibition on the entry of socio-educational students from other states.

In this context, lectures and workshops were held with socio-educators, employees and family members on measures to prevent COVID-19 and hygiene of hands and living spaces. Furthermore, recommendations were made to avoid crowds of people in the units, as well as the distribution of information leaflets and the posting of posters containing prevention and care guidelines at the entrances and living spaces of the units.

FUNASE SHARES

FUNASE, with the institution's own resources and through donations from institutions, distributed cleaning materials (bleach and 70% alcohol) among the units for cleaning and care in the physical spaces, as well as distributing supplies for personal hygiene (alcohol and liquid soap) to the students. Sprayers, Personal Protective Equipment kits (face shield, masks, 70% alcohol, gloves, among others) were also purchased, which were distributed to the employees of the units. Thermometers and tests for COVID-19 were also obtained.

A “Crisis Commission” was created to coordinate, articulate, inform and monitor

prevention actions in the units (FUNASE, 2020). A protocol for notifications and daily monitoring of suspected or confirmed cases of COVID-19 was prepared to ensure compliance with health recommendations for immediate isolation.

Some measures were also taken: medical care provided by infectologists, requesting tests for suspected cases and referrals to the health network when necessary; there was a suspension of dental care in the socio-educational units, with the exception of those of urgency, and an outpatient clinic at CENIP/Recife, in addition to the implementation of the Basic Health Unit at Case Cabo in the city of Santo Agostinho, were created.

Employees and students were vaccinated against influenza (H1N1) and care and prevention of Sexually Transmitted Infections (STIs) were promoted. As well as, all employees and socio-educators were already vaccinated in June 2021.

Other pedagogical activities could not be carried out, such as external activities, collective events within the units (religious, sporting and cultural), and often the online classes could not be adequately monitored. Many hearings took place virtually between the court, the teenager, the family and the team. Also, the right to sport, leisure, professionalization, calls and video audiences must not exceed the amount of 8 people with a distance of 1.5 m between them.

There was a reduction in the working day for technical, administrative and outsourced workers to six hours (from 8 am to 2 pm) in the rotation mode between face-to-face and home office hours. For civil servants who are part of a risk group (elderly people, people with chronic diseases, pregnant women and women with children under 01 years old), face-to-face work was waived. As for the schedule for socio-educational agents on duty, the scale was 24 for 96 hours of rest, regulated

by Ordinance of FUNASE.

Therefore, as of November 1, 2021, FUNASE, through normative instruction nº 001/2021, called for the return to face-to-face work, daily and without rotation of all employees who were outside the risk groups, at 8 am to 4 pm, requiring a distance of one meter between them (FUNASE, 2021).

Professionals, even social workers, use virtual means and telephone contacts to carry out their attributions and skills to meet the demands that occurred during the rotation period (face-to-face and remote work). Thus, all professionals sought to adapt to the new modality, making use of resources such as: cell phones, computers, internet, and other means (TEJADAS; JUNQUEIRA, 2021).

MEASURES IN THE FACE OF SEMI-LIBERTY

Semi-freedom, at first (Act 001/2020, of March 17, 2020), became 30 days, and may be extended by other acts until November 2020. Act 0025/2020, published in November by Regional Court of Childhood and Youth, summoned 50% of adolescents to gradually return to activities. For this, they were divided into groups of up to 10 adolescents, who alternated their stay in the unit, while the other 50% of adolescents remained with the measure suspended. Semiliberty, in turn, corresponds to 9% of the total number of juvenile offenders.

The issue of age and schooling distortion, caused by school dropout (further increased by the new coronavirus pandemic). Abandonment and/or dropping out due to the negligence of the family, the State and society, and the need for early work, involvement with drugs and infractions, are factors that favor removal from the school environment, in addition to other structural factors of the educational system and social policies, not allowing the social insertion of these young

people in society.

According to reports from families and adolescents in this period of suspension of the MSE (Socio-Educational Measures), via telephone contact or in face-to-face consultations, most adolescents did not stop abusing drugs and even intensified their use, becoming deprived of assistance from the Psychosocial Care Center for Alcohol and Drugs (CAP's AD). A great deal of rejection was observed on the part of the adolescents with regard to the assistance and follow-up provided by the referred service. Some adolescents believe they do not need treatment and do not recognize the abusive use of narcotics or the need for specialized care. A lack of knowledge about the service on the part of family members and adolescents was noted, as they associate the service only when there is a need for issues of mental disorders. The situation was aggravated by the precariousness in which the families live, as well as by the reduced offer of educational services (schools, kindergartens), social assistance (CRAS, CREAS, CAP's, among others) of spaces for leisure, sports activities and professional qualification, the which do not meet basic needs. Adolescents are constantly involved in the sale of drugs in the regions where they live, there is still the difficulty of authority/respect in the relationships between parents and children in the conduction of limits/rules, especially nowadays, the biopsychosocial changes that occur in adolescence, among other factors that affect and weaken the family and community life of adolescents and young people.

CONSEQUENCES FOR THE STUDENT AND PROFESSIONALS

With the weakening of dialogue and actions to strengthen family and community ties, and the reduction of support networks for adolescents and their families, the failure to carry out educational work in groups and the difficulty of inserting adolescents in services, programs and existing projects in the community. Also, insertion and monitoring in the school network, in professional qualification activities (courses and internships), in sports, leisure and cultural activities, in monitoring mental health services and treatment for drug use and access to civil documents, among other demands, the socio-educators had many losses.

In addition to the weakening of the profession's operational instruments (observation, interview, carrying out institutional and home visits, meetings and meetings with the service network (TEJADAS; JUNQUEIRA, 2021). During this period, the preparation of documents, such as the Plan, was suspended. Individual Assistance (PIA) and the adolescent's periodic evaluation report. However, the weekly follow-up assigned to the technical teams through telephone contact with the adolescents and the preparation of a fortnightly report was a routine and supervisory task, being based on the fulfillment or not of the conditions of the term signed by the adolescent and the family. It is also observed that, in most cases, the team's position was not considered by the representatives of justice (prosecutors and judges), being just another document in the adolescent record.

It was necessary to extrapolate the elaboration of technical instruments required by the judiciary, in accordance with the ideals of the professionals who make up the technical teams, since these bureaucratic demands of the system often lead to the

interruption of the work of assisting and monitoring adolescents. Since professionals are pressured to submit responses, with short deadlines, to the judiciary through subpoena. It is true that the aforementioned attributions tend to be overshadowed by the institutional routine that imposes emergency actions, making them almost always part of everyday life. In this context, it is up to the social worker to be creative and purposeful in their socio-occupational space, thus avoiding a focalist and conservative role in their practice, encouraging them to depart from theoretical-methodological, ethical-political and technical-operative to guide and mediate their professional practice, according to Yamamoto (2012).

CONCLUSION

The issue of age and schooling distortion, caused by school dropout (further increased by the new coronavirus pandemic); Abandonment/dropout arising from

negligence by the family, the State and society, early entry into work, involvement with drugs and infractions, are factors that favor removal from the school environment, and other structural factors of the educational system and of social policies, not allowing the social insertion of these young people in society.

The criminalization of poverty, the incarceration of the child and youth population and the judicialization of rights are intensified by the intensification of the expressions of the social question produced by the process of production and reproduction of capital.

Most adolescents returned to the context of violation of rights, in which they continued to be exposed to situations that contributed to their involvement in the practice of the infraction, as well as to the abusive use of drugs. Such aspects were intensified by the lack of access to social policies and by the coercive actions of intolerance and discrimination present in relations with society and the State.

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