

# Rebellions, murders, educational centers: concerns and issues on the socio-educational system in Ceará

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## Abstract

This article addresses the execution of the socio-educational system as a public policy, mainly the branch of criminal organizations in educational centers in Fortaleza, Ceará, Brazil. With the so-called *crisis of the socio-educational system*, from the 2000s on, there was a dynamics reconfiguration in confinement centers, accentuated by the branch of criminal organizations. Such a public policy should, based on a set of actions, guarantee an accountability process towards minor or major infractions, but the context of these centers is reported as being violent, through the murder of young inmates, constant rebellions, threats, and torture. Such a context intensifies the punishment perspective in confinement centers. For constructing this study, a qualitative methodology has been chosen, by using field diary and participant observation in an educational center in Fortaleza City.

**Key words** youth; criminal organizations; educational center; discipline.

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## Rebeliões, homicídios, centros educacionais: inquietações e problematizações sobre o sistema socioeducativo cearense

### Resumo

Este artigo problematiza a execução da política pública do sistema socioeducativo, sobretudo a ramificação das facções criminosas nos centros educacionais de Fortaleza-CE. Com a denominada *crise do sistema socioeducativo*, a partir da década de 2000, houve uma reconfiguração da dinâmica nas unidades de internação, acentuada pela ramificação das facções criminosas. Essa política pública deveria, a partir de um conjunto de ações, garantir um processo de responsabilização do ato infracional, porém, o contexto dessas unidades se apresenta de forma violenta, via assassinato de jovens internos, constantes rebeliões, ameaças e torturas. Tal contexto intensifica a perspectiva de punição nas unidades de internação. Para a construção deste estudo, optou-se pela metodologia qualitativa, com uso de diário de campo e observação participante em um centro educacional no Município de Fortaleza.

**Palavras-chave** juventude; facções criminosas; centro educacional; disciplina.

## Rebeliones, homicidios, centros educativos: inquietudes y problematizaciones sobre el sistema socioeducativo en Ceará

### Resumen

Este artículo aborda la ejecución del sistema socioeducativo como una política pública, principalmente la rama de organizaciones criminales en centros educativos en Fortaleza, Ceará, Brasil. Con la llamada *crisis del sistema socioeducativo*, a partir de la década de 2000, se produjo una reconfiguración de la dinámica en los centros de confinamiento, acentuada por la rama de organizaciones criminales. Dicha política pública debería, con base en un conjunto de acciones, garantizar un proceso de responsabilización del acto infractor, pero el contexto de estos centros se muestra de manera violenta, a través del asesinato de jóvenes reclusos, rebeliones constantes, amenazas y torturas. Tal contexto intensifica la perspectiva de penalización en los centros de confinamiento. Para construir este estudio, se eligió una metodología cualitativa, mediante el uso de diario de campo y observación participante en un centro educativo en la Ciudad de Fortaleza.

**Palabras clave** juventud; organizaciones criminales; centro educativo; disciplina.

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## Introduction

This article proposes to think through the execution of the socio-educational measure of deprivation of liberty, by having as an inflection point the ramifications of criminal organizations in the Educational Center Patativa do Assaré (Centro Educacional Patativa do Assaré – CEPA), a government institution in the National System of Guarantee of Rights (Sistema Nacional de Garantia de Direitos – SINASE) that addresses particularities in the State of Ceará. The CEPA serves youngsters who have committed some kind of infraction in order to enforce a socio-educational measure of deprivation of liberty with a view of leading to their re-socialization, as provided for by the Lei n. 8.069 (Estatuto da Criança e do Adolescente [ECA], 1990).

Although the ECA (1990) is an advanced piece of legislation – with this overt proposal of re-socializing youngsters who committed infractions, through the application of socio-educational measures of deprivation of liberty and/or in an open-ended environment<sup>1</sup> –, there is a need to analyze its execution via government institutions, with a focus on educational centers<sup>2</sup> in the State of Ceará. From this perspective, we highlight the poor conditions to put such measures into practice in a context that weakens the protective State that guarantees rights – with few public investments in the social sphere as a tendency adopted by the Brazilian government after the ‘coupeachment’ – interwoven to advance in the so-called criminal organizations in Ceará<sup>3</sup>. They are ramified in our urban margins (Bezerra, 2015), in prisons, and, in more recent years, in educational centers in Ceará, disputing standards and meanings of order, of law, of justice, above all, with government institutions, among other players acting in those spaces. This complex issue assumes a dramatic pose within educational centers in Ceará in the XXI century, which register murders – attributed to criminal organizations – of youngsters undergoing socio-

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**1** We name as *socio-educational measures* those applied to youngsters sentenced for infractions, after complying with the entire due process of law. All socio-educational measures are included in the ECA (1990) and they are applied according to judge’s view. As recommended by the ECA (1990), socio-educational measures have three goals: a) to hold youngsters accountable; b) to bring them into society from the perspective of guaranteeing rights; and c) to disapprove the infraction regarded as a crime pursuant to the Decreto-Lei n. 2.848 (Código Penal [CP], 1940).

