CLOSING THE GAP BETWEEN RIGHTS AND REALITIES

FOR CHILDREN AND YOUTH IN URBAN BRAZIL:

REFLECTIONS ON A BRAZILIAN PROJECT TO IMPROVE

POLICIES FOR STREET CHILDREN

ciespi

centro internacional de estudos e pesquisas sobre a infância
international center for research and policy on childhood
centro internacional de estudios e investigaciones sobre la infancia

OAK FOUNDATION

PUC RIO

Closing the gap between rights and realities for
children and youth in urban Brazil:
Reflections on a Brazilian project to improve policies for street children

Malcolm Bush

Affiliated Scholar at Chapin Hall at the University of Chicago and Senior Consultant at the International Center for Research and Policy on Childhood (CIESPI) at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio).

Irene Rizzini

Professor at the Department of Social Work at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio) and Director of the International Center for Research and Policy on Childhood (CIESPI) at PUC-Rio.

C O N T E N T S

PREFACE

This report describes a successful attempt in the city of Rio de Janeiro and several other cities in Brazil to use the federally mandated system of Children's Rights Councils to promulgate, for the first time, policies to help children "in the situation of the streets". Such children are ubiquitous in urban Brazil. While a few of them spend all their lives on the streets, most them spend their days on the street hustling to earn small amounts of loose change but spend their nights elsewhere, most of them with family or friends. But their presence on the streets loosens their connections to home, school, and community and makes it almost impossible for them to join main stream society.

The project describes was designed in the first instance for a Brazilian audience but a number of the underlying issues that surfaced in the work confront children and youth, policy makers, and concerned citizens in many other countries. For this reason we have written this English language account of the project, describing the opportunities and challenges that continue to confront the most vulnerable children.

The relevance of this project for international readers is not confined to the topic of street children. In Brazil, as in many countries, there is a wide gap between the rights guaranteed to children and youth in law, and the implementation of those rights, particularly for low-income children. Despite the successful organizing in Brazil to overthrow the military dictatorship in the mid-1980s, the country lacks a strong tradition of civil society organizing around improving public policy or, just as important, monitoring and promoting

the full implementation of existing public policies. This project examines a mechanism that exists in Brazilian law, joint civil society and public sector policy oversight Councils, but also examines a number of other mechanisms for promoting and implementing better social policies.

The project also raises the question of not only the most vulnerable children such as street children, but the much larger number of children who live in contexts of vulnerability and violence such as overcrowded, very poor, and otherwise unhealthy urban slums.

As we present this work to an audience in other countries we are well aware of the strikingly different contexts that exist in different countries and different cultures. We do not believe that there are model programs for complex social problems that can transcend differences of culture, language, and local traditions. The dream of global solutions is not realistic. But we have learned a great deal from colleagues in other countries including seeing our own countries in a richer perspective. We hope the Brazilian experience can help others struggling with the issue of how to help children in vulnerable contexts make a successful passage to adulthood. Our experience can also illuminate the more challenging issue of helping those children and youth who have lost, or are losing contact with family, friends and community.

The project was conducted at the International Center for Research and Policy on Childhood (CIESPI) at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). For over twenty years, CIESPI has been conducting applied research and providing technical assistance to improve policies and practices for children and youth, their families and the communities in which they live. We hope that this report will be useful to our international colleagues and we look forward to continuing our dialogue with them about how to improve the lives of vulnerable children.

EXECUTIVE SUMMARY

This report describes successful attempts in Rio de Janeiro and several other cities in Brazil to develop, for the first time, policies to assist street children through the federally mandated mechanism of Children's Rights Councils. In Brazil there is a wide gap between legal rights guaranteed to children and their daily lives.

The subject of our concern, children in the situation of the streets, refers to urban children who fall into two groups: a small group who spend their days and nights on the street; and a much larger group who spend their days on the street hustling for loose change and hanging out, but who spend their nights in a variety of unstable accommodations off the streets.

The situation of vulnerable children in urban Brazil

While the last twenty years have seen improvements in some child indicators including reductions in infant mortality and increases in the percent of young children attending school, many children still suffer from poverty, violence, poor education, and slum living conditions.

In 2010, nine million people in Brazil had incomes of less than R$127 (reais) or US$78 a month. The murder rate of youth aged twelve to eighteen in 2007 was 24.1 per 100,000 and for black youth in the city of Rio a horrifying 300 per 100,000.

The highest rates of violence are found in low-income communities which suffer from heavily armed drug traffickers, vigilante militias and violent police action.

Most children in Brazil only go to school for half a day because of resource shortages. Drop-out rates and the rates of children scoring below grade level are very high.

Children in the situation of the streets in Rio de Janeiro and in urban Brazil

The Federal Government recently released a draft of the first-ever national census and sample survey of street children. The Census counted some 23,973 children and adolescents in the situation of the streets with just over 5,000 in the state of Rio de Janeiro. Twenty nine percent of the children were between the ages of sixteen and seventeen, 45% were between twelve and fifteen, 23% were between six and eleven years of age and the rest were between zero and five. Almost three-quarters were male.

The majority of the sample was living either with their parents, relatives or friends (57%). Most of the rest were living in "other places" but not on the streets. Four percent were "of" the streets, that is they spent all day and all night on the streets.

Relationships between children "on" the streets and their parents varied. While 30% of the sample "on" the streets reported no contact with their parents, 48% saw their parents at least several times a month. But a majority of these children had no or bad relations with their parents.

The survey draws a stark picture of life on the streets and in "other places". Most children on the streets have been there for a long time. Twenty-four percent sleeping outside of their homes had been on the streets for between two and five years.

Life on the streets is a constant hustle. Just about everyone on the streets had some way of earning money including selling small items, cleaning car

windows and begging. Sixteen percent of the young women said they earned money through prostitution. Despite this level of hustling, economically life on the streets is most precarious. About twenty-eight of the total said they did not eat every day.

Life on the streets is also disconnected to the avenues for returning to the mainstream. Only 24% of the sixteen to seventeen year olds had completed elementary school. All this spells a very grim future which includes the constant danger of harassment and violence.

Children's rights in Brazil

Current legal rights for children in Brazil date from the 1988 Constitution and the 1990 Statute on the Child and the Adolescent. The Statute provided for the first time that children were "the subject of rights" with additional rights to protect their full development. The Statute ended the former emphasis in law of children as threats to public order.

The Statute also contained a startlingly innovative mechanism for implementing children's rights, namely Children's Rights Councils at the national, state and municipal levels.

Implementing children's rights in Brazil: Children's Rights Councils

The system of Councils (and there are different Councils on different topics) is unique to post-dictatorship Brazil. Part-public, part (elected) civil society councils with federally mandated powers to debate public policy is an unusual phenomenon. A key characteristic of these Councils is parity between public and civil society representatives. Children's Rights Councils, unlike most other policy councils, can formulate policy in addition to consult on and monitor policy.

The research project

CIESPI undertook a systematic analysis of the process of developing policies in Rio de Janeiro and six other cities. These cities were chosen to represent at least one state in each of the macro-regions of Brazil. Three cities adopted policies or plans on street children during the period of the project: Rio de Janeiro, São Luís and Recife. The Recife Plan also includes provisions for implementation. The analyses included collecting data about the condition of street children, participant observation in the Councils and their key committees, two national conferences with participants from the cities held in Rio de Janeiro, and systematic contacts with the participants outside Rio by on-site interviews, email and telephone. By design, however, much of the work centered on the Rio process.

In addition to monitoring the process of developing a policy on street children in Rio, CIESPI staff also provided data on street children, and advised the nonprofit participants on policy and strategy.

The process of constructing a policy on street children in Rio de Janeiro

The Council's work on the policy officially began in July 2008 when the Council formed a Working Group to develop a policy. The nonprofit Rio Children's Network took the most active role in mobilizing groups outside of the Council to press for the adoption of a policy. Three of its member organizations had seats on the Council. After delays caused by municipal elections, the Working Group presented the Policy to an extraordinary meeting of the Council on June 22, 2009. The assembly adopted the Policy at that meeting by a unanimous vote.

The Policy

The Policy sets out directives and responsibilities for eight municipal departments and for civil society in general. The directives are specific to the departments as, for example, the Health Department should develop strategies to prevent the spread of AIDS and other infectious diseases among street children. They can, however, be summarized as follows:

1. Target areas in the city with concentrations of street children to promote the children's departure from the streets while respecting their wishes and their rights.

2. Take programs intended for a wider population and make sure they are provided to street children, their families, and friends.

3. Give street children priority in access to particular public resources.

4. Encourage street children's use of public resources such as public education.

5. Provide special services for street children with special staff where necessary.

6. Make special provision for protecting street children against health risks and violence including better training for the police in human rights.

The Policy separately lists the responsibilities of the "organizations of civil society" including monitoring the implementation of the Policy and advocating for the provision of adequate funding. A year after passage, the Council established an Implementation Commission which in January 2011 produced a plan for implementation including timelines for specific actions.

Major findings

Achievements:

1. The Rio Council's success in producing a policy

Despite the lack of a history of developing and approving policies on children, the Rio Council produced a detailed policy on improving the lives of street children. The Policy contains concrete and actionable instructions for eight municipal departments.

2. The use of data on vulnerable children and street children

The work of the Rio Council was based on a survey of current knowledge about street children and children living in vulnerable conditions specifically constructed for the debate in the Council.

3. The successful use of expertise and technical assistance from the university sector

CIESPI staff provided assistance to the Working Group about how to record its work and on "how to move the agenda" in a way that permitted steady progress.

4. The Rio Council set up an implementation oversight committee and planned an implementation agenda

The establishment of an implementation committee was a huge step forward in tackling the lack of precedents for monitoring and promoting the implementation of children's policies.

5.   The effective action of networks and coalitions

In Rio, São Luís and Recife broadly-based children's coalitions provided the energy and direction needed for the successful adoption of the policies. These coalitions are, however, fragile and increasing the resources they receive could achieve important benefits in improving public policy.

6.   The Councils' work on policies for street children represents a dramatic change from seeing street children as threats to public order

The approach of constructing concrete policies to improve the lives of street children stands in a dramatic contrast to the prior lack of a formal policy but the practice of seeing street children as public menaces who simply need to be removed from the streets and controlled.

Challenges:

1.   The lack of sustained debate and action on street children

Street children are ubiquitous in urban Brazil. Despite this fact, in twenty years very few Councils have succeeded in addressing this problem.

2.   The weight of responsibilities of Councilors and their lack of time

Children's Rights Councils are responsible for all matters referring to the rights of children and adolescents including the registration of all non-profit organizations that work with children. Moreover, Council positions are voluntary and Councilors only spend a few hours a week on their Counselor responsibilities. So many Councils have little time for policy issues.

3.   Challenges posed by the public sector Councilors

Many public sector representatives were from the same municipal department

leaving other departments unrepresented. Public sector representatives were often junior employees and frequently rotated. They tended to know very little about the lives of street children.

4. Lack of experience in the role of policy making

Many Councilors lacked experience of how to deliberate about and develop public policies. Many also lacked experience of acting and speaking in a public decision-making body.

5. Securing the involvement of children and youth

While Brazilian law on children and youth and the values of many of the participants in the process stress the participation of children and youth in public discussions about their lives, such participation is hard to obtain. Some adults resist the involvement of the young people while other adults think they can represent children and youth despite the adults' lack of contact with the young people. Vulnerable youth themselves can be reluctant to participate in public discussions out of lack of understanding, interest, or belief that their participation will make any difference.

6. The over-concentration on the disbursement of federal funds

Many Councilors only participated in Council debates during discussions about the allocation of funds especially members belonging to religious bodies that received grants from the Council.

7. Services to children on the streets or strategies to re-attach children to families and communities?

It is unclear whether street children will be able or wish to participate in the services and activities on offer. The Policies also emphasize the need to re-

attach the children to families and communities. But this is an extraordinarily difficult task.

Opportunities:

1. The mandated role of Councils

Councils exist in almost 6,000 municipalities in Brazil, have the federal legal mandate for adopting policies for children, and include key public and civil society actors. Having elected members of civil society, they enjoy more independence than government commissions.

2. The existence of institutional and other hooks to promote change

Municipal governments could turn Council policy into law. More jurisdictions could adopt the practice of convening all stake holders to develop a priority agenda for improving the lives of street children.

There are also reform moments including the election or appointment to public office of progressive officials. In Rio, the upcoming 2014 World Cup and the 2016 Olympic Games are opportunities to spotlight the vulnerable children in the city, and some groups are organizing around these opportunities.

A resolution of the National Council on Children's Rights provides that when a Council's policy is not implemented the Council can request the Public Prosecutor to order adherence to the policy.

3. Building political support: External and internal allies

Some federally mandated Councils in other policy areas appear to elicit broader support for their activities. Councils on Social Assistance were said to be effective because the bulk of the social assistance budgets passed through

them. The actions of health Councils were supported by the doctors' unions. Environmental Councils attracted the attention of environmental coalitions.

4. The opportunities of the budget process

While public budgets in Brazil are opaque and lack detail, the budget process is a major opportunity for shaping public policies. Some nonprofit groups are showing interest in making budgets more transparent and using them as advocacy tools.

POSTSCRIPT

While children in Brazil enjoy strong theoretical rights these rights are of comparatively recent origin and the implementation of these rights is weak particularly for vulnerable children. Street children suffer extensive violation of their rights. Brazilian law established a particular mechanism for promoting the implementation of rights, Children's Rights Councils. Our study shows that Children's Rights Councils can, in certain circumstances, develop detailed policies on street children, a step towards the implementation of rights.

But there are other institutional actors, coalitions and responsible officials who can assist the development and implementation of policies for street children and other vulnerable children. No part of the collectivity of these actors should be ignored in the search for ways to give vulnerable children the chance to fully develop their capacities.

