

**THE STATUTE OF THE CHILD AND ADOLESCENT (ECA) AND THE EXERCISE
OF THE RIGHT TO EDUCATION OF ADOLESCENTS IN CONFLICT WITH THE
LAW**

**ESTATUTO DA CRIANÇA E DO ADOLESCENTE (ECA) E O EXERCÍCIO DO
DIREITO À EDUCAÇÃO DOS ADOLESCENTES EM CONFLITO COM A LEI**

**EL ESTATUTO DEL NIÑO Y DEL ADOLESCENTE (ECA) Y EL EJERCICIO DEL
DERECHO A LA EDUCACIÓN DE LOS ADOLESCENTES EN CONFLICTO CON
LA LEY**

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ABSTRACT

The discussion presented in this text analyzes the strengths and weaknesses of the Statute of Children and Adolescents (ECA) in the pursuit of the effective realization of the right to education for adolescents in conflict with the law. Situated at the interface between education and human rights, the study shows that, although the ECA represents a milestone in comprehensive protection, its practical application still faces institutional, political, and structural barriers. The study adopts a qualitative approach, of a bibliographic nature, Adorno (1995), Cury (2002), Fernandes and Paludetto (2010), and Queiroz (2017)) and documentary nature (Federal Constitution of 1988; the Law of Guidelines and Bases of Education - LDB nº 9.394/1996); the ECA (Law nº 8.069/1990) and the SINASE (Law nº 12.594/2012). The results highlight the invisibility of adolescents in society and the limitations of public education policies, where the right to education, although legally guaranteed, is not fully realized due to a lack of intersectoral public policies that integrate the areas of education, justice, and social assistance.

Keywords: Statute of Children and Adolescents (ECA). Right to Education. Adolescents in Conflict with the Law.

RESUMO

A discussão apresentada neste texto analisa as potências e fragilidades do Estatuto da Criança e do Adolescente (ECA) na busca da efetivação do direito à educação de adolescentes em conflito com a lei. Inserido na interface entre educação e direitos humanos,

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o estudo evidencia que, embora o ECA represente um marco na proteção integral, sua aplicação prática ainda enfrenta barreiras institucionais, políticas e estruturais. O estudo adota uma abordagem qualitativa, de natureza bibliográfica, Adorno (1995), Cury (2002), Fernandes e Paludetto (2010) e Queiroz (2017)) e documental (Constituição Federal de 1988; a Lei de Diretrizes e Bases da Educação - LDB nº 9.394/1996); o ECA (Lei nº 8.069/1990) e o SINASE (Lei nº 12.594/2012). Os resultados apontam a invisibilidade dos adolescentes perante a sociedade e as limitações das políticas públicas educacionais, onde o direito à educação, embora garantido legalmente, não se concretiza plenamente, devido a carência de políticas públicas intersetoriais que integrem as áreas da educação, justiça e assistência social

Palavras-chave: Estatuto da Criança e do Adolescente (ECA). Direito à Educação. Adolescentes em Conflito com a Lei.

RESUMEN

La discusión presentada en este texto analiza las potencialidades y debilidades del Estatuto del Niño y del Adolescente (ECA) en la búsqueda de la efectividad del derecho a la educación de los adolescentes en conflicto con la ley. Inserto en la interfaz entre la educación y los derechos humanos, el estudio evidencia que, aunque el ECA representa un hito en la protección integral, su aplicación práctica aún enfrenta barreras institucionales, políticas y estructurales. El estudio adopta un enfoque cualitativo, de naturaleza bibliográfica (Adorno, 1995; Cury, 2002; Fernandes y Paludetto, 2010; Queiroz, 2017) y documental (Constitución Federal de 1988; Ley de Directrices y Bases de la Educación – LDB n.º 9.394/1996; el ECA – Ley n.º 8.069/1990; y el SINASE – Ley n.º 12.594/2012). Los resultados señalan la invisibilidad de los adolescentes ante la sociedad y las limitaciones de las políticas públicas educativas, donde el derecho a la educación, aunque garantizado legalmente, no se materializa plenamente debido a la falta de políticas públicas intersectoriales que integren las áreas de educación, justicia y asistencia social.

Palabras clave: Estatuto del Niño y del Adolescente. Derecho a la Educación. Adolescentes en Conflicto con la Ley. Políticas Públicas.

1 CONVERSATION STARTER...

This article establishes an interdisciplinary interface that articulates the field of Education with Human Rights, covering the areas of Psychology, Public Security and Social Assistance. The study focuses on the central problem of guaranteeing access to schooling and the realization of the right to education for adolescents in conflict with the law in the State of Piauí. The objective of this reflection is to increase the investigative corpus that examines the potentialities and limitations inherent to the Statute of the Child and Adolescent (ECA), with regard to the promotion of the right to education for this youth segment. It is noteworthy that these adolescents often face a condition of social invisibility, not receiving the full protection and specialized treatment that their unique situation demands and that the legal system itself recommends.

Education is a constitutionally guaranteed social right, which enables the understanding and access to other rights, providing the subject with the means to transform his reality, considering the employability of knowledge conceived through the relationship with the environment, with the mediators of learning, as well as the emancipation that knowledge provides.