**2** *Prison confinement centers or educational centers* are institutions managed by public power. These spaces are aimed at the deprivation of liberty of youngsters aged between 12 and 18 years who have committed any type of crime or criminal offense. Educational centers should work by relying on a pedagogical perspective whose purpose is holding youngsters who commit an infraction accountable, as recommended by the ECA (1990).

**3** As Nascimento (2017) points out, in the State of Ceará there is an interweaving between the prison system crisis, which has intensified since 2010, and the criminal organizations’ insurgency. Nascimento (2017) highlights that the statistics show a significant increase in the number of people deprived of liberty in Ceará, which, given the instability of prison management due to overcrowding and absence of material conditions for prisoners’ survival, provided fertile ground for the organized groups within prisons. In 2016, many attacks on public equipment and public transport, including Civil Police stations in the Metropolitan Region of Fortaleza, were commanded from within prisons. This demonstrates the extent of illicit activities beyond the prison walls.

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educational measures of deprivation of liberty who, as such, were under the protection of the so-called rule of law. Therefore, it is worth putting into question the realization of socio-educational measures in this adverse contemporary context at the local level.

The analysis of the aspects at stake occurred within the period from 2012 to the first half of 2018<sup>4</sup>. We adopted in this research process the qualitative methodology, using field diary, participant observation, and interviews with young offenders and mothers of individuals deprived of their liberty undergoing socio-education. In the specific approach of this article, we emphasize, among the theoretical-methodological contributions adopted, Michel Foucault's works related to vigilance and discipline, in order to grasp the dynamics in progress in the CEPA. In Foucault's philosophical works, we prioritize the moment in which the author, as Muchail (1992, p. 9, our translation) pointed out, interconnects "discourses and intra-discourses and begins to prioritize their intersection with the fabric of social institutions and practices."

## **Constitution of the socio-educational measure of deprivation of liberty**

The early 20th century was marked by the incidence of many actions taken by the Brazilian State in the area of childhood and youth in situation of poverty, which became the object of public intervention due to the denser social demands concerning social, economic, political, and cultural transformations (Leite, 2014).

In its article 1, the Decreto n. 17.943-A (Código de Menores, 1927, our translation) explained the law applied to the "abandoned minor, of one sex or the other, who is under 18 years of age," and she/he is "submitted by the competent authority to the assistance measures contained in the the Código de Menores." The Estado Novo (1937-1945), headed by Getúlio Vargas, became known as a period marked by establishing the apparatus to enforce social policies in this country, due to the Constituição dos Estados Unidos do Brasil (CF, 1937, our translation), which provided for "child and youth care."

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**4** This research refers to the period from 2012 to the first half of 2018, corresponding to cross-linked research processes, producing fruitful dialogues about the changes taking place in the urban margins of Ceará, focusing on the metropolis Fortaleza City. We think it is worth highlighting our Ph.D. fieldwork conducted in the city outskirts, between 2009 and 2014, in order to capture a unique moment before the arrival of criminal organizations and the initial phase of their branching in our urban margins. From this perspective, see Bezerra (2015). And, equally relevant, we highlight the cycle of field research conducted within the period from 2014 to the first half of 2018, concerning the writing of the Undergraduate Monograph in Social Work completed in 2014; the participation in monitoring the public policy of the Socio-Educational System in Ceará, made possible by the Advocacy Forum for Children and Teenagers Rights (Fórum de Defesa dos Direitos da Criança e do Adolescente – Fórum DCA); and during fieldwork for the MA Dissertation in Sociology, submitted in June 2018. In this investigative process, we had the opportunity to monitor significant changes in the materialization of socio-educational measures of deprivation of liberty within the educational centers in Ceará, among which we highlight the CEPA – discussed in this article.

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The Minors' Care Service (Serviço de Assistência ao Menor – SAM) was created in 1941, a national policy applied in all federal states, with a corrective, repressive, and assistance-driven service model. Its function was serving 'poor minors' and 'offenders,' according to the prevailing nomenclature at the time. Its operation was aimed at receiving inmates, in order to penalize the youngsters, and it followed the prison system model<sup>5</sup>. The SAM was extinguished in 1964, after the military coup. A target of criticism, the SAM was replaced by the National Foundation for Minors' Well-Being (Fundação Nacional do Bem-Estar do Menor – FUNABEM), a normative agency related to the National Policy on Minors' Well-Being (Política Nacional do Bem-Estar do Menor – PNBEM), whose execution was attributed to the State Foundations for Minors' Well-Being (Fundações Estaduais para o Bem-Estar do Menor – FEBEMs). The Código de Menores (1927) was repealed by the Lei n. 6.697 (Código de Menores, 1979). According to Vasconcelos (2003), there were no significant changes after this new legislation.