INTRODUCTION[1]

Brazil is a country of stark contrasts and these contrasts are apparent in the disparity between the constitutional rights guaranteed to children and adolescents and the daily realities of the high percentage of children who live in contexts of vulnerability. This report is an English language summary of a three year applied research and technical assistance project conducted in Rio de Janeiro by the International Center for Research and Policy on Childhood[2] (CIESPI) at the Pontifical Catholic University of Rio de Janeiro to examine and support one federally mandated mechanism for bridging the gap between those rights and realities for a particular group of children, "children in the situation of the streets".[3]

Other countries face similar dilemmas between rights, official plans, and realities on the ground and we hope that this report from Brazil about one way of trying to bridge this gap will be useful elsewhere. The

project followed and supported the development and approval of the first ever policy on street children in the cities of Rio de Janeiro, São Luís and Recife and the work on such policies in several other states. The mechanism we examine are Children's Rights Councils, part of a system of mandated citizen participation in public decision making that was an element of the move to democracy after the end of the military dictatorship in Brazil, a dictatorship that lasted from 1964 to 1985. The subject of our concern, children in the situation of the streets, refers to children in urban Brazil who fall into two groups: a small group who spend their days and nights on the street; and a much larger group who spend their days on the street hustling for loose change and hanging out, but who spend their nights in a variety of unstable situations including the houses of family, relatives and friends and various public and private shelters.[4]

The situation of vulnerable children in urban Brazil

International comparisons are subject to the dangers of misunderstanding caused by very different contexts. While there are similarities in the lives of children who live in contexts of vulnerability--a term which distinguishes between the characteristics of the children and that of the contexts they inhabit--particularly in the same region of the world, there are also key differences. For this reason we sketch out some key elements in the lives of vulnerable children in Brazil to give readers the opportunity to ground their understanding of this project in, albeit fast-changing, Brazilian realities.

Perhaps the starkest contrast in Brazil is the difference between the recent rise of Brazil as an international economic power-house and the high level of income inequality in the country. That income inequality can be symbolized by the images of the very wealthy in the wealthiest city of São Paulo helicoptering between home and work and the over one hundred

---

[4] See Irene Rizzini, Irene, Udi M. Butler, and Daniel Stoecklin (eds.), *Life on the Streets: Children and Adolescents on the Streets. Inevitable Trajectories?* Sion, Switzerland: International Institute for the Rights of the Child, 2007.

[5] Rocinha is a "reference community" for researchers at CIESPI in that several staff persons currently live there or have lived there, and staff has close working relationships with a number of community leaders. In consequence, the Center maintains a strong sense of the reality of life in low-income communities in Rio.

thousand residents of Rio's largest shanty town or favela, Rocinha.[5] These residents crowd together in tiny homes (some with floor plans as small as two by two meters) many of which admit no sun light and little air, in a community with open sewers. Their children have no safe places to play, and all the residents are subject to the daily fear of violence from AK-47 toting drug traffickers.

In the period since the end of the dictatorship the situation of children in Brazil has both dramatically improved and at the same time remains deeply troubling especially for low-income children. While Brazil is a country with a young population, the percent of the population that is young has been declining in recent decades. In 1970, 53% of Brazilians were young people between the ages of zero and nineteen.[6] By 2010 that figure had declined to 33% although that percent represents sixty-four million young people, a figure larger than the total population of most countries in the world.

In the period 1990 to 2010, the number of Brazilians in extreme poverty measured by a per-capita household income[7] of less than ¼ of minimum wage decreased to 8.9 million people. Those almost nine million people, however, have incomes of less than R$127 or US$78 a month. The official poverty line is Brazil is currently a per diem, per capita income of R$6.80 or about US$4.00. Between 1997 and 2008, the percent of zero to seventeen year olds living in households below the poverty line declined from 43% to 36%.[8] The reasons for this decline in poverty include the steady expansion of the economy, the inflation adjusted rise

---

[6] Many of the figures used in this report can be found in the report coordinated by CIESPI for the federal Secretariat for Human Rights to mark the twentieth anniversary of the Statute on the Child and the Adolescent, *Direitos Humanos de Crianças e Adolescentes: 20 Anos do Estatuto* (The Human Rights of Children and Adolescents: Twenty Years of the Statute), Irene Rizzini (coord.), Brasília, Secretaria de Direitos Humanos, December 2010. Additional figures can be found in the data resource on vulnerable children maintained by CIESPI at www.ciespi.org.br

[7] Note that the most common measure of poverty in Brazil is the monthly per capita income per family, a figure which controls for family size.

[8] The different time periods used in this section and the different age groups of children reflect the different ranges used by different sources of data.

in the minimum wage, and the expansion of the family income support program, the *Bolsa Família* which now goes to over twelve million families. The reduction in poverty and a concerted post-dictatorship effort to reduce hunger was strengthened under a program inaugurated by former President Luis Inácio Lula da Silva (Lula) called zero hunger or *Fome Zero*. Action Aid reported in 2009 that in six years *Fome Zero* had reduced child malnutrition by 73% and child deaths by 45%.[9]

Other striking positive trends for children's well-being are reductions in infant mortality, child mortality and maternal mortality. Infant mortality, for example, declined from 38 per 1,000 live births in 2000 to 21.2 per 1,000 in 2011.[10]

Since the end of the dictatorship, the goal for education has been ramped up from basic education being seen as attendance at elementary school or *ensino fundamental* to attendance at crèches for zero to three year olds and attendance at middle-school or *ensino médio*. The recent decades have seen huge increases in reported school attendance with four to six year-old attendance at pre-schools going from fifty-four to eighty percent between 1992 and 2008 and the attendance of seven to fourteen year olds going from eighty-seven percent to ninety-eight percent.[11]

These major achievements were secured against a baseline of tremendous threats to children's well-being. Despite the progress, major problems remain. Part of the current challenge is caused by the very disparate impact of certain harms by geography and race. Here we should note that as in any other mixed-race country the particular manifestations of racial discrimination in Brazil take their own particular national form. It is true that the darker the skin in Brazil the greater likelihood of being poor. It is also true that after the final abolition of slavery in 1888 (it took place in

---

[9] News story downloaded from the World Bank Blog, *http://blogs.worldbank.org/growth/ node/8681*, May 20, 2011.

[10] Index Mundi at *http://www.indexmundi.com/g/g.aspx?c=br&v=29*, downloaded on August 3, 2011.

[11] See CIESPI data resource, Base de Dados: *Infância e Juventude em Números* at www.ciespi.org. br. The gains in education were partly a result of a 1996 law that transferred education from the Ministry of Social Assistance to the Ministry of Education.

stages) the race problem was considered "solved" by the ruling elites and thus swept out of sight in official discourse. However, unlike, for example the United States perhaps most Brazilians regard Brazil with pride as a mixed race country. Another part of the picture is that there are large minorities of white families living in the favelas of the major southern cities, often internal immigrants from the northeast region of the country. While some outside observers, particularly from the United States, chide the darker skinned populations of Brazil for not organizing around their African roots, there are lively examples of African-origin based associations and, moreover, many darker skinned Brazilians consciously choose a mixed race identity. We should further note that race in the Brazilian census is denoted by a choice of skin color and the majority of non-white Brazilians designate themselves as brown (*pardo*) with a much smaller percentage designating themselves as black (*preto*). As in other countries, child poverty is strongly associated with living in a single mother family but while this effect is very strong for white children, it is much less strong for black and brown children for whom race is a much stronger determinant of poverty.[12]

The effects of race show up strongly in poverty statistics for children. In 2009, about 25% of white children and youth zero to seventeen years of age lived in families in poverty while the figure for black and brown young people was 44%. Poverty is also a function of region with 60% of the black and brown youth zero to seventeen in urban areas of the northeast region of the country living in poor families compared to 34% of similar children and youth in the south region.[13]

When the current governor of the state of Rio de Janeiro, Sergio Cabral, took office on January 1 2007, he declared that a state of genocide existed in Rio referring to the terrible conditions in the public hospitals and the level of violence in the slums or *favelas*. In the preface to t*he report The Human Rights of Children and Adolescents: 20 Years of the Statute* referred to above, the Brazilian Minister for Human Rights, Paulo

---

[12] CIESPI, *Base de Dados Infância e Juventude em Números.*

[13] Rizzini (coord.), *20 Anos do Estatuto*, 2010, 74.

de Tarso Vannuchi, and the National Secretary for the Promotion of Rights for Children and Adolescents, Carmen Silveira de Oliveira, after celebrating the real improvements in the lives of children, declared as a first priority confronting the "banalization" (*banalização*) of the assassination of children especially black children.[14] The same report shows an increase in the homicide rate for young people twelve to eighteen years of age in Brazil from 18.7 per 100,000 in 1997 to 24.1 per 100,000 in 2007.[15] International comparisons in youth homicides show a vast difference between northern and southern hemisphere countries. The publication, *Mapa da Violência*, *Os Jovens da América Latina* (Map of Violence, the Young People of Latin America) shows homicide rates for "youth" (young people aged ten to twenty-nine) of 51.6 per 100,000 in Brazil, 73.4 in Columbia, 1.7 in Portugal, 12.9 in the United States and 10.4 in Mexico.[16] As with figures on poverty, youth homicide rates vary enormously by race, region and city. The rates of violence for black males in the city of Rio de Janeiro reach the horrifying rates of 300 per 100,000. The 20 Years of the Statute reports rates twelve times higher for males than for females and twice as high for blacks and browns as for whites.[17]

Much of this violence is linked to the violence endemic in some low income communities as in the favelas of Rio. Favela violence has several sources in addition to concentrated poverty. The iron grip of heavily armed and violent drug traffickers is a reality in many favelas and the counter-violence of vigilante "militias" and the violence of the police when they raid low-income communities creates a reality of constant violence and the threat of violence. The particular intensity of this violence in Rio is illustrated by the fact that in 2007, 3,025 young people zero to eighteen were murdered

[14] Ibid., 11.

[15] Ibid., 83.

[16] *Mapa da Violência*, *Os Jovens da América Latina*, 2008, Rede de Informação Tecnológica Latino-Americana, (RITLA), Brasília: 2008.

[17] Rizzini (coord.), *20 Anos do Estatuto*, 2010, 86.

[18] Laboratório de Análise de Violência, *Homicídios na Adolescência no Brasil*, IHA 2005-2007, Rio de Janeiro: Universidade do Estado do Rio de Janeiro, 2010.

in Rio compared with 1,502 in the much larger city of São Paulo.[18] We need, however, to update a significant part of the story about violence in the city of Rio de Janeiro because it has a special relevance for children in the situation of the streets. Since 2008, Rio has witnessed the first ever, serious, sustained and continuing effort to bring law and order to the favelas. The program has what may appear to many people inside and outside Brazil the unfortunate title of Police Pacifying Units (*Unidades de Polícia Pacificadora*) or UPP. Given the decades of police, trafficker, and militia violence in the lower-income communities of Rio, with the police paying attention only when the traffickers took their violence to surrounding middle class communities, and then shooting and killing indiscriminately, it is not surprising that there are mixed feelings about UPP in the neighborhoods themselves. But the results have been striking. UPP has been installed in one favela at a time because of the enormous person power needed to enter the communities in force, secure them, and then establish a permanent police force and to institute some effort to improve the physical environment and social services including health services. Federal police, the army and the navy (which possess armored personnel vehicles with metal tracks that cannot be shot out by the traffickers) have been involved in the initial operations. In the "pacified" favelas the traffickers have to a very large degree been chased out, killed, or arrested. The major news conglomerate *O Globo* regularly reports over 95% of residents in these communities pleased with the result with many saying that their lives were transformed overnight. Some "unobtrusive" measures of the success of the interventions include significant increases in the property values of surrounding middle-class communities and a reduction of car insurance rates in Rio in 2010 of 37% compared to 7% in the rest of the country as car-jacking diminishes. To date, only a small minority of favelas have been included in the program although the "pacified" favelas include some of the larger and more dangerous communities.

Some residents of Rio with long memories of the dictatorship and corrupt police forces are skeptical about UPP. The questions about the program include whether the program is only international window dressing for the 2014 World Cup and the 2016 Olympic Games both of which will be held in Rio; whether it will be systematically extended to all favelas especially

those outside the middle-class southern zone of the city; whether more attention will be paid to the militias since most of the initial attention has been paid to the traffickers; how the police will deal with casual crime, forbidden by the traffickers and now increasing in "pacified" favelas, and whether the attempts at infrastructure renovation or what Brazilians call "urbanization", education and social programs will be extensive. There is another set of questions particularly relevant to street children. In an even more unfortunately named city initiative, "the Shock of Order", (*o Choque de Ordem*), police are adopting a so-called zero-tolerance approach popularized by the former Mayor of New York City, Rudi Giuliani, to a variety of "urban nuisances". Zero tolerance was self-credited by Guliani for the significant reduction in murder rates in New York City, a decline which both started before and continued after his administration. (Many serious economists and criminologists doubt the relationship between the strict pursuit of nuisance crimes and the reduction of murder rates.)[19] Many of the visible signs of the *Choque de ordem* involve cracking down on the ubiquitous illegal street vendors and to a lesser degree on carefully selected "illegal" housing. (The latter picks up steam every January when mudslides cause housing collapses and high levels of deaths in the state of Rio). But part of the *Choque de Ordem* is picking up street kids from middle class neighborhoods and taking them elsewhere. In the course of this exercise, street educators report that the young people suffer high degrees of harassment and abuse. This harassment brings back memories of the notorious Candelaria murders when, on the night of July 23, 1993, eight street youth between the ages of eleven and twenty were shot and killed by a group of men including several policemen outside the magnificent church of Candelaria in the center of Rio. It also brings back memories of the South American games in Rio in July 2007 when the Rio garbage company, COMLURB, and the police literally hustled street kids into the back of garbage trucks and took them to shelters and the periphery of the city.