In this sense, education is not restricted to the transmission of knowledge and, according to Adorno (1995) it cannot even be called the modeling of people, because we do not have the right to model people from their exterior. Thus, education is not restricted to the institutional limits of teaching or schooling, but is, above all, an important instrument of social transformation, which, taking into account the above statement, should not be used for the reproduction or maintenance of a social order.

Fernandes and Paludetto (2010) point out that it is through education that we recognize the other, the values, the rights, the morals, the injustice, we communicate, discovering the elements that surround us as social individuals. The movement of history, for example, is made possible through the transmission to new generations of the previous acquisitions of human culture, through education. In view of this, from this movement that allows the history of societies to be written in different social, cultural and economic contexts, education is perceived as a means and an end itself, through which struggles are established, through which it is possible to ascend to different places in society, transforming reality and oneself.

According to Cury (2002), currently, most countries in the world guarantee, in their legal texts, the access of their citizens to basic education. Considering the basic role of school

education in the organization of life in society, as well as in the preparation of citizens for the exercise of citizenship and in their personal and professional development, in all areas of life.

As previously exposed, education is a right of all Brazilian citizens and that it must be ensured and promoted not only by the Brazilian State, but by the family and society, with a view to the development of the person, their preparation for citizenship and professional qualification, which corroborates the idea that education cannot be limited only to institutional issues of teaching, since it touches human development as a whole, and not just the aspects of the subject's professional life.

In Article 227 of the Federal Constitution of 1988, which in view of the social scenario of the time and social advances, demarcated the role of the State, the family and society with regard to the rights of children and adolescents, it is stated that:

It is the duty of the family, society and the State to ensure the child, adolescent and young person, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life, in addition to safeguarding them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression (Brasil, 1988, p. 137).

In other words, children and adolescents are guaranteed the same rights as adults and the elderly, but as shown by the wording of Article 227 (Brasil, 1988), with absolute priority, due to their peculiar condition as a person in development and it is important to point out that this applies to any children and adolescents, without distinction, without prejudice to any other condition or specificity.

The individual dimension of the right to education is also highlighted by Caggiano (2009, p. 23) who, emphasizing the social character of education itself, argues that currently:

[...] The right to education is envisioned with multifaceted content, involving not only the right to education as a process of individual development, but also the right to an educational policy, that is, to a set of interventions legally organized and executed in terms of a process of formation of society, aiming to offer the members of the social community instruments to achieve their ends.

In addition, it is a universally recognized right, attributed to all men, regardless of origin, sex, age or any other discriminatory criterion and without spatial or temporal limitation.

2 CONTEXTUALIZING LAWS AND ACTIONS FOR CHILDREN AND ADOLESCENTS

Perhaps it is a consensus that the legal provision of something or need is an essential condition for it to be recognized as a right, however, there are countless examples that this alone, by itself, is not enough to guarantee that something expressed in a law is actually enjoyed by people. The realization of social rights involves the provision of public services that, in turn, require budgetary resources, that is, from the state treasury (Silveira, 2012).

Thus, it can be argued that the materialization of rights involves the imperative of having mechanisms that force the State to fulfill its duties. In this regard, Silveira (2012, p.354) points to one possibility: the "existence of some legal power that allows the holder of the right, in case of non-compliance with the obligation due", to demand action by the State.

The author refers to legal bases for individuals to request, through the Judiciary, what is due to them. However, despite the pertinence and correctness of this note, it is impossible not to ponder the fact that in order to access the Judiciary, it is necessary to have a set of information (about one's own rights and how to proceed to guarantee them) and, not infrequently, financial conditions (lawyers, costs of lawsuits, etc.), which precisely the individuals most affected by the State's negligence do not have.

The table below presents the historical evolution of laws/or actions that address children and adolescents in Brazil, both from the perspective of protection, charity or punishment.

Table 1

"Laws and political actions aimed at children and adolescents"

YEAR	LAW /ACTION	BRAZILIAN HISTORICAL CONTEXT
1726	Wheel of the exposed	The Brotherhood of the Holy House of Mercy created the first "Wheel of the Exposed" in Bahia. It was a cylindrical compartment installed in the wall of a house that rotated from the outside in. The child was placed there to be sheltered and raised by the entity, preserving the identity of those who abandoned him. The measure was regulated by law and became the main form of child care in the 18th and 19th centuries. Popularly, it was also known as the "Wheel of the Rejected".
1890	Criminal Code of the Republic	Criminal accountability now considers the Theory of Discernment. Thus, children between 9 and 14 years old are psychologically evaluated and penalized according

		to their "discernment" about the crime committed. They could be pitied by an adult or considered imputable.
1927	Minors Code or Mello Mattos Code⁵	It represented advances in the protection of children. The law prohibited the "Roda dos Expostos" and made young people liable until the age of 18. He created the "preservation school for delinquents" and the "reform school for the abandoned"
1990	Statute of the Child and Adolescent	It applies to all children and adolescents, regardless of social class; formalizes the idea that children and adolescents are citizens in formation and deserve special care; It comprises the main rights of children and adolescents; It covers their protection for sensitive issues such as sexual violence.

Source: prepared by the authors (2025).

From the circle of the exposed to the Statute of the Child and Adolescent (ECA), there is a historical evolution of the Brazilian legal provisions that deal with issues linked to childhood and adolescence. This evolution also demonstrates the progress of a civilizing process, especially with regard to the ECA and all its legal guidelines. Something singular is to realize that this statute clearly presents priorities that link it to the world of formal education, carried out in school spaces.