In the end of the 1980s, with the Brazilian redemocratization process, organized segments of our civil society began to intensively advocate social protection for children and teenagers. The Constituição da República Federativa do Brasil (CF, 1988) brought the *comprehensive social protection doctrine*, aimed at guaranteeing the rights of children and teenagers. From this perspective, the Children and Teenagers Statute (Estatuto da Criança e do Adolescente – ECA) was promulgated in 1990.

From that moment on, the Right Guarantee System (Sistema de Garantias dos Direitos SGD)<sup>6</sup> was created, followed by the implementation of the National Council for Children and Teenagers Rights (Conselho Nacional dos Direitos da Criança e do Adolescente CONANDA), the Guardianship Councils, the Children and Teenagers' Court Jurisdictions, the Specialized Police Stations, the Executive Branch and the Legislative Branch, favoring the organization of forums and conferences, the creation of specific laws, etc. The idea of children and teenagers as growing persons emerges, with significant physical, psychic, and social changes, which culminate in the maturity and organization of their system of values and beliefs, a part of their subjectivity.

After the ECA (1990), teenager means a person aged between 12 and 18 years – exceptionally until 21 years.

According to this current regulation, preventive measures are aimed at children – their parents or legal representatives being held accountable – and socio-educational measures are aimed at teenagers who committed infractions. This consists in a specific

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**5** The SAM's idealizers believed that the repressive model could eliminate criminality, its execution was marked by violations and deprivations. It is worth considering that these teenagers were treated with a view to maintaining 'order' and 'respect.'

**6** Devised by the ECA, the SGD represents an interconnection and articulation of many public authorities when applying the promotion, advocacy, and control mechanisms for the realization of children and teenagers' human rights at all levels (from the federal to the municipal). The SGD materializes by means of public policies, putting social control into practice through civil society.

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regulation for the child-juvenile population, since individuals under 18 years of age are not held accountable<sup>7</sup>, according to Article 23 of the Decreto-Lei n. 2.848 (Código Penal [CP], 1940). Differences between the *criminal system* and the *socio-educational system* were outlined by having the ECA (1990) as a basis.

The ECA (1990) became a special legislation for children and teenagers, guided by the *comprehensive social protection doctrine* paradigm. In this approach, it put into question the nomenclatures and meanings of ‘poor minor’ and ‘offender,’ which brought an entire historical route of ‘poor person’s stigmatization and blame.’ In legal-political terms, it recognized children and teenagers as subjects of rights.

From this perspective, the regulation of socio-educational measures for teenagers who committed an offense implied other major changes in this field, namely: closing the ‘reformatories’ and the FEBEM, which were included in a national policy with a punitive view pursuant to the Código de Menores (1927, 1979). Such measures are organized as: in an open environment, where the teenager is held accountable for the infraction without losing her/his liberty; and in a closed environment, when the offender is held accountable for the act and deprived of her/his liberty, in order to undergo the measures adopted in socio-educational centers. These government institutions should receive teenagers who have committed offenses considered serious.

According to the SINASE, these educational centers have conceptual and legal standards for their operation and service, with a view to guaranteeing an interconnected public policy with specific characteristics, in line with the ECA (1990) and the CF (1988). However, we direct our inquiring gaze beyond the legal-political proposition, in order to apprehend the dynamics of a particular educational center: the CEPA, in Fortaleza.

## Unfolding the space

In a narrow, unpaved street, the road was covered in dust, sidewalks were pitted, and garbage heaped up in front of humble houses, which had doors and windows with bars. Across the street there was a tall building, surrounded by a high, extensive wall with some cracks and graffiti. About six vigilance columns were distributed along the entire length of the building, which occupied more than one block<sup>8</sup>. That is Rua Estrada do Ancuri<sup>9</sup>, in the Santa Fé district, in Fortaleza City – where the CEPA is located.

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**7** Children and teenagers up to 18 years of age are not held accountable under the legislative norms of the Decreto-Lei n. 2.848 (CP, 1940), but they are submitted to the ECA (1990), which has socio-educational measures to hold them accountable.

**8** Generally, *block* is the name given to a determined urban space, with about 100 m of width in each side. It is a square or rectangular space.

**9** Located in the peripheral zone of Fortaleza, it is included in the Regional VI, consisting of 27 districts. According to the Municipal Department of Economic Development (Secretaria Municipal de Desenvolvimento Econômico – SDE), the district at stake has a human development index (HDI) far below the average value.

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This institution is divided into two buildings circumscribed within the same physical space. The first part consists of the administrative area, which gather the room of the educational center's direction, the psycho-social service room, the employees' cafeteria, and a circular area surrounded by bars, intended for the visits of young inmates' family members. The second part consists of a physical structure subdivided by bars and gates, which separate the corridors, where the dormitories, the bathroom, an indoor sports court, and a cafeteria for the youngsters are located<sup>10</sup>.