While the policing efforts in Rio improve, residents and public officials alike are stymied by the spread of crack cocaine which is endemic in the

---

[19] See for example, Steven D. Levitt and Stephen J. Dubner, *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*, Chapter 4, Where Have All the Criminals Gone? New York: HarperCollins Publisher, 2009, 115-146.

street population.

While certain key indicators of education in Brazil, most notably formal enrollment, show huge improvements, the reality in low-income neighborhoods is that fundamental problems remain. Children only go to school for half a day because of the shortage of classroom space and teachers. Drop-out rates and the rates of children scoring below grade level are very high. For example, in 2009, 51% of children and youth eight to fourteen years of age who lived in urban areas were behind grade level.[20] Pre-school principals in the Rocinha community in Rio complained to CIESPI interviewers that it was very hard to recruit and retain good teachers in the favelas because of the enormous difficulty of getting to the schools, (Rocinha has only one main road which is crowded and narrow and many residents take motor bike "taxis" from the top or bottom of the hill to their destinations), the dangers of working in Rocinha, and the attractions of working in middle-class neighborhoods. As one principal said "My teachers can work in Copacabana, look out of their classroom window and see the ocean and be on the beach within a few minutes of leaving the school at night." Students themselves talk about the high level of disturbance and disruption in the classrooms and the difficulty of either teachers or students concentrating on learning.[21]

Just as the Rio authorities are making serious efforts to tackle the violence in low-income communities, so to the city has a very ambitious plan to improve the provision of primary health care. While public funds support primary health clinics (*postos de saúde*) in low-income communities, those clinics frequently lack staff and basic equipment. Favela dwellers complain that specialists very often do not show up for schedule clinics out of fear of the community and that sometimes the clinics lack supplies as basic as cotton pads and band-aids. They also complain that the only

---

[20] See the CIESPI data resource at *www.ciespi.org.br*, Table 14.

[21] For a detailed description of the lives of youth in low-income communities in Brazil, in particular their experiences of school and work, see Malcolm Bush, Fatores que Impedem as Conexões de Jovens ao Mercado de trabalho: Reflexões com Base em Estudo sobre Jovens de Baixa-Renda no Complexo do Caju, na Cidade do Rio de Janeiro, *Revista Inclusão Social*, Vol. 2, No. 2, 2007.

way to get a timely appointment is to bribe staff and that emergency vehicles refuse to enter the favelas.[22] Rio has, however, developed an exciting new pilot program in Rocinha called the integrated health center. It has facilities in four locations and aims to provide one full health care team from physicians to home visitors for every four thousand residents fielding a total of twenty-five such teams. The long term goal, according to the public health director in the Rio Department of Health is to shift the existing lopsided focus on expensive and high tech tertiary care which only benefits the minority of residents with private health insurance, to providing good primary care. Meanwhile, the average resident of a low-income community has very little guarantee of getting adequate health care.

---

[22] Some of the data used in this report come from Irene Rizzini and Malcolm Bush, *Challenges and Opportunities for Low-Income Children Aged 0-8 in Urban Brazil: Evidence From Two Low-Income Communities in Rio de Janeiro in the Areas of Improving the Physical Environment, Reducing Violence and Scaling up Quality Learning Opportunities*, Report to the Bernard van Leer Foundation, The Hague, the Netherlands: April, 2010.

CHILDREN IN THE SITUATION OF THE STREETS IN RIO DE JANEIRO AND IN URBAN BRAZIL

Street children come from low-income communities and from the ranks of vulnerable children inside those communities. CIESPI's research on street children shows a gradual process of disconnection from home and the community.[23] We know that some children loosen their connections to home because of violence in the home, and/or because of heavy pressure to bring back a certain amount of money every day. (In a middle class city outside of Rio, the authors witnessed a father shouting at his son saying that the son could not sleep at home that night unless he earned thirty reais.) That said, we do not know what predisposes certain young people to leave home while others among their close peers do not. Given the general precariousness of life for young people in the low-income communities we would argue that research and policy development on low-income children should pay attention to the many children in those communities whose life chances are diminished by their general situation as well as those children who are completely disconnected from their homes.

There are two major problems with trying to get a firmer grasp on the reality of street children's lives. The first is that definitions of who constitute street children vary and conflict for very good reasons that reflect the varied realities of that state. The second is that street children are by the nature of their lives very hard to count. One distinction many observers make is between children on the streets and children of the streets (*crianças na rua and crianças de rua*). The first group works on the streets to supplement their own and their families' incomes but live either at home or in a series of often fragile and temporary living arrangements. The

---

[23] See Rizzini et al., (eds.), *Life on the Streets*, 2007, and Irene Rizzini, Paula Caldeira, Rosa Ribeiro, and Luiz Marcelo Carvano, *Crianças e Adolescentes com Direitos Violados*. *Situação de Rua e Indicadores de Vulnerabilidade no Brasil Urbano*, Rio de Janeiro: CIESPI, 2010.

second much smaller group lives and sleeps on the streets.[24]   While this distinction has a clear logic, the clarity disappears in the practical realities of the children's lives. How often does a child have to sleep on the streets to belong in the second group? How many times a week does a child have to miss school to hustle on the streets to become a child on the streets? On the basis of in-depth interviews with street children, one study saw a useful distinction between four groups of children: (1) children who work on the streets but are firmly based in their family lives, (2) children who work independently on the streets and whose family ties are beginning to loosen, (3) children of the streets who no longer have family ties, and (4) and children of street families who live entirely on the streets with their families.[25] Given both problems with counting the number of street children we are very reluctant to put a number on the different kinds of street children. A CIESPI publication for this project lists six studies performed in several Brazilian cities with counts and definitions.[26] Most of the definitions refer to children of the streets rather than children on the streets. While the studies add some information to our knowledge about street children they have a variety of serious methodological problems. Recently the Brazilian Federal Government released a draft report on the first-ever national census of street children.[27]   We should note that critics point out that the census was fielded without adequate consultation and was completed in too short a space of time to fully develop and implement an adequate methodology to get a reasonably complete count. Critics in Rio insist that the local experts were not consulted as to the range of places where street children could be found. A key question is whether the undercount is essentially random or not. If it is random, the internal analysis may well still be representative of the full population. If, on the other hand, the count suffered from selection

---

[24] Rizzini et al., *Crianças e Adolescentes com Direitos Violados*, 2010.

[25] Mark W. Lusk and Derek T. Mason, Fieldwork with Rio's Street Children, in Irene Rizzini (ed.) *Children in Brazil Today: A Challenge for the Third Millennium*, Rio de Janeiro: Editora Universitária, SantaÚrsula, 1994, 157-176.

[26] Rizzini et al., *Crianças e Adolescentes com Direitos Violados*, 2010.

[27] Instituto de Desenvolvimento Sustentável, *Pesquisa Censitaria de Criancas e Adolescentes em Situacao de Rua*, 2011.

artifacts such as an over-representation of children in certain parts of large cities then the internal analysis may not be representative of the full population. This said, this draft Census provides a much more detailed demography of street children than any other existing study.

The Census counted some 23,973 children and adolescents (hereafter children) in the situation of the streets with just over 5,000 in the state of Rio de Janeiro. The draft census report distinguishes among children living with parents, relatives and friends (hereafter family), children "of the streets" living and sleeping there, and children living in other places namely a mixture of shelters, hospitals, and homes. In addition to the Census, the researchers drew a sample of 2,246 children from whom to gather more extensive data. We distinguish between the Census and the sample survey by using the abbreviations (c) and (s) after each data point reported. 29% of the children counted were between the ages of sixteen and seventeen, 45% were between twelve and fifteen, 23% were between six and eleven years of age and 4% were between zero and five (c). Twenty percent of the survey children were female, and 73% were male (s).

One central issue about street children is the degree of their connection to their families. It is, after all, the loosening of those connections that is a key fact in the existence of children "of" the streets. The majority of children in the sample were still living either with their parents, relatives or friends (57%). Most of the rest, 38%, were living in "other places" but not "of" the streets including shelters, and group homes. Just over 4% were "of" the streets as in living and sleeping on the streets. Not surprisingly, as the age of the children increased so did the percent not living with parents but in "other places".

The survey showed a variety of relationships between children living in other places and their parents. While 30% of the sample living in other places reported no contact with their parents, 12% said they saw their parents daily, 17% saw their parents several times a week, and 19% several times a month. A total of 37% of the children living in other places reported having bad or very bad relations with their parents while another 36%

said they had no relationships with their parents (s). So a clear majority of these children had no or bad relations with their parents. In contrast, 78% of those living at home reported good or very good relationships with their parents (s). The sample survey gives some hints as to the why some children reported bad relationships with their parents. The main reasons given for not living at home were fighting with their parents or siblings, alcoholism and drug use, and the young people "wanting their freedom." Twenty-eight percent of those away from the home who reported very good relationships with their parents said they were out of the home because their parents had lost their house. We can assume that most of the children came from poor homes and poor neighborhoods but the sample data has a great deal of missing data on parents' income.

The survey draws a stark picture of life on the streets and in "other places". Children on the streets have on the whole been there for a long time. Twenty-four percent of those in the survey who were sleeping outside of their homes had been on the streets for between two and five years. A similar percentage had been on the streets for between one and two years. Twenty-seven percent had been out of their homes and on the streets for between six months and one year.

Life in the other places such as institutions also had its problems. When asked why they did not like living in institutions, the respondents from the state of Rio de Janeiro listed in order of the frequency of the response, lack of freedom, prohibition on alcohol, difficulty in finding vacancies, the curfew hours, bad treatment and violence and the prohibition on sexual relations. Life on the streets is a constant hustle. Just about everyone on the streets had some way of earning money. Less than one percent of the young people counted in the census said they did nothing. The most frequent mentioned activities were selling small items on the street, cleaning cars and car windows, and begging (c). Sixteen percent of the young women said they earned money through prostitution. For a few of the young people, prostitution started very early. Thirty-eight of the six to eleven year olds enumerated said they earned money that way. Just 4% percent of the young men said they earned money through work

linked to drug traffickers, although they are likely to have traded drugs on a small scale (c).[28]   Of those young people who still live at home, 62% said they earned money for their families with the remainder saying they were hustling for their own needs (s). Of the young people who lived in "other" places 71% said they worked for themselves while 42% (multiple responses permitted) said they hustled to be able to afford drugs and alcohol compared to only 4% of the young people who lived at home.

Despite this level of hustling, economically life on the streets is most precarious. Twenty-eight percent of the young people who lived on the streets and 27% of those who lived in other places said they did not eat every day.

Life on the streets is also disconnected to the avenues for returning to the mainstream. While 62% of the young people in this census who lived at home said they were still at school, only 12% of the young people "of" the streets were still studying as were the same percentage living in other places (s). Only 24% of the sixteen to seventeen year olds had completed elementary school (*primeiro grau*) and only 2% of that age group had completed secondary school (c). In summary, the majority of young people on the streets are living at home with a large minority moving through a variety of other places. Only a small minority are living and sleeping on the streets. A sizable minority of those living in other places have no contact with their parents. Nearly everyone on the streets hustles at very menial work which pays so little that over one-quarter of those of the streets and on the streets living in other places do not eat every day. A small percentage of those of the streets and those on the streets living in other places are currently studying. All this spells a very grim present and future for these young people and this description has not included the daily threats of harassment and violence from a variety of sources.

---

[28] It is likely that the young people were uncomfortable talking about illegal activity particularly their connections to drug traffickers because of the dangers involved in such admissions. The survey workers were, after all, complete strangers. For this reason, the responses about such activities are likely to be underestimates.

THE HISTORY OF CHILDREN'S RIGHTS IN BRAZIL

The report *20 Years of the Statute* proudly traces the lineage of human rights in Brazil to European and North American advances in human rights in the eighteenth century.[29] The notion of rights is the context in which Brazil thinks, talks, and acts about social issues. The language of rights is, in short, the key discourse for setting out the need for social change. Moreover, the list of guaranteed rights in the Brazilian Constitution and the development of those rights in a variety of statutes are much more extensive than, for example, the rights structure in the United States. In the twentieth century, the report lists the stepping stones of the creation of the League of Nations in 1919, the first Declaration of the Rights of the Child in 1924, the creation of the United Nations in 1945, the Universal Declaration of Human Rights in 1948, and the Inter-American Commission on Human Rights of the Organization of American States in 1953. The most recent international building block of the Brazilian children's rights structure was the United Nations Convention on the Rights of the Child (CRC). This Convention, ratified in 1990, was the first legally binding international instrument to incorporate the full range of human rights for children including civil, cultural, economic, political and social rights, or in the language of the Convention, "full" development.[30] The Convention further established four important guiding principles: public decision making oriented toward guaranteeing the best interest of the child; non-discrimination; decisions oriented toward guaranteeing the child's development; and the right of children to participate in decision-making that affected them.

The Brazilian history of human rights had a different trajectory. The first Brazilian Constitution was dictated by the Emperor Pedro 1st in 1824 after

---

[29] Rizzini (coord.), *20 Years of the Statute*, 2010, 29-30.
[30] Only two countries have not ratified the Convention, Somalia and the United States.

he arrested and sent into exile members of the National Assembly who were writing a democratic constitution. The second Brazilian Constitution which was adopted in 1891 contained no mention of social rights.[31] The history of slavery, the post-slavery practice of politically powerful landowning families using children and young people to maintain their mono-culture estates, and a long history of authoritarian and oligarchic rule, provided little basis for the establishment of children's rights. In the first part of the twentieth century Brazil went through a succession of constitutions. The Third Constitution of 1934 established a variety of rights but was overthrown in 1937 on the pretext of a communist plot and was replaced by the New State Constitution that established the president, Getúlio Vargas, as the legal dictator. In modern times the critical events in the development of the contemporary rights language was the long struggle to overthrow the military dictatorship which seized power in 1964 and which ended in 1985. The first democratically elected president was elected in 1989. The current Brazilian Constitution was adopted in 1988 and contains a sweeping clause about the rights of all children. Article 227 of the Constitution states:

> It is the duty of the family, society and the state to assure with absolute priority the rights of children and adolescents to life, health, food, education, leisure, occupational training, culture, dignity, respect, freedom, and family and community life, and in addition to protect them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.[32]

The 1990 Brazilian Statute on the Rights of the Child and the Adolescent marked a major step forward in the establishment of legal rights for children.[33] It was the result of years of mobilization on behalf of children. Many groups were involved in advocating for the Statute including the group Children and the Making of the Constitution (*Criança e a Constituinte*), the

---

[31] Rizzini (coord.), *20 Anos do Estatuto*, 2010, 40.