The Wheel of the Exposed was created during the empire and was maintained by charitable institutions (abbeys, monasteries and charitable brotherhoods). Children were left in them whose parents for some reason could not raise them (Santa Casa, 2018). And this was a constant practice throughout the national territory (França, 2024). Also according to França (op. cit. p. 28),

Brazil still took many years to adopt effective measures in favor of children and youth. The indignation of the Emperor, as well as of other individuals, who like D. Pedro II, who had a privileged position in society, unfortunately, was more in the realm of ideas and not in political and social practices.

The Brazilian empire had a Constitution, promulgated in 1824. After the proclamation of the Republic in 1889, an attempt was quickly made to draft a Federal Constitution of the Republic, and it was promulgated in 1891. In the same period, the Penal Code of 1890 was

⁵ Name of the first Juvenile Judge in Brazil and Latin America and author of the Code

published and this, if observed from current perspectives, would be a real affront to the rights of children and adolescents. Although, it is noted from the bibliography of the time that those who had a more humanitarian view towards the child also found this penal institute too coercive. According to Articles 27 and 30:

Article 27. They are not criminals: § 1. Children under 9 years of age; Paragraph 2. Those over 9 and under 14, who act without discernment; Article 30. Those over 9 years of age and under 14 years of age, who have acted with discernment, will be taken to industrial disciplinary establishments, for as long as the judge deems it to be the case, provided that the collection does not exceed the age of 17 years (Brasil, 1890, n.p.).

In the view of França (2024, p. 27),

[...] In matters of criminal laws, these remained in force for a long time. And so, children from 9 to 14 years old were judged very rigorously, not least because defining discernment in a society permeated by prejudices of various kinds was difficult for children. In addition to this, it is necessary to highlight the passage contained in article 30 of the Penal Code of 1890, "[...] shall be taken to industrial disciplinary establishments [...].

From the above, it is possible to affirm that these children were available for forced labor and as free labor. In 1927, the Minors Code, also called "Mello Mattos Code", was sanctioned, in honor of the author of the bill, Judge José Cândido de Albuquerque Mello Mattos. This code protected only some social, criminal, political rights, among others. However, it played a historical role (Brasil, 1927). According to the author Cossetin (2012, p. 29), the Mello Mattos Code followed some principles in force in society at the time:

The Code of Minors in Brazil, which was called the Mello Mattos Code, followed the logic of intervention originated by the situations of poverty to which the abandoned and the so-called delinquents were exposed. It did not provide for the institution of rights, but was based on a preventive and repressive orientation aimed at punishing those who did not adjust to the development process undertaken by the country.

Although the legislator, perhaps, was trying to improve the lives of minors, the society of the time was still permeated by distant visions of what we know to be adequate today. Historians, sociologists, scholars of Applied Sciences of Law, Educators and other professionals who analyze society and its nuances generally mention that one cannot judge the past with the eyes of the present. Even so, this fact does not prevent one from having a

critical and reflective view of the situations already experienced. According to Rizzini (2021, p. 34):

The Lost Century", in which he studies the passage from the nineteenth century to the twentieth century, with regard to childhood and what views society had towards individuals at that age. (...) the concept of the importance of the child, as well as the vision that one has of childhood as the "future of the nation" and how society sees them and how all this influenced, in 1927, the writing of the Melo Mattos Code; in his words: It is the first legislation specifically aimed at the population of children and adolescents, at the time, without any problematization, called "minors".

The 1979 Minors Code is historically recognized as an advance in dealing with the problem of needy and marginalized childhood, before it, there was no specific regulation for this population. What we had was legislation centered on the concept of "the abandoned and delinquent minor", being those with specific characteristics of poverty, mostly black, living on the outskirts of cities or in very impoverished rural areas - including other groups, as they know, the native-Brazilian populations, blacks, riverside dwellers and quilombolas.

Regarding this advance, the authors Carneiro and Medeiros (2021) highlight that many prejudiced terms in force today are a legacy of the stigmas created in this period, in the same sense highlights Rodrigues (2021, p.47)

From the 1927 Code, which presented many terms correlated to children and adolescents, and reaching the apex of prejudice, after the New Minors Code, in 1979. This period, in which Brazilian society began to distinguish concepts between "child" and "minors", the latter having a pejorative connotation. And the laws for children will be directly related to families, while minors will be subject to the criminal guardianship of the State.

The history of the rights of children and adolescents began to undergo significant changes from the Doctrine of Integral Protection, which was presented by the Federal Constitution (Brasil, 1988), and recognized in the Brazilian legal system from Law 8.069/90 that gave rise to the Statute of the Child and Adolescent – ECA, which is presented as the most complete legislation regarding the rights of children and adolescents, and that it was the document responsible for breaking with the Doctrine of Irregular Situation, present in the two Minors Code, of 1927 (Decree No. 17. 943-A of October 12, 1927) and 1979 (Law 6.667 of October 10, 1979).

In the midst of the great economic, political and social transformations that mark the capitalist industrial era, from 1988 onwards, with the advent of the Federal Constitution, the concept of childhood acquires new meanings and a social dimension that until then did not exist in the Western world. The interest of society soon resulted in studies and congresses that would culminate in specific legislation, among which the Statute of the Child and Adolescent - ECA stands out, the result of rigorous struggles in the political and social field in defense of Brazilian childhood (Brasil, 1990).