The dormitories are quadrilateral spaces, having the same size, a small area, where the entrance and the exit are delimited by an iron gate, which is locked and watched by socio-educators. The structure of this second part consists of a central corridor, in which the dormitories are distributed by facing each other. In parallel, there are six vertical corridors, which concentrate the classrooms, a collective bathroom, and the cafeteria for inmates.

In this brief description of the CEPA, we focus on the currentness of Michel Foucault's (2009) thought, which instigates us to think of disciplinary societies, especially in the late 18th and early 20th century, considering the individuals' location, the isolation technique, and the docilization of bodies through discipline and the panoptic look. According to the author, the discipline works from the perspective of an 'art of detail':

Thus, discipline manufactures submissive and exercised bodies, 'docile' bodies. Discipline increases body strength (in economic terms of utility) and decreases the same forces (in political terms of obedience). In a word: it dissociates body power; it brings, on the one hand, an 'aptitude,' a 'capacity' that it seeks to increase, and on the other hand it reverses the energy, the power that could result from it, and makes it a strict submission relation (Foucault, 2009, p. 134, our translation).

Vigilance and punishment spaces create reactionary discourses, such as 'rehabilitation and insertion' of these individuals in social life, in order to build, as Foucault (2009) points out, docile bodies that facilitate the implantation, maintenance, and transformation of value and behavior models, therefore, in the discipline service. The view of vigilance, as the author points out, works imperatively and, in this sense, it seems to be present in the functionality and nature of educational centers for adolescent offenders deprived of their liberty.

According to Foucault (2009, p. 137, our translation), discipline "sometimes requires a fence, the specification of a place heterogeneous in front of all the others, closed in on itself." Prison, in this sense, consists of a place where the individual should be seen and controlled. And, in a similar way, we point out that the CEPA exerts this control over

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<sup>10</sup> Description made in field diary in the year 2016.

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the adolescent inmates, regarding the need for restriction, control, and vigilance of their individualities in correlation with the daily process of ‘docilization of juvenile bodies.’

Article 5 of the ECA (1990) states that “no child or teenager shall be subject to any form of neglect, discrimination, exploitation, violence, cruelty, and oppression.” However, when entering the institutional reality and dialoguing with children and/or teenagers admitted to undergo a socio-educational measure of deprivation of liberty, the field data signal a space of multiple materialization of violence, setting up repeated violations of rights perpetrated by the State itself.

Carmem Silveira de Oliveira (2001) brought significant theoretical and methodological contributions to discuss these institutional spaces and the treatment of adolescent offenders, especially in educational centers as loci of violation of rights. In the sense of this author, also inspired by Foucault’s analytical contributions, training constitutes one of the greatest violations, because it represses autonomy and disrupts singularities. In short, it is translated into training for obedience, for obeying compulsory social rules. A situation also grasped in the CEPA’s dynamics: when an inmate put into question or broke an established institutional rule, she/he was punished. To that end, physical force and intimidation, that is, coercive means and/or violence, towards certain *social types* within this institutional space, as evidenced in the narratives of adolescent inmates, were often used. In this interpretive line, we corroborate Foucault (2009, p. 165, our translation), who states that:

The exercise of the discipline presupposes a device that obliges by means of the eye game: a tool where the techniques that allow us to see induce power effects, and where, in return, the coercion means make clearly visible those to whom they apply.

During our research process, Valente<sup>11</sup>, a 17-year-old boy, who already had 3 other passages due to the same infraction – armed robbery –, was at the center for 7 months. When entering the social service room, for participating in a semi-annual report<sup>12</sup>, he soon mentioned:

*I don't like that hell. Every day is the same, whether it's for care, for a visit, or to call my mother. When I get out of the cell, I'm inspected, I get naked and crouched down, they use their hand everywhere, then when I come back, it's the same thing. That is hell, I can't take it anymore!*

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**11** Fictitious names were used. Description made in field diary in the year 2014.

**12** In the CEPA, the adolescent inmates devise along with the technical team a report, on a semi-annual basis, addressing compliance with the measure. He is referred to the 5th Children and Teenagers’ Court Jurisdiction.



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These discipline practices were a daily routine at the CEPA, set up as “meticulous techniques, often intimate, but they have their importance” (Foucault, 2009, p. 134, our translation). Exercising and showing control over human bodies outline that “discipline is a detailed political anatomy” (Foucault, 2009, p. 134, our translation). After all, resorting to control and vigilance of bodies and spaces, it is possible to dominate and use bodies to meet certain purposes (im)posed to some institutions.

## Educational center and discipline

As Foucault (2009, p. 137, our translation) points out, “discipline firstly resorts to distributing individuals in space.” The location chosen for the educational center is fenced, protected by walls, where the youngsters are deprived of their liberty. When the author writes about the ‘art of distribution,’ using schools, barracks, and factories, detailing schedules, about the strictness of rules, there is similarity in thinking the operation and dynamics of a educational center.