[32] Constituição da República Federativa do Brasil de 1988, Capítulo VII, Art, 227, downloaded at http://www.planalto.gov.br/ccivil_03/constituicao/constitui%C3%A7ao_compilado.htm on May 23, 2011.

[33] Lei 8.069, 13 de julho de 1990.

National Foundation for the Well Being of Children (*Fundação Nacional do Bem-Estar do Menor or Funabem*), the National Permanent Forum for Non-Profit Groups in the Defense of the Rights of the Child and the Adolescent (*Fórum Nacional Permanente de Entidades Não Governamentais de Defesa dos Direitos da Criança e do Adolescente or Forum DCA*) and the National Movement of Boys and Girls of the Street (*Movimento Nacional de Meninos e Meninas de Rua*).[34] This mobilization reflected and was a part of the mobilization for the overthrow of the dictatorship and the titles of some of the organizations reflect how much this movement for improving the well-being of children was grounded in a rights approach.

The critical change the Statute made was to provide that children and adolescents were, henceforth, to be "the subject of rights" and citizens, albeit citizens with additional rights to protect their full development.[35] The Statute made a clean break with the former legal status of children which, to the degree it was spelt out in law, was concerned with those children the state found a challenge under the "Doctrine of Irregular Situation", i.e. a situation that required judicial intervention for treatment and attention. This doctrine inspired the Code of Minors which referred to young people considered to be in need of supervision by the public sector.

Just as the Constitution contained a sweeping statement of children's rights so did the Statute. Articles 3 through 5 of the Statute established the basic principles of the law.[36]

> Art. 3. Without prejudice to the full protection treated of in this Law, the child and adolescent enjoy all the fundamental rights inherent to the human person and, by law or other means, are ensured of all opportunities and facilities so as to entitle them to physical, mental, moral, spiritual and social development, in conditions of freedom and dignity.

---

[34] Rizzini (coord.), *20 Anos do Estatuto*, 2010, 42-43.

[35] Ibid., 30-32.

[36] Taken from an English language version of the Statute at www.eca.org.br/ecai.htm on March 18, 2011.

> Art. 4. It is the duty of the family, community, society in general and the public authority to ensure, with absolute priority, effective implementation of the rights to life, health, nutrition, education, sports, leisure, vocational training, culture, dignity, respect, freedom and family and community living.

The guaranty of priority encompasses:

> a) precedence in receiving protection and aid in any circumstances;
> b) precedence in receiving public services and those of public relevance;
> c) preference in the formulation and execution of public social policies;
> d) privileged allocation of public resources in areas related to the protection of infancy and youth.

> Art. 5. No child or adolescent will be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, and any violation of their fundamental rights, either by act or omission, will be punished according to the terms of the Law.

The Statute on the Child and the Adolescent also contained startlingly innovative mechanisms for implementing children's rights, namely the establishment of Children's Rights Councils at the national, state and municipal level which have oversight over children's policy at their respective levels of government. The National Council Children's Rights Council (CONANDA) has the responsibility for establishing guidelines for the operation of the state and municipal Councils.[37]

---

[37] Lei No. 8.242, 12 de outubro 1991, accessible at www.jusbrasil.com.br/legislacao/anotada/2628293/lei-8242-9

IMPLEMENTING CHILDREN'S RIGHTS IN BRAZIL: CHILDREN'S RIGHTS COUNCILS

The system of Councils (and there are different Councils on different topics including health, the environment and education) is unique to post-dictatorship Brazil. Part-public, part (elected) civil society councils with federally mandated powers to debate public policy is an unusual phenomenon. Many countries have commissions of various kinds that oversee or investigate aspects of public life but those commissions are usually appointed by the executive or legislative branches of government. The Brazilian Children's Rights Councils spring from a more general provision contained in the Brazilian Constitution known generically as Oversight Councils for Social Policy (*Os Conselhos Gestores de Políticas Sociais*).[38]

A key characteristic of these Councils is parity between public and civil society representatives. At the municipal level, the public sector members of the municipal Councils are chosen by the mayor. In Rio de Janeiro, the civil society members are elected by an electoral college which is made up of one person from each of the nongovernmental organizations registered with the Council as an organization that studies or promotes and defends the rights of children.[39] The law establishing the Council, which follows the federal Statute on the Child and the Adolescent, establishes criteria for which nonprofit organizations registered in the Council have voting rights. Further directions for the operation of all municipal Councils are contained in Resolutions of CONANDA particularly Resolution 116 which made major revisions to prior Resolutions.[40] What is unusual about the Children's Rights Councils is that they are one

---

[38] There are various references made to democratic participation in decision making in the Brazilian Constitution including Title VIII, Arts. 194, 198, 204, and 206.

[39] The municipal legislation establishing the Council in the city of Rio de Janeiro is *Lei nº 1873, de 29 de maio de 1992*.

[40] All the CONANDA Resolutions can be found at http://www.direitosdacrianca.org.br/conanda/resoluções.

of two Oversight Councils that have the power to formulate policy as well as consult on policy.[41]   This power is spelt out in Article 88 of the Statute on the Child and the Adolescent which states that the Children's Rights Councils are decision making and monitoring bodies (*órgãos deliberativos e controladores*).[42]   The Portuguese adjective *"deliberativo"* translates here as decision making. The same Article also spells out guide lines for the enforcement of policies including:

> I - municipalization of enforcement;
> II - creation of municipal, state and national councils of child and adolescent rights, which will be deliberative and controlling entities of actions at all levels, in which equal popular participation is ensured through representative organizations, according to the terms of federal, state and municipal legislation;
> III - maintenance of national, state and municipal funds connected to the respective councils of child and adolescent rights;
> IV - mobilization of public opinion so as to achieve the essential participation of the different segments of society.

Thus the locus for implementation is the municipality and Children's Rights Councils are a key democratic tool for monitoring the enforcement of rights. We should also note that the Councils are but one part of a theoretically comprehensive system in Brazil for implementing rights known as the System for the Guarantee of Rights (*Sistema de Garantia de Direitos*). This System encompasses all the public and nonprofit sector actors responsible for guaranteeing the rights of all citizens.[43]

---

[41] The following material on the current Children's Rights Councils comes from Rizzini (coord.) 20 Anos do Estatuto, 2010, 166-174 and some of the material in that section is taken from Secretaria de Direitos Humanos and CONANDA, <u>Bons Conselhos: Conhecendo a Realidade</u>, Brasília: 2005. We are also grateful to Eduardo Rezende Melo for his responses to our questions on the Councils' powers.

[42] http://www.planalto.gov.br/ccivil_03/Leis/L8069.htm.

[43] The System for the Guarantee of Rights is described in detail as it relates to children in Associação Brasileira de Magistrados, Promotores de Justiça e Defensores Públicos da Infância e da Juventude (ABMP), Organização de Eduardo Rezende Melo: *Cadernos de Fluxos Operacionais Sistêmicos. Proteção Integral e Atuação em Rede na Garantia dos Direitos de Crianças e Adolescente*, São Paulo: 2010.

This remarkable mechanism was only inserted in the Statute on the Child with a huge struggle. Indeed the principles of the Statute were so strongly opposed during its passage that participants referred to it as "a war". In particular, the supporters of the status quo, the "menoristas", fought it during both its passage and its implementation.[44] One consequence of the struggle is that the exact relationship between the powers of the Councils and the powers of the relevant legislative bodies is not spelt out in the legislation and, as we discuss later, this lack of clarity creates problems for the implementation of Councils' policies.

This lack of clarity is reflected in the training manual for Children's Rights Councils.[45] The manual lists the powers of Councils contained in the Statute then states in an ambiguous sentence that the decisions of the Councils are binding or should be adopted. The two elements of the last part of the sentence convey quite different meanings. The ambiguity is increased in a margin note that says that the power of the Councils is normative and cannot substitute for or contradict the standards established by legislative bodies. The note explains normative by saying it is a power to supplement or complement. These ambiguities suggest two problems: that the precise legal relation between the Councils and legislative bodies is uncertain and that, in consequence, the practical relationships between Council actions and their respective legislatures is uncertain. The preamble to the policy on street children that emerged from the Rio Council lists a variety of functions of the Councils including looking out for the equal access to and the effective exercise of the fundamental rights of children, as well as proposing priorities in programs and policies. The Councils are supposed to inform the community about the social, economic and cultural situation of children and adolescents. Children's Rights Councils also have the responsibility for determining their jurisdictions' allocation of the federal Fund for the Rights of Children and Adolescents (*Fundo dos Direitos da Criança e do Adolescente — FDCA*). Such an unusual reliance on citizen participation in a country

---

[44] Irene Rizzini and Francisco Pilotti (eds.), *A Arte de Governar Crianças*, São Paulo: Ed. Cortez, 3rd. ed., 2011.
[45] Simone Gonçalves de Asssis et al., *Teoria e Prática dos Conselhos Tutelares e Conselhos dos Direitos da Rio de Janeiro, RJ: Editora Fiocruz, 2009, 99.*

newly emerged from a democracy is bound to result in only partial implementation of the desired process simply because of the difficulties of getting citizens trained for, accustomed to, and prepared to exercise their powers in the face of the expertise and experience of public officials.

A 2005 study of the Children's Rights Councils bears out this thesis.[46] That study aptly titled *Good Councils: Understanding the Reality, (Bons Conselhos: Conhecendo a Realidade)* paints a very mixed picture of the functioning of the Councils yet still a picture of real advances for citizen participation. This study reported that there were 5,084 Councils in operation covering 91% of the territory of Brazil. Of these, 13% were not in fact policy decision-making bodies while 63% acted as consultative bodies, and 49% as norm setting bodies (normativos). While 71% of the Councils had established the Fund for the Rights of Children, 60% had not received any allocations to the Funds with many of these Councils simply not knowing how to set up and administer the Fund. The same study judged that 49% of the Councils were operating "regularly" with 47% displaying an absence of effective action.

The Councils had other problems that probably were inevitable given the recent emergence from a dictatorship which itself followed a history of first imperial and then oligarchic rule. Sixty-five percent of the sitting Counselors had no previous experience of such a role and 28% had no experience in the area of children and adolescents. Because service on the Council is voluntary for the civil society members and most of these members have other jobs (for the public sector members it is a legitimate part of their regular jobs), 69% of members spent five hours or less a month on their Council responsibilities.

This mixed picture is both a triumph for the concept and a warning about the progress still needed to turn all Councils into bodies that function according to the letter and the spirit of the Statute on the Child.

---

[46] Secretaria de Direitos Humanos e CONANDA, *Bons Conselhos: Conhecendo a Realidade*, Brasília: 2005, quoted in Rizzini (coord.), *20 Anos do Estatuto, 2010.*

THE RESEARCH PROJECT

CIESPI staff played a variety of roles in Rio and the other project states. The work began in the spring of 2008 when CIESPI received a grant from the Oak Foundation in Geneva, Switzerland to document the process that had just begun in the Rio Children's Council to develop a policy for street children. The Oak Foundation was interested in how assist other countries with a similar gap between legislated rights for children and actual practices. The work took on an additional aspect in June 2008 when CIESPI staff was invited to act as consultants to the Working Group (*Grupo do Trabalho*) of the Rio Council, the group charged with developing a draft policy for street children. The history of this invitation goes back to CIESPI's long record of applied research on street children and other vulnerable children. That history also includes collaborations with community groups and with the major coalition of organizations concerned with street children in Rio, the Rio Children's Network (*Rede Rio Criança*), a coalition of seventeen organizations. Two members of the Rio Children's Network were elected civil society members of the Rio Council when the project started and it was their connections to CIESPI that resulted in CIESPI's formal involvement with the Council.

CIESPI staff members played a number of roles in the process.[47] They consulted regularly with the two civil society members of the Council who were also members of the Rio Children's Network both informally and in formal debriefing sessions. These discussions included reviewing the research on the actual situation of street children, the possible substance of a workable and effective policy, and strategies for moving a policy through the Working Group and the Council. CIESPI's work also included the unplanned role of making and distributing notes of the meetings of the

---

[47] The two principal authors of this report were respectively a research consultant to the project and the co-coordinator of the project but neither took part in the day to day work of the Council or the Working Group.

Working Group to all participants to assist the progress of the discussions. CIESPI provided a written summary of the research on street children and vulnerable children to aid the Working Group's deliberations.[48] These roles made the CIESPI staff participant observers rather than independent observers. The role of participant observation in social science research has a long history and there is a rich literature on the process, its opportunities and challenges.[49] It is also true that the CIESPI staff had a goal of helping the formulation of an effective policy. This goal was based on the premise that there was no coherent public policy on street children in Rio and that street children could benefit from the thoughtful and respectful assistance of various municipal departments. Some might argue that these activities and stances colored the independence of the research and these issues about participant observation have been discussed in the research literature.[50] We just note here that there is a long debate in the social sciences about the "neutrality" of social science research with the issue cast in a number of forms including disputes between the camps of epistemic relativism and objectivism.[51]

As part of the project, CIESPI also monitored the work of municipal Councils in six other cities and discussed issues about street children with representatives of civil society in those cities. The cities were Manaus (Amazonas), Vitória (Espírito Santo), Porto Alegre (Rio Grande do Sul), Salvador (Bahia) São Luís (Maranhão) and Olinda (Pernambuco). CIESPI also worked with groups interested in street children in Goiâna (Goiás), in the state of Pernambuco, and with the seven municipalities that make up the ABC Large Region (*Região do Grande ABC*) in São Paulo.