Law No. 8,069, of July 13, 1990, which deals with the Statute of the Child and Adolescent (ECA), by incorporating assistance to the chapter of constitutional rights, pointed out the possibility and even the need for the development of mechanisms and political instruments that would enable decentralization, gradually articulating the political participation of those who, as citizens, they would contribute directly to the transformation of the service and monitoring of all public policies assumed by the State.

The Statute of the Child and Adolescent (ECA), enacted in 1990, represented a civilizing milestone in the consolidation of the Doctrine of Full Protection, by recognizing children and adolescents as subjects of rights. However, after more than three decades, challenges persist in the implementation of such guarantees, especially with regard to the right to education of adolescents in conflict with the law.

According to Silvia (2015), the construction process through which the implementation of the Statute of the Child and Adolescent (ECA) went refers to the question of reading what was previously called the Doctrine of Irregular Situation. Doctrine that treated children and adolescents in situations of vulnerability and in a situation of conflict with the law in the same bias, being the same interned in institutions without any socio-educational service structure. Which did not resolve conflicts and still complicated them. The Doctrine of Integral Protection marks an advance in the care process, which places the adolescent as a subject of rights, and who is in the process of development (Queiroz, 2017).

The way in which the socio-educational system works today is decisive in a proposal to advance the treatment of adolescents in deprivation of liberty, and of course, also with those who comply with other socio-educational measures; with regard to the construction and strengthening of the Doctrine of Full Protection (Silvia, 2015).

3 STATUTE OF THE CHILD AND ADOLESCENT (ECA) - EDUCATION OF CHILDREN AND ADOLESCENTS

Law No. 8,069, of July 13, 1990, the Statute of the Child and Adolescent (ECA), represents a fundamental milestone in the history of Brazil, by establishing a set of norms and principles aimed at the full protection of the rights of children and adolescents. It comes into force almost a decade after the end of the civic military dictatorship in Brazil, and is born in a historical context of great social, political, educational and legal transformation in Brazil.

Its creation is linked to the strong mobilization of growing social movements in the country (1984-1989). A proposed law aligned with human rights, a more accurate and welcoming look at the cause of Brazilian childhood and adolescence. According to Martins (2010, p. 35), "[...] it is known that, in the decade prior to the enactment of the ECA, there was great progress in the field of social struggles, as well as in the structuring of counter-hegemonic pedagogical theories, as opposed to non-critical pedagogies that intensely favored the maintenance of the oppressive order (Saviani, 2005). At the end of 1985, when the discussion about the constituent process took over the country, the debate on the rights of children and adolescents expanded, cultivating a new phase, that of the debate on the pedagogy of rights (Graciani, 2005)

According to public information on the website of the Court of Justice of the State of Santa Catarina (TJSC), in the 1980s, the protagonism of society was imposed by the expression of its interests. Article 227 of the Federal Constitution of 1988 expresses this protagonism when it guarantees children and adolescents the fundamental rights of survival, personal, social, physical, psychological and moral integrity, in addition to protecting them in a special way, that is, through differentiated legal provisions, against negligence, mistreatment, violence, exploitation, cruelty and oppression (Brasil, 1988). The content and focus of this article referred to the United Nations Doctrine of Full Protection, constituted a relevant and propelling chapter of social mobilization and struggle in the history of the 1988 Constituent Assembly, having resulted from a popular process of legislative construction of great legitimacy (Rodrigues, 2021).

The ECA is the result of the articulation and participation of social movements and contemplated the most advanced in international legislation in relation to the rights of the child and adolescent population. In this way, it is verified that it is the result of a collective construction, of the deposit of expectations of transformation that resulted in normative realities endowed with great legitimacy for this reason.

In this sense, the participation of the National Movement of Street Girls and Boys (MNMMR), a non-governmental organization that fights for the rights of children and adolescents in street situations, founded in 1985, is considered of fundamental importance for the legal framework. In 1986, the First Meeting of Street Boys and Girls took place in Brasilia. Adding to the forces of this achievement, in 1985, the National Front for the Defense of Children's Rights (FNDDC) was created, and both were important for the construction of the ECA. The dissemination of the Pastoral do Menor, created in 1978, and many others, such as the pioneering defense movements in the area of children and adolescents. They articulated themselves in favor of what we know today as the ECA.

Through all these social movements, and through the work of non-governmental organizations (NGOs) and human rights activists, who fought against child exploitation, child labor, domestic violence, poverty and marginalization of children and adolescents and even more mobilizations of social groups and movements, they demanded more protective legislation capable of guaranteeing the rights of children and adolescents, the need for a new legal and social treatment (Lorenzi, 2016).

This new legal treatment occurs from the need to meet popular desires and at the exact moment when the country was mobilizing around the National Constituent Assembly, the legislative power decided to create in 1987 the Mixed Parliamentary Front for Children and Adolescents, which is an association of parliamentarians that defends the rights of children and adolescents.

This mixed Parliamentary Front that exists to this day, has the following objectives: to promote and defend the rights of children and adolescents; monitor the processing of legislative proposals; and to suggest innovations in legislation (Brasil, 1987). It is coordinated by deputies and senators from various parties. And, in addition to this front, there is also to this day, the National Council for the Rights of Children and Adolescents (CONANDA), which is a collegiate body that also defends the rights of children and adolescents. After more than ten years, the National Campaign for the Right to Education emerged.