Disciplinary systems are put into practice in institutions, especially in state or parastate institutional networks, such as criminal micro-courts and they can institute the norm power within the democratic system (of formal equality) and within a supposed homogeneity of belonging to the social body – in relation to compliance and in accordance with the standard – in the same proportion as it delineates a series of gradations/hierarchies, classifications, individual inclusions/exclusions (Bezerra, 2011).

Thus, we notice that specific pieces of legislation aimed at seeing youngsters from a perspective that moves away from the punitive version of the ‘minor offender’ are still fragile in terms of their realization. Pinheiro (2006) claims that there is a distance between what governs the law and what concerns its effectiveness. A condition registered in the monitoring report by the Socio-Educational System of Ceará produced by the Fórum de Defesa dos Direitos da Criança e do Adolescente (Fórum DCA, 2011, p. 54, our translation)<sup>13</sup>:

The very ambience of educational centers in Ceará consists in violence by itself, in its architectural form, in the dormitories that look more like cells, in the existence of a lock, in the lack of guarantee of other fundamental rights.

The socio-educational nature seems to be subsumed in discipline and coercion practices, which (re)produce negative images of these adolescent offenders, getting closer to the public figure of the ‘marginal, delinquent, dangerous’ teenager, above all in situation

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**13** The Forum of Non-Governmental Organizations Advocating Children and Teenagers Rights (Fórum de Organizações Não Governamentais em Defesa dos Direitos da Criança e do Adolescente) – Ceará. This non-governmental organization (NGO) conducts every two years a monitoring of the socio-educational system in the state.

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of poverty and living in our urban margins. In a critical version, Oliveira (2001, p. 27, our emphasis, our translation) states:

This is how we can say that the rationale of the Code of Minors was premised on the 'childhood and adolescence in danger', but with a meaning different from what we read in the Statute today. There was a clear concern about the poor population sectors, in order to keep them under permanent control as they put public spaces, streets, and squares under threat. It was necessary to organize and control poverty (politically, morally, and hygienically) due to its possibility of posing a risk for communities. Thus, from the middle of the 20th century on in Brazil, besides the blacks and slum dwellers, migrants began to be included in the 'dangerous' group and, in the last decades, youngsters coming from the outskirts have occupied a prominent place in the discourses on violence and social insecurity.

In the educational centers, we noticed, through evaluation of documents and field work, that violence was present not only due to affirmation and use of physical force, but by imposition of a disciplinary standard similar to the repressive way stemming from the perspective of the Código de Menores (1927, 1979) prepared in the early 20th century. So, it is worth mentioning the situation we observed on April 23, 2014, in the CEPA's cafeteria, when some practitioners – social workers, psychologists, and pedagogues – were providing the adolescent inmates with care. Let us follow this brief narrative for better reflection.

When the teenager Miguel<sup>14</sup> – undergoing a socio-educational measure of deprivation of liberty – passed by some CEPA professionals in the corridors, he expressed energetically:

*Damn it man, it's just a fucking photo. I wanna see my daughter, man. She's just born. I want it! I want the photo. It's just a photo.*

Behind him, the instructor asked him to calm down and said that it was not possible to give photos to any of the inmates. Miguel was enraged. The boy hurried off. One of the social workers in the corridor at the time told the teenager that she would keep the picture on the inmate's record and that Miguel would receive it after being released. Miguel looked at her and answered:

*Why can't I have a fucking photo? She's my daughter.*

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14 Miguel is a fictitious name given to this teenager. Description made in field diary in the year 2014.

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Another practitioner simply replied:

*You can't!*

Miguel strongly opened the door of his dormitory at once and knocked on the bar. At that time, the instructors' head harshly addressed the teenager, who ran through the corridors. Immediately afterward, seven instructors came to him and seized him by the neck, the legs, and the arms. They took him to a reserved space, which the inmates name as 'locked room.' When the instructors entered along with Miguel, the gate of this small space was closed. Some technical team's practitioners of the institution spoke, referring to Miguel:

*This guy is rebellious.*

The other inmates, who saw the scene from within their dormitories, began to kick and hit the bars, making noise. Several instructors began to run and there was shouting:

*Do you have a lighter?  
It's fire.*

The inmates were breaking toilets in their dormitories. It was the beginning of a 'rebellion.' The teenagers were outraged at what had happened to Miguel. Within some hours, relying on the presence of socio-educators, the rebellion was controlled and the other employees were removed from the facility. However, the tension remained in that space.

Rebellion situations took place several times in the CEPA, above all during the years 2014 to 2016, in order to discuss the way how this socio-educational measure has been materialized and its proposal of juvenile 're-socialization,' which still seems to us far from the recommendations of the ECA (1990). This brief description shows how the CEPA's limitations and institutional rules are (im)posed in a violent way and resorting to abuse of power on the part of those who should be responsible for guaranteeing comprehensive social protection interconnected to the socio-education provided to these youngsters, as intended by the socio-educational measures regulated by the ECA. In these parameters, the predominant dynamics in the CEPA seems to resemble the 'imprisonment' that, in the fruitful analysis by Foucault (2009, p. 252, our translation):

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[...] also manufactures the offender, imposing violent limitations on inmates; although it is intended to apply laws and to teach how to observe them; well, its whole operation unfolds in the sense of abuse of power.