---

[48] The Rio Council had three staff members including the executive secretary and two assistants and could call on experts in government for specific needs.

[49] See for example Howard S. Becker and Blanche Greer, Participant Observation: Problems of Analysis of Field Work Data, in Richard N. Adams and Jack J. Preiss (eds.), *Human Organization Research: Field Relations and Techniques*, Homewood: Dorsey Press, 1960, 267–289.

[50] Howard S. Becker, The Epistemology of Qualitative Research, in Richard Jessor, Anne Colby, and Richard Schweder (eds.), *Essays on Ethnography and Human Development*, Chicago: University of Chicago Press, 1996, 53–71.

[51] For an introduction to these issues and a bibliography see the Stanford Encyclopedia of Philosophy section on social epistemology at http://plato.stanford.edu/entries/epistemology-social downloaded April 10, 2011.

These places were chosen to include at least one state in each of the macro-regions of Brazil. In each of the cities, CIESPI had existing relationships with local researchers and children's professionals. This latter criterion was critical to aiding the team's understanding of often complex local situations. The first formal contact with the states was a seminar in Rio de Janeiro in April 2009 which was attended by several key actors from each city. In this seminar the representatives of each city described the local situation of street children and how their Councils were involved in tackling the problem. CIESPI also offered to assist the local actors in these other states in their efforts to develop policies for street children. While most of the cities indicated their interest in such a partnership, partnerships were, in fact, only established with some of the cities. However, after two years, CIESPI staff had completed a large number of meetings and phone and email contacts with all of the sample cities including at least one in-person meeting in each city with some mixture of nonprofit actors, public officials, Council members, specialists and social workers who worked with or in the Councils and/or with the children themselves. This purposive national sample of cities allowed us to see the variety of activities Councils had or intended to take on public policies to assist street children.

Despite engaging work in the other cities, the bulk of the staff's efforts were directed at the Children's Council in the city of Rio de Janeiro. The Center had the richest set of contacts in Rio and the complexity of the process made proximity to the actors important.

While the different cities displayed different levels of interest in developing a policy, three cities adopted policies or plans on street children during the period of the project, Rio de Janeiro, São Luís, and Recife.

THE PROCESS OF CONSTRUCTING A POLICY ON STREET CHILDREN IN RIO DE JANEIRO[52]

The Council's work on the policy officially began in July 2008 when the Official Municipal Diary published a notice of the establishment of the Working Group to develop a policy. But the groundwork for this action began a number of years earlier. Discussions about the need for new policies on street children began in the first iteration of the Working Group between 2003 and 2006 but this work ground to a halt because of other demands on Council members. Moreover, there was a federal initiative underway to develop the National Plan for Living in the Context of Family and Community (*Plano Nacional de Convivência Familiar e Comunitária, PNCFC*), and the then Councilors believed that the National Plan would set useful guidelines for local policies. Participants in this earlier group also commented that the first Working Group did not develop a systematic way to proceed with the task and that CIESPI's participation in the second Working Group provided key elements of a systematic approach to the work.

Pressure for the establishment of the second Working Group of the Council came from two civil society members who represented respectively the organizations EXCOLA[53] (which worked in the area of alternative education) and "If this Street Were Mine" (*Se Essa Rua Fosse Minha*) which engaged in art and cultural activities to support street

---

[52] Much of this section relies on Marcelo Princeswal and Paula Caldeira, *Os Processos de Construção e Implementação de Políticas Públicas para Crianças e Adolescentes em Situação de Rua: O CMDCA Rio e a Criança e o Adolescente em Situação de Rua: Avanços e Desafios na Formulação de uma Política Pública. Rio de Janeiro*, CIESPI at PUC-Rio, 2010, and on numerous conversations with those authors and with the other members of the CIESPI team including Elizabeth Serra Oliveira who was also a Council member and a member of the Rio Children's Network.

[53] The name EXCOLA comes from the word *escola* (school) as well as *cola de sapateiro* or the glue shoemakers use and which is commonly used by street children as a narcotic.

children. It was the efforts of these two Councilors that put the creation of a Working Group on the Council's agenda, and made the case for and coordinated the establishment of the Working Group. Their initial strategy was to persuade the Council to conduct a survey of programs for street children to demonstrate the inadequacy of those programs. When it became apparent that no Department had such a program, the need for the Council to develop a policy became even more pressing. The Working Group consisted of representatives of four municipal departments (*secretarias*) Social Assistance, Education, Chemical Dependency Prevention, and Health, COMLURB, the publicly owned company responsible for cleaning the streets of Rio whose workers frequently came into contact with street children, and five nonprofit organizations. The NGOs were the Rio Children's Network, EXCOLA, the Beneficent Association of St. Martin (*Associação Beneficente São Martinho*), If This Street Were Mine, and the Brazilian Association Terre des Hommes (*Associação Brasileira Terra dos Homens*). The make-up of the Working Group preserved the parity between the public sector and civil society mandated for the Council as a whole.

During the Working Group meetings the various municipal departments made presentations. But these presentations in general were not about concrete proposals for a policy but about current policies. Even this proved difficult for the public sector members because they argued there were very few programs aimed specifically at street children. As the Working Group developed proposals, the public sector members took them back to their departments for internal debate and returned to the Working Group with suggested amendments. This back and forth was an important feature of the process of constructing a policy. Since, however, most of the public sector Council members were junior staff they lacked the power to make suggestions or decisions at the actual Working Group meetings. Despite that fact that the public sector members did not initiate the process or provide impetus for completing the process, there was apparently little disagreement among Council members in the actual formulation of the policy. In the majority of cases, changes to the draft were approved unanimously. During the revision process, both some

Council members and CIESPI suggested changes to make the provisions of the policy more concrete and, therefore, more implementable.[54] Just as the civil society members of the Council were critical in the formation of the Working Group, so they were in the development and approval of the Policy. The Rio Children's Network took the most active role in mobilizing groups outside of the Council to keep up the pressure for the adoption of a policy. Three of its member organizations had seats on the Council. The organization EXCOLA played a very important role as its representative on the Council kept up a constant conversation about the policy with Council members even after her term ended. In fact, the meetings that hammered out the final draft of the policy took place in this organization's offices. Similarly the Council member from the St. Martin Association maintained a dialogue with Council members to promote the development of a policy.

The Working Group presented a draft to the Assembly in November 2008 where various suggestions were made. At this time, little of the detailed drafting work had been done, and indeed a majority of the Departments had not made their presentations to the Working Group. Even so this formal presentation was important to give visibility to the Working Group and to share the general objectives of the Group to the Council. In addition to this presentation, the Council members who were not part of the Working Group were kept informed of the Group's activities on a monthly basis by the executive secretary of the Council and by the two Councilors from EXCOLA and the St. Martin Association.

After the November presentation, the Working Group made the decision to delay a formal submission to the Council until after the inauguration of the new mayoral administration of Eduardo Paes, who was elected mayor on October 26, 2008, and came into office in January 2009. The Working Group wanted the new administration and its new department heads to "own" the policy, and therefore wanted them to be able to contribute to the final text. In a final effort to obtain advice on and "buy-in" to the

---

[54] Some of the details of this process were related to the authors through written questions submitted to CIESPI staff members Paula Caldeira and Marcelo Princeswal who then responded in writing. This happened several times during the writing of this synthesis.

policy, the Working Group sent copies of the draft proposal to members of the judicial system who might have to rule on cases where any new policy was ignored and to university professors deemed interested in the area. Nobody responded to this mailing. CIESPI staff thought this lack of response was due to the very tight time constraints for responding. There was less than a week between the mailing and the final vote of the Assembly on the policy. Indeed the Working Group's failure to consult these professionals at a much earlier stage of the process could be seen as a major lacuna in the process. Interested professionals had, however, been given another way of participating in the process. Members of the System for the Guarantee of Rights including representatives of various police forces, Guardianship Councils, the judiciary, the Ministry of Justice, Public Defenders, and organizations of civil society were invited to attend the meetings of the Council at which the policy was discussed. Moreover, some key figures from these groups were consulted informally during the process.

A fresh urgency to the formal passage of the policy came in mid-year with the scheduled new elections to the Council. The Working Group made the decision to present the final policy to the sitting Council on the grounds that the installation of a new Council would again delay the Policy. Accordingly, the Working Group presented the Policy to an extraordinary meeting of the assembly on June 22, 2009 with both civil society and public sector members making presentations. The assembly adopted the Policy at that meeting by a unanimous vote. While the vote was a major achievement, the process had been long and difficult.

THE POLICY [55]

The Policy has a long introductory section which sets out three aspects of the antecedents of the Policy: (1) the status of the Council and the Working Group; (2) the post-dictatorship legal milestones in the development of the rights of children and families and for children in the situation of the streets and (3) a summary of the contemporary characteristics of children in vulnerable contexts and in the situation of the streets. This introduction clearly stated that prior policies for street children had roots in Brazil's colonial past and were "inhumane, arbitrary, and violent".[56]

The concrete part of the Policy sets out directives and responsibilities for eight municipal departments and for civil society in general. The directives are specific to the particular departments as, for example, the Health Department should develop strategies to prevent the spread of AIDS, tuberculosis and other infectious diseases in the population of street children, and that the Department of Education should give priority for places in crèches to the children of adolescent mothers in the situation of the streets. The instructions to the municipal Secretariat of Social Assistance include guaranteeing the inclusion of street children and their families in the family income program (*Bolsa Família*) and other social assistance programs; guaranteeing the children's participation in programs to end child labor; including the children and their families in work and income-generation preparation programs; and including the children and their families in the municipality's housing programs. But the different directives can be summarized as having one or more of the following general purposes:

---

[55] Secretaria Municipal de Assistência Social, Conselho Municipal dos Direitos da Criança e do Adolescente, *Política de Atendimento à Criança a ao Adolescente em Situação de Rua*, Deliberação No. 763/09 AS/CMDCA, Rio de Janeiro: 2009.
[56] Ibid., 7.

1. Target areas in the city with concentrations of street children with support aimed at the children's departure from the streets taking into consideration their wishes and their rights.

2. Take programs intended for a wider population and make sure they are provided to street children, their families, and friends.

3. Give street children priority in access to particular resources such as the Family Allowance (Bolsa Família), crèches, and work training programs.

4. Encourage street children's use of public resources including public education, and health programs.

5. Provide special services specifically for street children including providing special staff in family health programs.

6. Make public officials aware of street children, their needs, wishes and rights.

7. In light of their special vulnerabilities, make special provision for protecting street children against health risks and violence including training the police in the children's rights and the abuse of their rights and the need to respect them as citizens.

This is an impressive list of actions especially considering the complete lack of positive policies prior to the adoption of the Policy and the ever-present sentiment among parts of the population that street children are dangerous, people who simply need to be controlled, harassed and removed from public view. The directives cover the essential areas of sensitizing public officials to the condition, rights and needs of street children, guaranteeing access to general resources and providing special resources. The provisions are also impressive given the fact that while

municipal councils generally follow the lead of the National Council, CONANDA, in developing policies using the guidelines set out in the draft Ten Year National Plan for Children, that plan only contains one sentence about street children. The sentence sets the goal of reducing the number of street children by 80% by 2016, a magnificent but empty objective given the absence of any strategies in the Plan for achieving that goal.

The Policy separately lists the responsibilities of the "organizations of civil society" giving them the heavy responsibility of keeping the condition of street children in public view and proposing and monitoring budgets to fund the implementation of the policies.

At the end of the policy are a set of recommendations among which is that the Children's Rights Council should make proposals to the municipal chief of staff for including in the annual and multi-annual budgets resources for funding the directives by fixing a percent of the annual tax revenues for that purpose, and guaranteeing two percent of the federal fund for municipalities (*Fundo de Participação dos Municípios*) to the Municipal Fund for the Child and the Adolescent. It is not clear from the text whether these funds are intended only for public expenditures or whether, in addition, some of them would go to the nonprofit organizations charged with monitoring the implementation of the policy.

COMPARISON OF THE RIO POLICY WITH THE POLICIES ADOPTED IN SÃO LUÍS AND RECIFE

Two other cities in the project group of cities adopted policies on street children through their respective Children's Right Councils during the three year research period. Those cities were Recife in the state of Pernambuco and São Luís in the state of Maranhão.[57] To the best of the project staff's knowledge no other Councils have adopted such a policy. There are similarities among the three policies but some interesting differences.

The Recife document which is called a plan rather than a policy is a seven page chart that lists under separate columns actions, results, indicators, time period, and those responsible for the actions.[58] It is therefore a policy, a plan and a monitoring device all in one. Unlike the Rio Policy, the Recife Plan pays some attention to children in institutions and shelters calling for the adoption of the principles of the *National Plan for the Promotion, Protection and Defense of Children and Adolescents to Live in a Family and Community Context* including trying to return children home, to adoptive homes or to group homes.[59] It also calls on the various police forces to concentrate on the arrest of adults who seduce children into sex and/or drug use. It sets out the general principle that children are not to be removed from their parents until all the resources of the System for the Guarantee of Rights have been exhausted. At the other end of the spectrum, the Plan calls for the analysis of situations where children have been threatened with death by people including drug traffickers, police, or militias. The Rio Policy assigned to nonprofit organizations the responsibility of

---

[57] Recife has a population of about 1.5 million people and São Luís about 950,000 people. Both cities are in the Northeastern Region of Brazil.

[58] *Plano Municipal de Enfrentamento a Situação de Rua de Crianças e Adolescentes da Cidade do Recife*, Resolução COMDICA No. 031/2009.