It was created in 1999, working for the implementation and expansion of educational policies so that all people have their right to a public, free, inclusive, secular, and quality education in Brazil guaranteed. In this context, taking advantage of the moment, organizations focused on children began a call from the whole society in favor of the Children's Amendment, a National Priority. And so, children and adolescents took over the National Congress to deliver more than one million collected signatures. The constituent

legislators, respondents, unanimously approved Articles 227 and 228 of the Federal Constitution of 1988, which respectively state that:

It is the duty of the family, society and the State to ensure the child, adolescent and young person, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life, in addition to safeguarding them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression. (Text given by Constitutional Amendment No. 65, of 2010) – Minors under eighteen years of age are not criminally liable, subject to the rules of special legislation (Brasil, 1988, p. 69).

Following this approach of changes in Brazil, in the social, cultural and political fields, the enactment of Law 8.069/1990 (ECA), becomes a new paradigm for the protection of children and youth, a zeal for the future, considering the construction of a more just and equitable society. It is possible to see that the creation of the ECA contributed to the evolution of legislation and to the idea of childhood and adolescence, assumed by civil society.

The implementation of the law contributed to the creation of a more solid and more integrated protection network between the various State agencies and social organizations. Since its enactment, it has been possible to observe significant advances in several areas, such as health, education and social assistance, confronting the exploitation of child labor, school dropout, sexual abuse against children and adolescents, all of which have triggered the development of specific actions to meet the needs of this age group. that were previously neglected (Lorenzi, 2016).

Despite the advances, after more than three decades of implementation (35 years), the ECA faces challenges, such as social inequality, violence, lack of resources and difficulty in implementation. Regarding social inequality, we see children in poverty who still have difficulty accessing basic rights, such as education and health. In addition, food insecurity directly affects the living conditions of children and adolescents.

Violence against children and adolescents is a persistent challenge and the crime of rape is the one that most victimizes children and adolescents in the country. The authorities allege a lack of resources, which causes the low efficiency of the Justice System and the precariousness in the execution of socio-educational measures, which are great challenges. Police stations and courts specializing in crimes against children and adolescents face high demand for work and lack of servers. The Guardianship Council does not have enough personnel or equipment to meet all the demands.

In addition, the difficulty of implementation caused by territoriality and regional inequalities hinder the implementation of efficient national public policies. Thus, the implementation and inspection of the ECA guidelines still face major challenges, and there is already talk of threats of regression of rights with proposals for changes in the Adoption Law, in the criminal age and in the minimum age for work, and no less challenging are the proposals that allow the dissemination of the image of children and adolescents to whom an infraction is attributed (Castro, 2011).

According to the Brazilian Coalition to End Violence against Children and Adolescents, a group formed in 2017 by government organizations, forums and networks, there are obstacles to the proper measurement of child and youth violence, as the data are not unified and complaints are often underreported and others are not even attended to, being totally ignored (Brasil, 2017). Even so, data from the National Human Rights Ombudsman's Office, of the Ministry of Human Rights and Citizenship, can give an overview of the current stage of violence against children and adolescents in Brazil.

In the first seven months of 2024, 145,780 complaints were made for violence against children and adolescents. In the same period, in 2023, there were 125,796. In other words, there was an increase of 15.89% in the number of complaints. Violence against children and adolescents has diversified configurations. The 2023 Brazilian Public Security Yearbook provides data on abandonment of the disabled, material abandonment, mistreatment, sexual exploitation, rape, child pornography, intentional bodily injury in the context of domestic violence, and intentional violent deaths (Brasil, 2023).

According to the report, "different forms of violence against those between 0 and 17 years old have increased in the last year. The numbers are impressively high and, as predicted in the latest Yearbooks, they already exceed the statistics prior to the COVID-19 pandemic" (Brasil, 2023, p. 12). In 2023, the National Secretariat for the Rights of Children and Adolescents, linked to the Ministry of Women, Family and Human Rights, conducted a survey of police stations specializing in crimes against children and adolescents in Brazil. 59 Specialized Courts and 120 Police Stations were identified, responsible for receiving 95 thousand complaints throughout the country.

The State of São Paulo has the largest number of Specialized Courts, with 27, and the rest of Brazil only 32, with only 02 in the State of Piauí, which are located in the capital Teresina, while Santa Catarina has the largest number of specialized police stations, with 31 units, and the rest of Brazil with only 89 specialized police stations (Brasil, 2023)

Among the greatest difficulties encountered by police stations and courts in their operations are: high demand for work and insufficient number of servers; building structure and precarious facilities; the need to hire to compose a psychosocial team; lack of training and continuing education for the protection and care of children and adolescents who are victims of violence; lack of old computer equipment; scrapped and/or inadequate and/or insufficient vehicles (op. cit., 2023).