Within the research period, we observed that the CEPA was full of contradictions, mainly with regard to the guidelines of the ECA (1990) and, also, of the SINASE, concerning indoor measures. This analysis was confirmed by institutional documents produced by the National Council of Justice (Conselho Nacional de Justiça – CNJ), by the Fórum DCA, and by the narratives of adolescent inmates themselves in the educational centers in Ceará, specifically in the CEPA.

So, it is worth putting into question the extent to which these ‘socio-educational’ institutions are still equivalent to prisons and, if they are, what their effects on these youngsters are. We consider pertinent the statement below, written by Lïc Wacquant, in his critique of the bankrupt prison administration of misery and, consequently, of mass confinement associated with criminalization of poverty, especially in relation to poor youngsters from the outskirts of metropolises in this 21st century. In the author’s words:

As for imprisonment, it teaches the young offenders, above all, to become better outlaws [...] failure in the criminal management of misery serve to justify [...] its indefinite discourse on individual responsibility and ‘recidivism’ eventually becomes naturalized (Wacquant, 1999, p. 17, our translation).

But what is the point when we focus on these dynamics of the CEPA and consider its possible similarities to a ‘prison’ in terms of discourses and practices adopted to deal with young offenders and in compliance with a socio-educational measure of deprivation of liberty? Which are the effects of this disciplinary power, which resorts to devices of violence, in relation to the intended re-socialization of these subjects? If the prison perspective is still embedded in these dynamics of the CEPA, to what extent is it consistent with Wacquant’s (1999, p. 17, our translation) claim that ‘imprisonment’ – and, hence, institutions that resemble it – “teaches the young offenders, above all, to become better outlaws.” And, this way, it seems to enhance such spaces as fruitful to ramifications of criminal organizations that play an increasingly important role in the State of Ceará in the 21st century.

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## Branching of criminal organizations in educational centers in Ceará

During the years 2014 and 2015, the Report on Inspection of Confinement Centers of the Socio-Educational System in Ceará (Relatório de Inspeções das Unidades de Internação do Sistema Socioeducativo do Ceará)<sup>15</sup> registered a total of 60 rebellions, riots, and conflicting episodes involving all socio-educational care centers for male teenagers in Fortaleza. Based on this report on inspection, for the year 2016, the so-called “crisis of the socio-educational system in Ceará”<sup>16</sup> was characterized by rebellions, complaints of torture and ill-treatment suffered by adolescent inmates, and overcrowding, which reached 400% in several centers.

Nevertheless, we highlight that general lack of basic products, such as mattresses, towels, and sheets; restrictions on access to water and the right to receive visits; systematic absence of schooling, professionalization, and cultural, sports, and leisure activities, among other violations of human rights, aggravate the context.

In the middle of this crisis, on November 6, 2015, the death of the teenager Márcio Ferreira do Nascimento, who was shot by a firearm while undergoing a socio-educational measure in the Centro Educacional São Francisco (Fórum DCA, 2011) occurred. Consequently, two other rebellions took place in the Centro Educacional São Francisco and the Centro Educacional São Miguel. Both centers became unusable after these facts. A significant part of the physical structure of buildings was affected because of the fire set by the youngsters. As a result, the educational centers’ inmates were transferred to a military prison, in Aquiraz, Ceará<sup>17</sup>.

We emphasize that this context of deaths, overcrowding, and violation of rights accompanied the deployment of socio-educational confinement measures in the State of Ceará at the time of this research. It expressed an indication of the convergence between these socio-educational centers and prisons, above all when we think of the global tendency of mass confinement associated with criminalization of poverty, by intensifying the criminal-punitive State, as Wacquant (2003) analyzes.

A tendency to which Brazil seems to be aligned, above all in this post-‘coupeachment’ era. According to the report by the Integrated System of Penitentiary Information (Sistema Integrado de Informações Penitenciárias – INFOPEN), published by the Ministry of Justice,

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**15** Joint report on inspection for April/May 2016, by the Fórum DCA and the Care Center for Teenagers and Young Persons in Conflict with the Law of the Public Defender’s Office in the State of Ceará (Núcleo de Atendimento dos Adolescentes e Jovens em Conflito com a Lei da Defensoria Pública do Estado do Ceará NUAJA/DPE), dated November 12, 2015.

**16** Within this period there were numerous episodes, published in newspapers (Paiva, 2015).

**17** Provisionally used for compliance with socio-educational confinement measures, despite the express prohibition of § 1 of Article 16 of the Lei n. 12.594 (Lei do Sinase, 2012) to the building of socio-educational centers in contiguous spaces, annexes, or any other setting integrated into penal facilities.