[59] Conselho Nacional Dos Direitos da Criança e do Adolescente, *Plano Nacional de Promoção, Proteção e Defesa do Direito de Crianças e Adolescentes à Convivência Familiar e Comunitária*, Brasília: CONANDA, 2006.

making sure that children and youth were involved in the implementation of the Policy. The Recife Plan makes that the responsibility not just of nonprofits but range of government departments. The Recife Plan in a section titled prevention calls for special attention to be paid to the much larger group of children in vulnerable contexts especially improving cultural and leisure opportunities for those children. While the Rio Policy had as a recommendation rather than a directive, providing sufficient funds in various budgets for implementation, the Recife Plan included as a regular provision, guaranteeing the insertion of the provisions of the plans into municipal ordinances and budgets to assure sufficient funding.

The São Luís Policy was approved by the Children's Rights Council of São Luís on February 28, 2011.[60] The form of the São Luís Policy is similar to that of the provisions of the Rio Policy with a brief history of the formulation and adoption of the Policy and then a list by municipal department of provisions. The Policy ends with a list of recommendations for the Council, the municipal coordinator for women, organizations of civil society, the Guardianship Councils and the Public Prosecutor (*Ministério Público*). All three documents call for efforts to re-attach the young people to their families and communities although as we point out below in the section on remaining challenges it is not clear how this is to be attempted.

THE BEGINNING OF IMPLEMENTATION

While the construction and passage of the policy was complex, implementation is far more complex and challenging and goes to the heart of the huge gap in Brazil between legal rights, plans for implementation and actual implementation. Indeed, a CIESPI report on the process of developing the Policy devotes a concluding section to suggestions about implementation as a way of encouraging the process.[61] The fear of inaction seemed to be borne out by the Council's apparent lack of interest in implementation after the passage of the Policy in June 2009. It was not until May 2010 that the Council created a Commission to monitor the implementation of the Policy but that Commission did not draw up a plan for implementation until January 2011.

CIESPI staff thought that the timing of this new wave of activity less the result of a specific factor than the perhaps inevitably slow ripening of a strategy for implementation. It took time for the Council to internalize the conclusion that the condition of children in the situation of the street was important and that a Commission of Implementation should be established. By the time the Council came to this conclusion some of the more active councilors were no longer on the Council. Once the Commission was established, it was difficult to secure the attendance of the municipal departments at its meetings. Lack of communication among government entities almost prevented the Commission from participating in a municipal study about the general street population in Rio de Janeiro and it was only the new president of the Council's personal knowledge of this study that lead to the involvement of the Commission.[62] There were also some leadership changes which facilitated a more

---

[61] Princeswal and Caldeira, *Os Processos de Construção e Implementação de Políticas Públicas*, 2010, 33.
[62] This unpublished study was performed by Centro de Capacitação em Pesquisa da Secretaria Municipal de Assistência Social.

activist role. By the time the Commission was appointed, the Council had a new president, a public sector member from the Department of Social Assistance. This person had a history of being an activist and believed in the Council's responsibility to be involved in the shaping of public policy. As with the development of the Policy, so with the work of the Commission, the civil society members played a key role in keeping the process moving. The Commission established an agenda for its work in August, 2010 largely due to pressure from the non-governmental members.

Despite these difficulties and delays, in January 2011 the Commission produced a strategic plan for implementation. The Plan had several sections including the objectives of the Commission, an analysis of the problems facing implementation, a list of possible allies and a detailed timetable for action. The list of problems included serious contextual issues such as the trend towards the criminalization and indeed extermination of poor sectors of society (*criminalização e extermínio da população pobre*), the Mayor's new program the Shock of Order (*Choque de Ordem*), which in addition to cracking down on irregular street sellers and illegal housing, also harassed street children in the middle-class southern zone sections of the city and removed them to the periphery of the city, and the all too common discontinuities in personnel and policies in the public sector.

The Plan also listed possible allies to assist in implementation, an important consideration given both the comparative political weakness of the Council, and the lack of a regular nonprofit organizing tradition in Brazil.[63] That list included parts of the judicial system, organizations of civil society and the new media technologies, the latter a reference to the fact that the "old" media, in the view of some activists, promoted the view that all street children were properly objects of fear.

---

[63] We say regular organizing tradition because Brazil has in its recent history some extraordinary organizing successes. A number of groups formed to organize against the dictatorship including, for example, Catholics who belonged to the Liberation Theology section of the Church, and a massive movement exists for land redistribution, the Landless Workers Movement (*Movimento dos Trabalhadores Sem Terra*.) Brazil also has a history of trade unions albeit a history dominated by the state for many years. But in the 1970s there emerged out of this "statist unionism" a new pro-democracy union movement which provided the first political home of the two-term, highly successful, former president Luis Ignácio Lula da Silva or "Lula".

Most important, the Plan's last section, "A Plan of Actions" included actions, the tasks needed to accomplish each action, the responsible person or organization, and the time period in which each action was to be completed. The character of this action agenda is, however, preparatory rather than direct. The tasks include informing key actors, collecting more data, creating a blog, and attending key meetings. Nowhere does it say, for example, "persuade or require" some municipal department to implement one or more of the guidelines relevant to that department. Nor does it list any priorities among the quite long list of actions making it harder for the Implementation Committee or the advocacy community to organize around an agenda that is workable in the short-term.

A summary of the successes and challenges of the Rio Children's Rights Council's work on a Policy for Street Children

We discuss below some of the most striking features of the work of the Rio de Janeiro Council in producing the Policy under the headings, "achievements", "challenges" and "opportunities". The details should not, however, detract from the fact that Rio now has a broad policy on street children where none existed before. As far as we know, there was one prior policy or plan developed on street children at the municipal level in Brazil and that was in the city of Vitória, Espírito Santo. But that plan was a creation of the municipality and was not developed through a Children's Rights Council. The deeply seated hostility to street children and the long record of harassing and harming them makes the adoption of a policy that attempts to meet their needs a major accomplishment. At the same time, we should be clear that children of the streets in contrast to children on the streets are in such dire straits that no policy could guarantee the full development of this group of children. Such children need to be restored to a family or community context for that to happen. However, the Policy, if fully implemented, would make it easier for children on the streets to strengthen their connections to family and community and might assist children of the streets in that direction.

MAJOR FINDINGS

ACHIEVEMENTS

1. The Rio Council's success in producing a policy

Despite the lack of a history of developing and approving policies on children, the Rio Council, through a lengthy process, produced a detailed policy to improve the lives of street children. While the policy opens with a long description of the broad legal context of children's rights and a summary of data on street children, it also contains concrete and, therefore, actionable, instructions (fifty-four separate clauses) for eight municipal departments and seven instructions for the organizations of civil society. The Rio policy constitutes the first ever detailed local policy for street children that was deliberated in and approved by a municipal Children's Rights Council and hence serves as a model for future policies both in terms of process and substance. During the period of the project, a similar policy was adopted in São Luís, Maranhão, and a similar plan in Recife, Pernambuco.

2. The Rio process reinforced the principal of civic society-public sector parity and provided a forum for grappling with contentious issues.

The decision of the Rio Council to establish a working group to develop a policy was important for several reasons. Practically, it created the space for the detailed work of policy development, a space that was lacking in the Council that had more responsibilities than time available to fulfill those responsibilities. The Working Group also maintained the spirit of the legislation that established the Councils by maintaining parity of membership between the public sector and civil society. Parity between

these two sectors is an important principle of post-dictatorship Brazil. However, while that parity was established in the initial appointments, in practice the civil society members attended more frequently than the public sector members.

The involvement of civil society also provided the opportunity for people with the most knowledge of the daily lives of street children to bring that knowledge to bear on the discussions and to inform the generally less well-informed public sector members about that reality. (The Working Group invited other groups that worked with street children to contribute to the discussions.) Public sector members were, in turn, able to inform civil society members about programs and projects of which civil society members were unaware.

The presence of civil society members with a street level knowledge of street children and a strong commitment to a rights focus also surfaced the tension between the view that it was reasonable to treat street children as dangerous vagrants and the view that standard police procedure grossly violated street children's rights.

3. The use of data on vulnerable children and street children

The work of the Rio Council was based on a survey of current knowledge about street children and children living in vulnerable conditions specifically constructed for the debate in the Council. The research summary was constructed by CIESPI.[64] (The draft national census report on street children was not completed until after the development of the Policy.) While research on street children is difficult to conduct, sparse, and suffers from methodological shortcomings, the Council's deliberations created a space for discussing and examining the latest research on street children and on children in vulnerable conditions. The various parties involved with the issue of street children in Rio and other states appreciated the opportunity for discussion provided by these newly summarized data and

---

[64] Rizzini et al., *Crianças e Adolescentes com Direitos Violados*, 2010.

the data were discussed in a number of forums. Some of the data were included in the preamble to the Rio policy.

In addition to these data, the civil society members of the Council and other advocates and professionals who participated in the Council's discussions brought to those debates an extensive day to day knowledge of the lives of street children. This information helped alleviate the disparity in knowledge about street children between some civil society members who worked with street children on a daily basis and some public sector members who had little working knowledge of street children.

The combination of the quantitative data and the qualitative information allowed the Working Group to debate in a much more informed manner and, for example, agree on a working definition of street children. It also gave the Working Group a profile of the social and economic background of these children which helped them design the practical provisions of the Policy.

The Council's use of data about children in vulnerable contexts, a much broader category than street children, was an important recognition that children reach the streets because those vulnerable contexts erode family and community ties.

4. The successful use of expertise and technical assistance from the university sector

The Council and the Working Group lacked sufficient staff to conduct their complex business. Moreover, many members lacked experience of formulating and deciding on policy issues in a public context. In addition to providing overviews of the latest research knowledge, CIESPI staff was also able to provide assistance to the Working Group about how to record its work in a way that permitted steady progress and on how to "move the agenda". This assistance raises the question discussed below of how the Councils can accomplish their responsibilities without appropriate staff but it also shows the possibilities of outside groups providing such

assistance. The conditions for the availability and the acceptance of this help in Rio included CIESPI's long and respected history of applied research and policy development on children's issues, its relationship with one of the key civil society groups, the Rio Children's Network, and the Oak Foundation funding which gave the CIESPI the resources to devote considerable staff time to the work of the Council and the Working Group.

5. The Rio Council established an implementation committee and planned an implementation agenda

We have already noted that in Brazil there is a wide gap between the promises contained in the Constitution, laws, and national plans for children's rights and the reality of many children's lives. The Rio Council, on passage of the policy, saw the need to establish an implementation committee to oversee the implementation of the policy. The implementation committee took some time to plan an implementation agenda, but after several months prepared for the Council a strategic plan for implementation. The establishment of an implementation committee and that committee's construction of an implementation plan is a huge step forward in tackling the lack of precedents for monitoring and promoting the implementation of children's policies. As previously noted the Recife Plan contained an implementation section.

6. The effective action of networks and coalitions

Just as the Rio Policy was promoted by the Rio Children's Network (Rede Rio Criança), the policy in São Luís was promoted by a similar network, the Friend of the Child Network (Rede Amiga da Criança), and the plan in Recife by the network Girls and Boys of the Street (Meninas e Meninos da Rua). While the principle of parity in Children's Rights Councils obligates equal representation of civil society, the critical role played by networks in all three cities points to an importance over and above their representation of civil society. These networks brought with them long-time experience of working for street children but also the power of coalitions. This power meant they could organize their priorities and strategies in their own space

outside the Councils and bring far more weight to the deliberations than individual non-profit organizations. The networks also brought a passion for improving the lives of children in the streets which was the key driving force for initiating and completing the policies. [65]

In Rio and in other states, there exists a regular space for the non-profit sector to discuss issues related to children, the National Forum for the Rights of the Child and the Adolescent (Fórum DCA). The Forum, which is organized at the national and municipal levels, emerged from the mobilization about children at the period of the establishment of democracy in the late 1980s and, depending on its membership at any particular time, can be a vital force in local Councils. In Rio, for example, the deliberations among the civil society members of the Council about what should be the Council's agenda, was determined during meetings of the Forum.

7. The Councils' work on policies for street children represented a dramatic change from seeing street children as threats to public order

The approach of constructing concrete policies to improve the lives of street children stands in dramatic contrast to the prior lack of a formal policy but existence of an informal policy that saw street children as public menaces who needed to be removed from the streets and controlled. This repressive view has a long history in Brazil, a view that was only theoretically abandoned in the 1988 Constitution and in the 1990 Statute on the Child and the Adolescent. While this repressive view is still prevalent in some parts of Brazilian society, there is now at least an official, alternative view of street children actually written into municipal policy in three key cities.

---

[65] Critical support for the coalitions in Rio and São Luís was provided at various times over the last decade by the Swiss National Office of the international foundation, Terre des Hommes.

CHALLENGES

1. The lack of sustained debate and action on street children

This report documents a major effort to improve the condition of street children. But the presence of children with fragile connections to family and community who spend their days on the streets exposed to many dangers is a constant fact of urban life in Brazil. On most urban intersections such children hustle by selling small items or by doing acrobatics to attract the attention of motorists stopped for a moment by a traffic light. They are, in short, ubiquitous and very visible. Despite the intensity of the problem, in the twenty years of the existence of Councils very few have succeeded in addressing street children as part of their responsibilities. Moreover, while local Councils in general follow the agendas set by the national Council, CONANDA, the CONANDA draft National Ten Year Plan for children only contained one instruction on street children which was to reduce their number by 80% by 2016, a goal that was not accompanied by any indication of how this goal was to be achieved.[66]

This lack of sustained action on street children is connected to the view that street children are dangerous and need to be controlled rather than assisted. This view shapes media coverage of street children but it also influences public sector institutions including the various police forces and the judicial system. The changes needed in these arenas are large. An eminent Brazilian juvenile court judge said recently that the justice system needs to revise its institutional role and move from being repressive and controlling to promoting the rights and involvement in decision making of children and adolescents of the street.[67] The judge

---

[66] CONANDA, *Construindo a Política Nacional dos Direitos Humanos de Crianças e Adolescentes e o Plano Decenal dos Direitos Humanos de Crianças e Adolescentes*, 2011-2020, *Documento Preliminar para Consulta Pública*, October 2010.

