

The Lack of a Youth Law in Brazil and its social consequences



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After the death of a 5 year old boy on the street, which took place in a car, stolen by a 15 year old adolescent in the city of Rio de Janeiro, the discussion on the reduction of the criminal responsibility age crops up again in Brazil.

The “B” brother of the BRICS (among China, India and Russia), the country of big social programs such as “Fome Zero” (Zero Hunger) and “Bolsa Família” (Family Scholarship), which reaches 40 million people yearly, proves to have difficulties tackling a youth crises in the country, which is, for instance, a crisis of the social-historical identity of the “Government of Workers for all”. The situation points to a crisis of a society in which the idea of a restricted democracy still dominates the scene and regulates the social order. The partaking of the labor union bureaucracy in government power, which is an inheritance of the Workers Movement of the seventies, did not result in the establishing of a Youth Law, although young people were and are an important actor for social change in the country.

The National Council for Youth is still weak and has almost no political power in a nation state structure guided mostly by old white men. Furthermore, the statute of Children and Adolescents is less effective than it could be. It can be described as a Rights Act and is extremely oriented to children and adolescents below 18 years of age. All the youngsters older than 18 years are out of the Statutes’ social protection sphere. The Brazilian society keeps the word ‘youth’ protected by a ring of magic inside the field of theories of culture, far from an urgent demand to the institutional and political regulation. The country advances very slow in proposing a reform of the Statute of Children and Adolescents or its fusion with the Youth Statute. The latter awaits to be analyzed and voted on in the Brazilian congress.

Many studies show that the main victims of homicides are youngsters, and among them the afro brazilian ones. Its true that that there is a reduction in the homicide rates in the city of São Paulo. But most of these results are related to the action of NGOs which are conducting special programs on the outskirts of the megacity with financial support of the State, or other global agencies like UNESCO or WB, and not because the country has a public policy aimed at young people. Brazil fails to establish a coherent public policy because there is no way to solve the problem without facing the need for an institutional and political reform. This reform was possible in central Europe for example with the coming into effect of the RJWG in Germany, during the chaotic but also productive years of the Weimar Republic. This discussion, moreover, must take place not in the context of a reduction of the age of criminal responsibility, which would orient Brazil towards an americanization of the system, but should consider the possibilities to accomplish a fusion between the ECA (Statute of Children and Adolescents) and the Youth Statute, which is , as said, blocked in the congress. As a consequence, Brazil remains without a full social care system for all young people.



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Another important consequence of this lack of public policy is the criminalization and militarization of the areas where poor families live, namely the Favelas. There are many signs of this process of criminalization and militarization. One of them is the organization and deployment of a National Security Force, a special national army to face the war between the drug dealers on the outskirts of big cities like São Paulo and Rio, for example. At the same time, the Falcons (soldiers) of this war, but serving on the side of the criminals in the Favelas, are black youngsters, mostly between 15 and 20 years of age. These youngsters do not achieve to live more than 20 years in Brazil. Here we could ask which kind of relationship can be established between the boys in the streets of Bagdad which shoot American soldiers, youth soldiers of the Intifada in the Westjordan and Gaza or even among the child and youth soldiers in Latin America, Africa and southeast Asia.

These Youngsters left basic school before the end of the obligatory 9 years in Brazil. This school is not only unable to give parents the capability to demand compliance to the LDB (National Law of Education), but also can't keep the youngsters in a context of sustainable normal learning. The educational system is also unable to provide the poor families with an alternative to lift them out of poverty, for example by professional education. A proof of this is the failure of programs like the Pro-Jovem, a 150 million Dollar program to youngsters between 15 and 25 years of age which did not finish the first 9 years of basic school. It should be available in 27 capital cities and all of the federal states of the Republic. In 2003, there were 300.000 youngsters with a suitable profile to take part in the program.

São Paulo, a city with 11.000.000 inhabitants, where 24,4% of the population are between 0 and 14 years of age, got 15 million Dollars for the program and had to reach 30.000 young people. Unfortunately, there were just 8.000 youngsters in the program, each of them being paid a scholarship of 50 dollars per month. The program must be operated by an NGO, which gets the money from the meyer (partner of the federal government at the local level), in order to provide the young people with an opportunity to complete basic school, learn a profession and to be "proactive" in their own communities, for example by organizing little social programs with their peers in the Favelas. This kind of program should provide social protection to young people, who face the consequences of economic and state reform, chronic unemployment (an unsustainable rate of 53%) and extreme change in the social role of the families.

The weakness of the Brazilian public policies directed towards young people lead to the result that these policies have produced exactly what they were supposed to abolish: school dropout and low school achievement. It has much to do with the lack of institutional regulation between the NGOs and the many levels of government in Brazil (Federal, State, and City governments), the lack of transparency in the management of public resources, the absence of

stable programs of Teacher-Training Programs, but also the lack of infra-structure and logistics to operate programs for thousands of people in a city oriented to wild capitalist production and consumption.

A further very important aspect is that there is no socio-pedagogical approach to design this kind of programs in the country, because social workers are not able to work with young people inside the school and teachers are not able, and not even trained, to learn outside the conventional space of the old school.

All of these problems show the failure of the Lula government to establish a Youth Public Policy in Brazil. This situation forces a part of the youngsters in the country, namely black, poor and male youth, to build a criminal career and reinforce the social distance, inequality and lack of dialogue between the generations.

The challenge to countries characterized by recent industrialization and urbanization may be to build stable public policies while facing the lack of the historical background of the welfare state. The societies on the outskirts of global capitalism represent a challenge to the so called future “global society”. The young people are probably saying to the world that in a scenery of post-colonial disruptions, one of the main aspects must be the dialog between generations and a bigger transfer of power, from the hands of the male, old, western and white holders of power to all the other groups.

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