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in 2014, our country showed a significant increase in the prison population, at an accelerated pace, despite the fact that the prison centers remained in precarious conditions, mainly in terms of infrastructure.

The aforementioned report indicates a growth of 161% in the total number of prisoners from 2000 to 2014. This way, the number of prisoners in Brazil reached 607,731 people, a contingent that ranks the country as the 4th largest prison population in the world. So, we highlight that this intense pace of arrests and imprisonment took place in 2002, in a scenario where the Brazilian State had 239,000 prisoners, i.e. 60% less. From the 2000s on, Brazil has registered a 7% increase in the number of arrested persons.

With one of the largest incarcerated populations in the world, the prison system's conditions remain mortifying, as the INFOPEN report warns. In 2014, Brazil had a deficit of 231,000 places. This means that the Brazilian prisons experience a condition of overcrowding and lack of capacity or infrastructure, with 1.6 prisoner per place. This situation is serious, because in 1/4 of the prisons there are more than 2 prisoners per place.

The INFOPEN report points out that 2 out of 3 inmates are black-skinned and half of the prison population did not attend or have incomplete Elementary School, being a significant majority of the male prison population. Also, 56% of them are young, aged between 18 and 29 years.

At the national level, the data presented and discussed do not differ in other Brazilian states. We focus Ceará herein, whose prison occupancy rate reached 189% in December 2014. This means that, with a prison population around 21,648 inmates and 11,476 places, there is a deficit of 10,172 places (89%), which causes overcrowding in police stations and prison facilities, leading to violation of basic fundamental rights, with lack of infrastructure and care for inmates.

This reality of the prison system dialogues with the socio-educational system. According to the SINASE Annual Survey, published by the National Department for Children and Teenagers Rights of the Ministry of Human Rights (Secretaria Nacional dos Direitos da Criança e do Adolescente do Ministério dos Direitos Humanos – SNDCA/MDH), the number of youngsters undergoing deprivation and restriction of liberty increased by 58.6% in Brazil. Out of 16,940 youngsters undergoing some socio-educational measures in 2009, the index rose to 26,868 in 2015, indicating the trend of mass confinement and, in this rationale, punitive management of poverty.

In relation to the profile of teenagers and young persons in deprivation of liberty, 96% out of the total are male and 61% were considered blacks or mulattoes, while the rate of white-skinned individuals was 23%, and 14% did not inform their color/ethnicity. Out of the total number of youngsters undergoing the socio-educational confinement measure, 57% are aged between 16 and 17 years, and 17% are between 14 and 15 years.

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Another registry of this study shows that 53 youngsters died, in 2015, within the socio-educational service centers in Brazil. There were 18 deaths (43%) registered as ‘interpersonal conflict’ and 11 deaths due to ‘generalized conflict.’ These figures are higher than those for 2014, when 48 youngsters died. The context of deaths among young persons commonly emerges during rebellions in educational centers (Ministério da Mulher, da Família e dos Direitos Humanos, [MDH], 2018).

Given the above, when speaking of individuals who are deprived of their liberty, Biondi (2008) points out that prison organizations are ways of perceiving how their own rules and standards are deployed in a territory inserted in the wider society, triggering their self-regulation as a result of specific situations. The author thinks through the transformations that occurred within the last three decades in Brazilian prisons, something which indicates a punitive culture and increased confinement, exacerbating a number of negative attributes imbricated in the prison universe. One of the elements pointed out by Biondi (2008) consists in the criminal organizations, which tend to remain in prison facilities and gain even more space in the country’s educational centers.

These criminal organizations are at the epicenter of Brazilian imprisonment, considering the conditions in which the spaces for deprivation of liberty are orchestrated. We may interpret that the intensification of confinement causes a reconfiguration of the prison status, playing a central role in the criminal dynamics. According to Biondi (2008), the organizations are products of the confinement policy and the densification of urban and institutional violence.

In 2017 a slaughter took place within an educational center in Ceará. Four youngsters undergoing socio-educational measures were murdered (Rocha, 2017). This episode intensified the debate about the execution of the public policy in the socio-educational system, as well as about the existence of criminal organizations within the educational centers.

Lourenço and Almeida (2013) claim that, in Brazil, there are additional components that make the prison an even more heinous institution, regarding the nature that it has to impose deprivations. Since the early research initiatives addressing jails in the country, the results show the prison facilities as devoid of minimally adequate conditions for human-worthy confinement. According to these authors, a striking feature of the Brazilian prison system consists of practices of torture and unhealthy conditions, which resisted for centuries in our prison facilities, despite any reform purpose.

According to Wacquant (2003), specifically from the 1990s on, in the United States of America (USA) and in European countries, there has been a downturn in the social security network, with budget cuts in social public policies – particularly in assistance, health care, education, and housing –, as well as the allocation of resources in public security, revealing the repressive-punitive bias of the U.S. government policy. In this sense, policies aimed at

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order control were deployed, relying on the support of the police and judicial apparatus<sup>18</sup>, which expresses the recrudescence of the punitive State as an increasing tendency and opposed to the State in its protective version.