The Statute of the Child and Adolescent (ECA), by ensuring the full protection of the rights of children and adolescents, strengthens the work carried out by the school institution, which now has a legal basis and a support network for the development and fulfillment of its social role. It is a law that guarantees the right to education to children and adolescents, and that also defines their responsibilities at school. The right to education came as follows:

i) ensuring access to free public schooling; ii) ensuring the availability of vacancies in the same school for the student's siblings; iii) ensures daycare and preschool attendance for children from zero to five years of age; vi) it obliges them to enroll their children in the regular school system. The responsibilities of the school, according to the ECA, are: i) The school must be attractive and have a curriculum that considers regional diversities; ii) The school must be present in terms of access in both urban and rural areas; iii) The school should include children in the activities of the school's own daily life, in a playful, affectionate, poetic, playful, sporting, curious, artistic, creative and reflective way (Brasil, 1990, p. 32)

Measures that, in theory, aim to facilitate access, permanence and learning, as they are considered inclusive and attractive to children and adolescents. Finally, Article 208, item I, of the ECA states that: "The provisions of this Law govern the actions of liability for offense to the rights guaranteed to the child and adolescent, referring to the non-provision or irregular offer: I - compulsory education..." (Brasil, 1990, p. 28).

Regarding this protection and right, observing the situation of adolescents in conflict, we perceive double standards contained in a single public policy. When it comes to adolescents who come into conflict with the law, more specifically, the lack of projects in state and municipal education councils is latent. Nothing happens systematically in education to favor, make visible, attack the problem or even guarantee specialized treatment in schools in the State of Piauí. Not that there is not some kind of formal treatment (complete legislation and SINASE).

4 SOCIO-EDUCATIONAL SYSTEM - A PORTRAIT... A CUTOUT

Human rights education in the 1990s was configured around two movements. First, by the continuity and expansion of what was done in the previous decade and second, by the incorporation of new actors in the promotion of this type of education, as is the case of the Federal Government.

The Federal Government's entry into the debate and implementation of human rights education took place mainly through the creation of the National Human Rights Program (Ministry of Justice) and the National Curriculum Parameters (Ministry of Education), emphasizing civil rights, presented as its main proposals the guarantee of the right and the protection of life, as well as increasing people's security, fighting impunity, eliminating forced labor, ensuring equal treatment before the law, protecting the rights of children and adolescents, women, blacks, indigenous people, the elderly, foreigners, refugees, migrants, people with special needs, among others.

Without delving too deeply into the creation and development of these institutions, and bringing the focus to what really matters in this specific case of this research, we proceed to expose what each of them accomplishes and what was produced in terms of data to be evidenced here as strengths and weaknesses in the face of the creation of the ECA and the guarantees of the right to education of adolescents in conflict with the Law.

In the State of Piauí, several institutions work to guarantee the right to education, including public agencies, rights defense entities and civil society. The State Secretariat of Education (SEDUC), the Public Prosecutor's Office (MPPI) and the State Court of Accounts (TCE) are examples of public agencies with an important role in this guarantee. In addition, the State Council of Education and the Public Defender's Office also contribute.

Civil society, through organizations such as APAE and UNCME, also plays a crucial role. Recently created, the Office of Articulation for the Effectiveness of Education Policy (GAEPE) is an instance of dialogue and cooperation between the public sector and civil society in favor of public education, according to articulo.org.br. Another important body is the National Observatory of Education and Human Rights, which disseminates and analyzes strategic information on the human rights situation in Brazil, providing evidence for the planning and monitoring of public policies.

In Piauí, the State Data Observatory offers interactive panels with data on various topics, including education. In 2024, the Government of Piauí released the 1st State Human Rights Plan (PEDH/PI). Published in the Official Gazette and effective from 2024 to 2028, the

plan aims to build public policies to promote equity, social justice and combat rights violations in the state.

In line with the National Human Rights Plan 3 (PNDH-3), the PEDH/PI proposes integrated actions to address inequalities and protect the most vulnerable groups. The PEHR/PI is structured in six axes: i) democratic interaction between the State and civil society; ii) development and human rights; iii) universalizing rights in a context of inequalities; iv) public security, access to justice and combating violence; v) cultural education and human rights; vi) the right to memory and truth (Piauí, 2024).

The State Council of Education of Piauí was created by State Law No. 2,489, of 11.20.63, and modified by Law 4.600, of 06.30.93. Its Internal Regulations are regulated by State Decree No. 23,219, of August 7, 2024, and are published in the Official Gazette of the State of Piauí in issue No. 155, of 08/08/2024. The Council has its own headquarters in Teresina, being the normative body of the State Education System of Piauí, with deliberative and advisory functions.

Its purpose, among others, is to promote, guide and discipline the institutions that make up the Education System of the State of Piauí, which comprises the institutions of the state network, including those of higher education; private educational institutions that provide elementary, secondary and professional education, in any of its modalities, and Early Childhood Education, are only in the municipality where the municipal education system is not organized.

The expected composition is 13 (thirteen) councilors and 03 (three) alternates, appointed by the head of the Executive Branch after approval by the Legislative Assembly, for a term of 04 (four) years, with only one reappointment allowed. The counselors and alternates must be chosen from among people of recognized ethics, knowledge and experience in the area of education, proven through titles and work carried out.

In the national panorama of the CNJ (National Council of Justice) in education, especially in Piauí, it involves initiatives such as the Technical Cooperation Agreement between the TJPI (Court of Justice of the State of Piauí) and the State Secretariats of Justice and Education for the remission of sentence for reading in prison establishments. The CNJ also has a crucial role in promoting education in the socio-educational system, guaranteeing the right to education for adolescents deprived of liberty.