[67] Presentation of Eduardo Rezende Melo, Juvenile Court Judge, São Caetano do Sul, São Paulo, and Coordinator of the Center for Restorative Judicial Studies of the São Paulo School for Magistrates at the Second National Conference on Children's Rights Councils and Policies on Street Children, CIESPI at PUC-Rio, Rio de Janeiro, April 27 and 28, 2011.

continued that to assist this change, nonprofit organizations involved with street children should hire lawyers to represent them before judges.

2. The weight of responsibilities of Councilors and their lack of time

Children's Rights Councils are responsible for all matters referring to the rights of children and adolescents. It is not surprising that some Councils had priorities other than street children. However, only one of the Councils we contacted showed no interest in developing a policy on street children. In this city, the Council's prior activity had resulted in a new municipal program for street children and so the Council saw no great need to develop a policy.

The fact remained that Councils found it difficult to address the task of formulating policy. When asked why this was the case a frequent response was the overload of a Councilor's responsibilities.   These included the responsibility of administering the mandatory registration all nonprofit groups that worked with children in their jurisdiction including in some cases checking those groups' documentation, and supervising elections for the Guardianship Council—a separate but related Council that has authority over children at risk.   This heavy responsibility of work was made worse by the fact the Council positions are voluntary and that, in general, Councilors could only spend a few hours a week on the work of the Councils. Given these pressures many Councils had very little time for discussing and developing policy.

3. Challenges posed by the public sector Councilors

A specific problem affecting public sector representatives was that sometimes many of them were from the same municipal department with the result that other key departments were left unrepresented. Moreover, the public sector representatives were often junior level employees not managers and these members lacked the autonomy to speak and act in the Council on behalf of their departments. The fact that the public sector representatives were frequently rotated made coherent discussion and decision more difficult. If the senior staff of a particular secretariat

wanted to ignore the work of the Council it was easy enough to do so by sending junior staff or a succession of staff members. In some Councils, the public sector Councilors were much less likely to attend the meetings than the civil society Councilors. In general, the public sector representatives tended to know very little about the day to day lives of street children. (This lack of knowledge about street children contrasted with the defining role played by the Rio Health Department in 2005 in the Council's work on adopting a policy on HIV/AIDS.[68])

The public sector plays one key role in the Rio Council as the municipal department of Social Assistance provides the Council with its regular staff. The independence of the Council would be better served if the Council had its own budget and could hire its own staff.

4. Lack of experience in the role of policy making

Many Councilors lacked experience of how to deliberate about and develop public policies. On some occasions CIESPI staff were asked to draft a policy for a Council and had to remind Councilors that policy development was the Council's responsibility and indeed, by law, a collective responsibility of the various interests represented in the Council. In addition to the lack of knowledge about developing public policies, many Councilors also lacked Councilor asked CIESPI staff when the staff would provide a training because he had no experience of working in a public body. Civil society Councilors were in general unaware of how city departments worked, and what programs were in existence. Several councilors interviewed doubted whether the Councils had the competence to deliberate on and develop public policies. In response to the need for training, a year ago, the federal government established under the Department of Human Rights the School for Councilors which contracts with local universities and institutions to carry out training for Councilors. In Rio, the training is carried out by the Bento Rubião Foundation.[69]

---

[68] See Princeswal and Caldeira, *Os Processos de Construção e Implementação de Políticas Públicas*, 2009, 28.
[69] One critical training document is Goncalves de Asssis et al.,*Teoria e Prática dos Conselhos*, 2009.

5. The Fund for Children and weak political interest in the broad responsibilities of the Councils

Article 88, paragraph 3 of the Statute on the Child and the Adolescent defines the role of Funds for the Rights of Children and Adolescents (FDCA) and Councils' responsibilities for the Funds. The Article further provides that the Councils have the responsibilities to administer the Funds, and establish criteria and plans for their use. [70] It turned out that the question of how these funds should be used was one of the most debated topics in the Councils. A number of our respondents said that many government and non-government groups only participated in the Council debates when the agenda included the allocation of these funds. In particular, religious bodies that had institutional interests in the funding decisions of the Councils were constantly re-elected to the two-year terms.[71] These respondents added that the overwhelming interest in funding decisions led to a disregard for policy issues thus turning the Councils into bodies narrowly focused on discussing and disbursing funds. On the other hand, the existence of these funds gives Councils, at least in theory, a powerful tool to promote the implementation of their policies.

While the civil society members of the Council were critical to the success of adopting a policy, the organizations those members represented were institutionally fragile. Brazil has a growing number of civil society networks devoted to various public policy issues. But in general those networks are fragile and considerably underfunded. There is a temptation in the world of charitable foundations to concentrate on funding direct services despite the fact that charitable resources are in most countries tiny compared to public sector resources. The foundation world sometimes avoids contentious issues and advocacy. The Rio experience suggests that a shifting of resources to supporting activist networks and their expert technical

---

[70] § 2º do art. 260 da Lei n° 8.069, de 1990.

[71] CONANDA is currently considering changes to the rules governing Children's Councils and one change under consideration is limiting the number of terms an institution can be represented on the Councils.

supporters could achieve important benefits in improving public policy. [72]

6. Implementation and the division of interests and power between the Councils and the municipalities

We have already noted the comparative lack of a tradition in Brazil of organizing for implementing the rights of children. The civil society members of the Rio Council, for example, feared that the city agreed to the policy very reluctantly and showed little initial interest in implementing it, although the city health department has started to implement one of the provisions of the policy. This raises the question of the comparative powers of Councils and municipalities in regards to children's policies. There are precedents in Supreme Court rulings that municipalities are obliged to follow the resolutions of the Councils. There could, for example, be grounds for a class-action law suit against a municipality refusing to implement a policy. But there are also theoretical arguments questioning this possibility on the grounds that such actions would give the Councils more power than the elected legislative bodies. In practice, said one jurist, Councils act in the gaps in state and municipal law.[73]

7. Securing the involvement of children and youth

While Brazilian law on young people and the values of many of the participants in the Council process stress the participation of children and youth in public discussions about their lives, such participation is hard to obtain. On the one hand, some of the adults involved resist the inclusion of youthful voices especially the voices of vulnerable youth. Other adults see themselves as representing young people even when those adults have lost day-to-day contact with the young people themselves. On the other hand, some of the most vulnerable

---

[72] We include this point although it may well seem self-serving. In Brazil, however, civil society organizations that take on contentious issues face a huge imbalance of power and resources compared to the public sector institutions they are trying to engage.
[73] We are grateful to Eduardo Rezende Melo for this comment.

youth resist participation from lack of interest, lack of understanding, other priorities such as day to day survival and sometimes a deep suspicion that whatever their participation, nothing will in fact change.

8. Linking policies to budgets

Brazil has a complex system of federal controls for public budgets. In addition to internal controls within each secretariat or department, there is an external control institution at the federal and state level and in a number of municipalities called in Portuguese *O Tribunal de Contas* which could be translated in U.S. English as Auditor General. In 2010, Brazil held its first national meeting about transparency in public budgets.[74] This said, there are lacunas in the law for the transfer of money from fund to fund, for example from a federal fund to a municipal fund; few people have mastered the complexity of the existing laws; and lump sum allocations in municipal budgets make it very hard to discover a budget allocation and a budget expenditure for a particular program.

Another serious problem is the timing of the budget and the expenditure process. In general, federal budgets are formulated between January and July each year, and hence spending is limited to the period between August and December after which unspent amounts have to be returned to the Federal Revenue Department. In fact, the situation is even worse than this calendar suggests because in practice a high percent of funds are expended in the last month of the year.

9. Services to children on the streets or strategies to re-attach children to families and communities?

It is an important characteristic of all three Policies that they contain provisions for concrete actions and incorporate a strong sense of the necessity to reach out to street children with the resources that many

---

[74] We are indebted to Jader de Oliveira, Clayse Madeira and Fabio Ribas for information about public budgets in Brazil.

other children can take for granted. But these provisions raise a key question. We have already noted that street children can be divided roughly into children of the streets and children on the streets. The former category includes, according to our informants, a high percentage of children and youth who are drug addicts. It is not clear whether any degree of "outreach" to these children will enable them to participate in many of the health, educational or cultural services or activities on offer. The latter category probably contains a higher percent of young people who are functioning normally. But they have chosen or been forced into a life that at the very least excludes formal schooling and it is not clear how much they would be willing to participate in the planned activities or whether indeed such participation is their main need.

The Policies emphasize the need to re-attach the children to families and communities. But the question remains how this is to be done in the face of unwillingness on both sides, and in the face of the advocates' deep skepticism about institutions, group homes and shelters which, if organized differently, might be stepping stones back to the community rather than in interlude away from the streets. It is possible that the large list of enumerated services could take attention away from the probably more difficult job of getting the children off the streets.

One way to balance the two sets of objectives might be the creation of an oversight group in the Council or perhaps in the municipality to constantly focus attention on the task of re-establishing the children's links with some part of their family and/or community.

OPPORTUNITIES

1. The mandated role of Councils

The last section listed the challenges of using Children's Rights Councils to develop and promote policies for change. But Councils exist in almost 6,000 municipalities in Brazil, have the federal legal mandate for adopting policies for children, and by law include key public and civil

society actors. They have an established institutional structure. They also include elected members of civil society thus giving them more independence than commissions chosen solely by the executive or administrative branches of government. Councils have the opportunity, indeed the mandate, to examine the condition of children independent of any current programs or political agendas thus allowing them to raise issues that other branches of government might not raise. The challenges they face are serious but should not obscure these set of advantages which no other group of independent or semi-independent actors possess.

A number of strategies might assist municipal Children's Rights Councils to fulfill their responsibilities more effectively. These include more practical assistance via training and support services; the development of model policies which Councils could adapt to the particular circumstances of children in their jurisdiction; the development of effective sanctions for Councils that do not fulfill their responsibilities and municipalities that do not respect the policies that are developed by the Councils; the development of a greater public awareness of the statutory responsibilities of Councils and of the important role they could play in implementing existing rights; and the conscious organizing of broader political support.

2. The existence of institutional and other hooks to promote change

There are a variety of institutional "hooks" for promoting change for street children. These might be utilized in conjunction with or separately from the work of the Councils. One way of institutionalizing the implementation of a Council policy is for a municipality to turn a policy into municipal legislation. Such a strategy would give the policy the force of law and require a provision in the municipal budget.

It is difficult to promote policy change without a clear agenda that attracts significant support. That process can have different starting points in addition to action started by a Council. A for-profit consulting firm in São Paulo has had the experience of helping to create agendas for children. Funded by corporate philanthropy and in conjunction with

Children's Rights Councils in over 70 municipalities in Brazil, it created a program called *Amigo de Valor* (Valued Friend).[75] The consultant to the project reported that the process of a joint diagnosis and priority setting among the relevant municipal departments and nonprofit organizations not only produced an actionable plan with agreed upon priorities but created the relationships necessary for the successful planning and implementation. The key to both the diagnosis and the priority setting was the availability of data on the condition of children.

One striking lesson from the *Amigo de Valor* process was that after the diagnosis, the relevant actors tended to focus much more emphasis on basic services for children rather than specialized services, a result that points to the greater visibility of exceptional needs in the absence of a structured analysis of the needs of all vulnerable children.

While such fresh analyses and priorities can produce momentum so can existing agendas developed in different forums. The development of a federal draft ten year plan for children in Brazil built on the structure of rights is likely to provide support and justification for different initiatives by different actors.[76] The existence of the draft plan both legitimizes and gives direction to the work of federal and local government and civil society. The draft plan includes a series of strategic objectives and goals for guaranteeing specific rights for children,

In addition to institutional opportunities there are also reform moments. These might be the election or appointment to public office of progressive officials or particular events. In São Luís the election of a reform-minded "General Prosecutor" (*Procurador Geral*) was critical to getting the Policy passed. In Rio, the upcoming 2014 World Cup and the 2016 Olympic

---

Games are opportunities to cast a spotlight on the vulnerable children in the city, and some groups are organizing around these opportunities.

While we noted earlier some confusion around the different powers of Councils and their respective municipal governments, a Resolution of CONANDA makes it clear that Councils can take judicial action if a municipality fails to implement a Council policy. CONANDA Article 2, No. 3 as recently revised, states that in the case of the infringement of any of its decision, a Council can ask the Public Prosecutor to promulgate an order demanding adherence to the policy.[77]

3. Building political support: External and internal allies

Civil society-public official councils exist by federal mandate on a number of topics in Brazil in addition to children and adolescent rights. It appears that the power contexts in which some of these other Councils exist are different from those of Children's Rights Councils. A number of observers said that other types of federally mandated oversight Councils had some success in implementing Council actions because of the particular context in which those Councils worked. Councils on Social Assistance were said to be effective because all the social assistance budgets passed through the Councils. Health Councils exercised considerable power because the doctors' unions often shaped and supported their activities and because these Councils developed a tradition of vigorous action to combat the HIV/AIDs crisis. Some Environmental Councils have the support of well-organized advocacy groups. A Council's power appears, therefore, to be relative to its subject matter and the forces aligned with it.[78]

This political support involves professions and movements interested in the topics of the Councils. But political support can also be built by Councils among public departments. A representative of the Recife

---

[77] See http://www.direitosdacrianca.org.br/conanda/resolucoes

[78] We are grateful to Joenilda Alves Feitosa and Cristina Ventura for responding in writing to our questions on other federally mandated Councils.