Therefore, according to the author, the police-punitive strategy is not exactly a way of guaranteeing compliance with established social rules, as we might think from a perspective that it was essentially concerned with the normative nature of social phenomena. According to Wacquant (2003), this is an instrument for building a certain policy combined to the generalization of wage and social insecurity, a tool to close/confine poverty, in order to exclude the socially and culturally undesirable persons. In line with this analysis, Bezerra (2011) warns about the urgent need to see how territorial management of urban poverty has been configured – by combining assistance, (re)criminalization, control, and punishment of the poor living in our urban margins –, which, under the expanding criminal-punitive State command, are underway in the 21st century Brazil. The place of poor persons, among them the poor black youngsters from the outskirts, who constitute the prevalent profile of inmates in our educational centers, favors undergoing the measure at stake in a closed environment as an expression of confinement and punitive management of poverty.

## Final remarks

The public policy of the socio-educational system has been conducted with many weaknesses, and the way how these youngsters are treated in educational centers accentuates the context of violations of rights. It is worth analyzing that the educational centers were built by having the comprehensive protection doctrine promulgated in the ECA as a basis. Considering that the so-called FEBEMs, built in the 20th century, were aimed at ‘minors in an irregular situation,’ being designed to serve the poor population in Brazil. Therefore, grasping these spaces presupposes a historical analysis, as traits and treatment ways based on the stigma rationale regarding a minor offender are still perpetuated, and they are intensified in the social imagination. Another point concerns the concept of discipline pointed out by Michel Foucault, the disciplinary power cannot be seen as something negative.

We may interpret that failure of institutions for deprivation of liberty plays a role in their functioning, since this has a purpose: “it contributes to establish an illegality, visible, marked, irreducible” (Foucault, 2009, p. 262, our translation).

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**18** It is a project: a way to watch over the effects of another policy. This time, an economic-social policy that marginalizes a population portion. At the same time, it is also a way to re-educate the lower segments of the labor market according to the new rules of the game – unsafer jobs with poorer conditions. According to Wacquant’s (2003) claim, the punitive State’s growth is accompanied by the much-criticized State’s withdrawal from the economy, as well as the decrease in resources allocated in social programs. And the articulation of these three elements – expansion of the penal system, economic liberalization, and withdrawal from or reduction of social policies.



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Thus, “the proof that imprisonment fails to reduce crimes must perhaps be replaced by the hypothesis... that it has succeeded in producing delinquency” (Foucault, 2009, p. 262, our translation). We dare to point out that the educational center is more effective in managing, from the viewpoint of preserving things, human bodies in proper places, considerably moving away from the possibility of ‘holding youngsters accountable.’

Also according to the author’s thought, Foucault (2009, p. 263, our translation) points out that this failure, on the other hand, this success, has a usefulness of its own: “the success is such that, after a century and a half of failure, imprisonment still remains.” It is understood that confinement by means of techniques and mechanisms managed to produce delinquency, a specific type of it, a subject-object status. Nevertheless, as the author stresses, “these are not defined results, but tactics that move to the extent that they never fully reach their goal” (Foucault, 2009, p. 270, our translation).

Instituting a kind of delinquency set as a closed illegality has its advantages, “it is possible, first, to control it” (Foucault, 2009, p. 263, our translation). There is also the possibility of providing it with a direction. From this viewpoint, the criminal organizations’ branching within these intuitions shows up as a product from the imprisonment perspective, highlighting the perspective of mass confinement associated with criminalization of poverty, through intensification of the criminal-punitive State.

We need to “think of the set of mechanisms through which outlaws are controlled” (Foucault, 2010, p. 29, our translation); we analyzed, as a panorama, an unequal society, going beyond the approach proposed by this article, in order to see how a political-economic system works.

The issues that permeate this discussion are inexhaustible and this article constitutes an attempt to contribute to discuss and interpret this scenario and its challenges by having new perspectives as a basis.

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## How to cite this article:

### ABNT

LEITE, I. L. S.; BEZERRA, L. M. P. S. Rebellions, murders, educational centers: concerns and issues on the socio-educational system in Ceará. *Conhecer: Debate entre o Público e o Privado*, n. 22, p. 60-78, 2019.

### APA

Leite, I. L. S., & Bezerra, L. M. P. S. (2019). Rebellions, murders, educational centers: concerns and issues on the socio-educational system in Ceará. *Conhecer: Debate entre o Público e o Privado*, 22, 60-78.

### Vancouver

Leite ILS, Bezerra LMPS. Rebellions, murders, educational centers: concerns and issues on the socio-educational system in Ceará. *Conhecer: Debate entre o Público e o Privado* [Internet]. 2019 [cited Apr 22, 2019];(21):x-y. Available from: <https://revistas.uece.br/index.php/revistaconhecer/issue/view/111>