It is true that the CNJ has been concerned with education in the socio-educational system, seeking to guarantee the right to education and social inclusion for adolescents in

conflict with the law. In terms of inclusion programs, the CNJ develops programs such as "Novos Caminhos" that address topics such as sexual health, disease prevention, and healthy habits, seeking to promote the integral education of young people (Brasil, 2023)

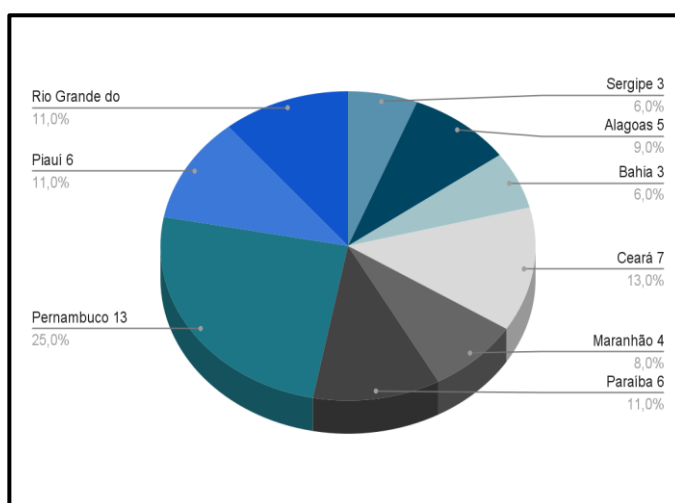
In terms of pedagogical actions, socio-education aims to ensure the quality of education and assist in the social inclusion of adolescents, through pedagogical actions aimed at improving the educational process. In relation to the promotion of culture, the CNJ has also been concerned with promoting the democratization of access to culture through the National Guideline for the Promotion of Culture in Socioeducation.

In addition to all this, the CNJ also monitors and inspects, playing an important role in monitoring and inspecting the socio-educational system, seeking to ensure that socio-educational measures are properly complied with and that the rights of adolescents are respected. In summary, the CNJ and the TJPI, together with other entities, work to guarantee the right to education and social inclusion of adolescents in the socio-educational system and to promote the remission of sentences for reading, showing the importance of education and culture as tools for resocialization and inclusion (Brasil, 2023).

Data from the Panorama of the Northeast Region in 2012 indicated that the region had 53 hospitalization MSE establishments located in only 27 municipalities (Figure 1), indicators that provide the worst regional average of establishments per location.

Figure 1

Quantity and percentage of establishments by State - 2012



Source: DMF/CNJ - Elaboration: DPJ/CNJ – 2012.

The institutional gaps in the region are proven when observing the distribution of establishments in the geoFigureic network of the states. No state in the Brazilian northeast provides establishments in all mesoregions, although only four of these do not have municipalities with a population above one hundred thousand inhabitants.

The reduced number of establishments becomes alarming when one observes the excessive centralization of socio-educational care, both in the states with the largest territorial extension, Bahia, Maranhão and Ceará, and in the smaller ones: Alagoas and Sergipe. The states of Pernambuco, Paraíba and Piauí have the best socio-educational systems in the region, although they still have uncovered areas of structure. The number of courts with exclusive jurisdiction does not differ considerably from this reality, since in the entire region only 25 municipalities have specialized courts.

The overload in the structure of the socio-educational system has become a reality in almost all states in the region, with the exception of the states of Maranhão, Piauí and Rio Grande do Norte. Most of the establishments in the region (58% of the total) work with a capacity above the planned, and the states with the highest number of MSE units for inpatient care, Pernambuco and Ceará, have practically half of the establishments overloaded in the system (CNJ, 2012).

Despite the high percentage of overcrowding found in socio-educational establishments, the two states mentioned have different ordinances. Pernambuco has 13 establishments distributed in eight municipalities in four of the five mesoregions of the state. The State of Ceará has 07 establishments, all located in Fortaleza. Even with the high percentage of capacity, the Northeast Region has 31 establishments with capacity above the planned, 16 of which are located in the states of Pernambuco and Ceará.

Most establishments in the Northeast Region are intended for the male public, which represents 77% of the hospitalization units. The units aimed at the female public do not have a structure in all states. Curiously, the State of Sergipe does not have a single adolescent within the socio-educational system of MSE of internment, although it has an exclusive unit to meet this demand.

The Brazilian Northeast has 25 municipalities with courts with exclusive jurisdiction (Table 2), a number well below that recommended by the National Council for the Rights of Children and Adolescents (CONANDA), of at least one court with exclusive jurisdiction in medium and large municipalities.

Table 2

Courts with Exclusive Jurisdiction by Federation Unit - Northeast - 2012

Federation Units	Number of municipalities with Courts of exclusive jurisdiction	Average number of municipalities per Court of exclusive jurisdiction	Number of municipalities with more than one hundred thousand inhabitants	Number of municipalities with more than one hundred thousand inhabitants without a Court with exclusive jurisdiction
Alagoas	2	56,0	2	0
Bahia	4	104,2	16	12
Ceará	1	184,0	8	7
Maranhao	4	54,2	9	5
Paraíba	2	111,5	4	2
Pernambuco	8	23,2	12	4
Piauí	1	224,0	2	1
Rio Grande do Norte	2	83,5	3	1
Sergipe	1	75,0	2	1
Total	25	71,7	58	33

Source: DMF/CNJ - Elaboration: DPJ/CNJ – 2012.