Children's Council described the strong relationships that Council had built with the governor of the state and with the courts. Similarly, a representative of the Council in Porto Alegre in Rio Grande do Sul described how that Council had developed an open dialogue with both the military police[79] and the courts and how in consequence both organizations had a broader understanding of the lives of street children.[80]

Building support for policies for children also means building understanding in the media. In Brazil, the temptation for the media is to lead with stories about the violence committed by children and adolescents and not to discover or report on the variety of children who live in the situation of the streets. The major children's coalition in São Luís, The Friend of the Child Network, developed a strategy for addressing this issue which involved creating a kit on street children and providing a workshop to educate journalism students. The coalition thought that several years after initiating this strategy coverage of street children began to improve.[81]

4. The opportunities of the budget process

We have noted that public budgets in Brazil are opaque and lack critical detail. But the development, adoption and implementation of budgets are major opportunities for shaping public policies. Since Brazil lacks a history of advocacy and other nonprofit groups examining these processes, it will take time for these groups to develop the interest and capacity to analyze budgets. But efforts are being made to make public budgets and public expenditures more transparent, and nonprofit groups are beginning to develop an interest in those budgets as a tool for developing and monitoring public policy.

---

[79] The military police in Brazil are responsible for public order, are under the control of the states and are a reserve military force. Police investigation of crimes is the responsibility of the civil police forces. Some observers think this division of responsibility is one of the reasons for the very low-rate of convictions for serious crimes in Brazil.

[80] We are grateful to Joenilda Alves Feitosa from Recife and Joaquim Proença Singaud of Porto Alegre for this information discussed at the Second National Conference on Children's Rights Councils and Policies for Street Children, Rio de Janeiro, 2011

[81] Testimony of Ivana Braga, *Rede Amiga da Criança* at the Second National Conference on Children's Rights Councils and Policies for Street Children, Rio de Janeiro, 2011.

POSTSCRIPT

Children and adolescents in Brazil enjoy the protection of some of the most extensive constitutional and legal rights of any country in the world. These rights are of comparatively recent origin and the implementation of these rights is weak. The weakness of implementation particularly impacts vulnerable children who have most need of protection. Street children in particular are still often regarded as threats to public order rather than the subject of rights. The Brazilian Statute on the Child and the Adolescent established a particular mechanism for promoting the implementation of rights, namely Children's Rights Councils. Our study shows that these Councils can, in certain circumstances, develop detailed policies on street children, a useful, though not a sufficient step for the implementation of rights. But there are other institutional actors, coalitions and responsible officials who can assist the development and implementation of policies for street children and other vulnerable children. No part of the collectivity of all these actors should be ignored in the search for ways to give vulnerable children the chance to fully develop their capacities.

Another lesson of this research is that the proper concern paid to the dangers street children face should not diminish attention to the very large percent of children in Brazil who grow up in contexts that threaten their futures by reason of concentrated poverty, violence, and extreme environmental hazards. While it is hard to predict which low-income children will end up on the streets, structural changes aimed at improving the lives of all low-income children will reduce the number who end up disconnected to their families and communities.

Brazil has a long history of authoritarian rule and of vast income disparities. The turn to democracy in the mid-1980s and the emphasis on rights and equality that has governed presidential administrations since then have laid the groundwork for improving children's lives. The continuation of those processes is the key condition for future improvements.

REFERENCES

ABMP, Associação Brasileira de Magistrados, Promotores de Justiça e Defensores Públicos da Infância e da Juventude, Organização de Eduardo Rezende Melo: Cadernos de Fluxos Operacionais Sistêmicos. *Proteção integral e Atuação em Rede na Garantia dos Direitos de Crianças e Adolescentes* (Reports on the Relationships Among Various Parts of the System: Comprehensive Protections and the Reality in the System of the Guarantee of Child and Adolescent Rights), São Paulo: 2010.

Brazilian Federal Government, *Constituição da República Federativa do Brazil de 1988*, Capítulo VII, Art, 227, downloaded on May 23, 2011 at http://www.planalto.gov.br/ccivil_03/constituicao/constitui%C3%A7ao_compilado.htm.

Brazilian Federal Government, Lei 8.069, 13 de julho de 1990.

Brazilian Federal Government, Lei No. 8.242 de 12 de outubro 1991, accessible at www.jusbrasil.com.br/legislacao/anotada/2628293/lei-8242-9

Becker, Howard. S., and Blanche Greer, Participant Observation: Problems of Analysis of Field Work Data, in Richard N. Adams and Jack J. Preiss eds., *Human Organization Research: Field Relations and Techniques*, Homewood, IL: Dorsey Press, 1960, 267–89.

Becker, Howard, S. The Epistemology of Qualitative Research, in Richard Jessor, Anne Colby, and Richard Schweder, eds., Essays on Ethnography and Human Development Chicago: University of Chicago Press, 1996, 53–71.

Bush, Malcolm, Fatores que Impedem as Conexões de Jovens ao Mercado de Trabalho: Reflexões com Base em Estudo sobre Jovens de Baixa-Renda no Complexo do Caju, na Cidade do Rio de Janeiro (Factors that Inhibit Young People's Connections to the World of Work: Reflections from a Study of Low-Income Youth in the Caju Neighborhood in Rio de Janeiro), *Revista Inclusão Social*, Vol. 2, No. 2, 2007.

Camera Municipal do Rio de Janeiro, *A Lei n° 1873/92, de 29 de maio de 1992.*

CIESPI, International Center for Research and Policy on Childhood, *Base de Dados: Infância e Juventude em Números* (Data Resource: Children and Youth in Numbers) at www.ciespi.org.br

Conselho Municipal dos Direitos da Criança e do Adolescente de Recife, *Plano Municipal de Enfrentamento à Situação de Rua de Crianças e Adolescentes da Cidade do Recife* (Municipal Plan to Confront the Situation of Street Children in the City of Recife), Resolução COMDICA No. 031/2009.

Conselho Nacional dos Direitos da Criança e do Adolescente (CONANDA), *Construindo a Política Nacional dos Direitos Humanos de Crianças e Adolescentes e o Plano Decenal dos Direitos Humanos de Crianças e Adolescentes 2011-2020* (Constructing a National Policy on the Human Rights of Children and Adolescents and the Ten Year Plan on the Human Rights of Children and Adolescents, 2011-2020) Brasilia: CONANDA, Documento Preliminar para Consulta Pública, October, 2010.

Conselho Nacional dos Direitos da Criança e do Adolescente, (CONANDA), *Resoluções* (Resolutions) http://www.direitosdacrianca.org.br/conanda/resolucoes

Gonçalves de Asssis, Simone, Liane Maria Braga da Silveira, Mariana Barcinski, and Benedito Rodrigues dos Santos, *Teoria e Prática dos Conselhos Tutelares e Conselhos dos Direitos da Criança e do Adolescente*

(Theory and Practice of the Guardianship Councils and the Children's Rights Councils), Rio de Janeiro, RJ: Editora Fiocruz, 2009.

Growth and Crisis Blog, "Brazil Fights Hunger and Illiteracy", *http://blogs. worldbank.org/growth/node/8681*

Instituto de Desenvolvimento Sustentável, *Pesquisa Censitária de Crianças e Adolescentes em Situação de Rua* (Census Study of Children and Adolescents in the Situation of the Streets), mimeo, 2011.

Laboratório de Análise de Violência, *Homicídios na Adolescência no Brasil* (Adolescent Homicides in Brazil), 2005-2007, Universidade do Estado do Rio de Janeiro, Rio de Janeiro: 2010.

Levitt. Steven, D., and Stephen J. Dubner, *Freakonomics: A Rogue Economist Explores the Hidden Side of Everything*, Chapter 4, Where Have All the Criminals Gone? New York: HarperCollins Publisher, 2009, 115-146.

Lusk, Mark and Derek T. Mason, Fieldwork with Rio's Street Children, in Irene Rizzini (ed.) *Children in Brazil Today: A Challenge for the Third Millennium*, Rio de Janeiro: Editora Universitária Santa Úrsula, 1994, 157-176.

Princeswal, Marcelo and *Caldeira*, Paula, *Os Processos de Construção e Implementação de Políticas Públicas para Crianças e Adolescentes em Situação de Rua: O CMDCA-Rio e a Criança e o Adolescente em Situação de Rua: Avanços e Desafios na Formulação de uma Política Pública* (The Children's Rights Council in Rio and the Child and the Adolescent in the Situation of the Streets: Advances and Challenges in the Passage of a Public Policy). Rio de Janeiro: CIESPI/PUC-Rio, 2010. *http://www.ciespi. org.br*

Rede de Informação Tecnológica, Latino-Americana (RITLA), *Mapa da Violência, Os Jovens da América Latina* (A Map of Violence, Youth in Latin

America), Brasília: 2008.

Rizzini, Irene and Francisco Pilotti, (eds.), *A Arte de Governar Crianças* (The Art of Governing Children), São Paulo: Ed. Cortez, 2011 (3.a edição).

Rizzini, Irene and Malcolm Bush, *Challenges and Opportunities for Low-Income Children Aged 0-8 in Urban Brazil: Evidence from Two Low-Income Communities in Rio de Janeiro in the Areas of Improving the Physical Environment, Reducing Violence and Scaling up Quality Learning Opportunitie*s, Report to the Bernard van Leer Foundation, The Hague, the Netherlands, April, 2010.

Rizzini, Irene, Udi M. Butler, and Daniel Stoecklin, (eds.), *Life on the Streets: Children and Adolescents on the Streets: Inevitable Trajectories?* Sion: International Institute for the Rights of the Child (IDE), 2007.

Rizzini, Irene, Paula Caldeira, Rosa Ribeiro, and Luiz Marcelo Carvano, *Crianças e Adolescentes com Direitos Violados. Situação de Rua e Indicadores de Vulnerabilidade no Brasil Urbano* (Children and Youth Whose Rights have been Violated, Street Children and Indicators of Vulnerability in Urban Brazil), Rio de Janeiro, CIESPI/ PUC-Rio, 2010.

São Luís, Comissão de Políticas Públicas-CMDCA, *Política Municipal de Atendimento à Criança e ao Adolescente em Situação de Rua de São Luís* (The Municipal Policy for Providing Services to Children and Adolescents in the Situation of the Street in São Luís), Revisão Final, São Luís, Maranhão, 2011.

Secretaria Municipal de Assistência Social, Conselho Municipal dos Direitos da Criança e do Adolescente, *Política de Atendimento à Criança a ao Adolescente em Situação de Rua* (The Policy for Providing Services to Children and Adolescents in the Situation of the Street), Deliberação No. 763/09 AS/CMDCA, Rio de Janeiro: 2009.
Secretaria de Direitos Humanos, *Direitos Humanos de Crianças e Adolescentes: 20 Anos do Estatuto* (The Human Rights of Children and

Adolescents: Twenty Years of the Statute), Brasília: December 2010.
Secretaria de Direitos Humanos e CONANDA, Bons Conselhos: Conhecendo a Realidade (Good Councils/Counsels: Understanding the Reality), Brasília: 2005.

Stanford Encyclopedia of Philosophy, section on social epistemology at *http://plato.stanford.edu/entries/epistemology-social/ downloaded* April 10, 2011.

ABOUT THE AUTHORS

Malcolm Bush is an affiliated scholar at Chapin Hall at the University of Chicago and Senior Consultant at the International Center for Research and Policy on Childhood at the Pontifical Catholic University of Rio de Janeiro. He engages in applied research and policy development in community development, community development finance, strategies for assisting low-income families including affordable housing and asset building, and improving policies and practices for connecting low-income youth to wider job markets. From 1992 to 2008, Dr. Bush was President of Woodstock Institute in Chicago, a national think tank on economic development and financial services. Between 1979 and 1987, he was a regular faculty member at the University of Chicago, teaching family and children's policy and research methods. He has served as a board member of the National Community Reinvestment Coalition, the National Coalition for Community Development Financial Institutions, and the Financial Markets Center. He served a term on the Consumer Advisory Council of the U.S. Federal Reserve Board.

He holds a Ph.D. in social psychology and urban affairs from Northwestern University, and an M.A. in American history and economics from the University of Pennsylvania. His undergraduate degree is in modern history from Oxford University. Dr. Bush is author of the book Families in Distress: Public, Private, and Civic Responses (University of California Press), and has written numerous articles and reports and made many presentations on urban and social policy, community reinvestment, lending discrimination, community development, and ways to better support low-income families, low-income children, and their communities.

Irene Rizzini is a Professor at the Pontifical Catholic University of Rio de Janeiro, Brazil (PUC-Rio) and Director of the International Center for Research and Policy on Childhood (CIESPI) at PUC-Rio. Professor Rizzini served as President of the Childwatch International Research Network from 2002 to 2009, a network of over forty university based research centers in over forty countries. She held the visiting chair in Brazilian Cultural Studies at the Helen Kellogg Institute for International Studies at the University of Notre Dame in 2006, and was appointed a John Simon Guggenheim Memorial Foundation fellow in 2008. She is the author of several books, among which are: Globalization and children, The art of governing children: the history of social policies, legislation and child welfare in Brazil, Disinherited from society: street children in Latin America, The lost century: the historical roots of public policies on children in Brazil, Images of the child in Brazil: the 19th and 20th centuries, Children and the law in Brazil- revisiting the History (1822-2000), The Human Rights of Children and Adolescents: Twenty years of the Statute (on Children and Adolescents in Brazil).

Professor Rizzini received her Master's degree at the University of Chicago (School of Social Service Administration) and her Ph.D. in Sociology from Rio de Janeiro Institute of Research (IUPERJ). In 1984, Professor Rizzini founded the Center for Research on Children (CESPI) at Santa Ursula University in Rio which became the International Center for Research and Policy on Childhood (CIESPI) at PUC-Rio in 2002.