The CEPA has an overload of 217%, followed by the CEDB with 207%. The two centers have a satisfactory number of socio-educators, 128 and 90 respectively, although this number is apparently not enough to promote basic tools such as the preparation of the PIA and the pedagogical project to be adopted by the institutions.

The record of visits, an important tool to verify the frequency of the young person's family life during the hospitalization, is carried out only at CEPA. On the date of the visit, CEPA had 190 adolescents (capacity for 60), all of whom were classified as permanent hospitalization. The CEDB was responsible for 172 young people (capacity for 56), 94 of whom were permanent internment and 78 were sanctioned internment.

In this Panorama of the CNJ, as a conclusion to the problem presented, the following guidance was given: "The Judiciary, the Public Prosecutor's Office, the Public Defender's Offices and Public Security should be urged to exclude, specialize and regionalize their bodies and their actions, ensuring the creation, implementation and strengthening of: I) Specific Childhood and Youth Courts, in all districts that correspond to large and medium-sized municipalities or other proportionality by number of inhabitants, providing them with infrastructure and providing for them an on-call regime.

Among these divergences of the installation of a court with exclusive competence in relation to the population contingent, there are several situations that have not yet been resolved. The group of locations classified as large that do not have a court with exclusive

jurisdiction in the region reaches 33 (14 are inserted in the metropolitan regions of the capitals). With the worst regional average of municipalities per establishment, the Northeast Region suffers from the excessive centralization of the socio-educational and distributive system of the courts with exclusive jurisdiction.

According to Table 3, the states of Pernambuco, Alagoas, Sergipe and Ceará have the best average of municipalities per establishment. The states of Rio Grande do Norte, Paraíba and Piauí presented an average in accordance with the regional average. The states of Maranhão and Bahia, on the other hand, have the worst regional averages of municipalities per establishment.

Table 3

Averages of municipalities and total capacity by establishment and Federation Units
Federation Units – Northeast – 2012

Federation Units	Number of establishments	Average number of municipalities per establishment	Total capacity	Average total capacity per establishment
Alagoas	5	20,4	148	29,6
Bahia	3	139,0	236	78,6
Ceará	7	26,2	362	51,7
Maranhao	4	54,2	110	27,5
Paraiba	6	37,1	197	32,8
Pernambuco	13	14,2	743	57,1
Piaui	6	37,7	156	26,0
Northern R. G.	6	33,4	188	31,3
Sergipe	3	25,0	98	32,6
Total	53	33,8	2.238	42,2

Source: DMF/CNJ – Elaboration DPJ/CNJ – 2012.

The centralization of the socio-educational system in the Northeast made it difficult for new units to emerge in the interior of the states, as well as inhibiting the expansion of the number of places for MSE for internment. Ceará, Piauí, and Sergipe have a structure in only one municipality in the entire state geoFigureic network, a fact that corroborates the excessive centralization of the judicial sphere in a region that has full demoFigureic and geoFigureic conditions for the expansion and interiorization of the courts with exclusive jurisdiction.

The regional scenario revealed the need for expansion, in the short term, of courts with exclusive competence in various areas that constitute the Brazilian northeast. No state in the region has promoted the proper ordering of the specialized courts. Six states have a

maximum of two locations with courts of exclusive jurisdiction (Brasil, 2012). In 2012, the Brazilian Northeast still had several points devoid of structure for socio-educational measures of internment. The geographical distribution of the establishments largely follows the same line as regional colonization.

Other data provided by the CNJ show that in 2023, the National Socio-Educational Service System (SINASE) presented data regarding adolescents in compliance with socio-educational measures in the closed environment in all states. The survey showed a total of 11,664 adolescents inserted in the socio-educational system in the modalities of restriction and deprivation of liberty, of which 9,656 were in compliance with socio-educational measures of semi-liberty and internment, 222 in sanction hospitalization and 1,786 in provisional internment (Brasil, 2023).

In the State of Piauí, there were 128 vacancies available in the detention centers for children and adolescents in conflict with the law, located in the cities of Teresina, Parnaíba and Picos. In total, 110 adolescents were serving provisional internment or socio-educational measures. According to information extracted from official websites, the State intends to increase the number of vacancies by building another provisional detention center in Teresina (Brasil, 2023).

Currently, the current structure of the State of Piauí has the Male Educational Center (CEM), the Female Educational Center (CEF) and the Provisional Internment Center (CEIP). In addition, the state has three Citizenship Defense Complexes (CDC), which operate in the cities of Teresina, Picos and Parnaíba. In these complexes, the Initial Care Center (NAI) operates, which is the gateway for minors in conflict with the law in the socio-educational system (Piauí, 2024).

5 WRAPPING UP...

The Statute of the Child and Adolescent (ECA) is a fundamental normative framework for guaranteeing the rights of children and adolescents in Brazil. However, its effective implementation in the context of the education of adolescents in conflict with the law still remains limited. Analytical evidence indicates that the main problem does not lie in the legislative insufficiency, but in the operational fragility of its execution and in the lack of intersectoral public policies that integrate the areas of education, justice and social assistance.

It is urgent to develop humanizing pedagogical strategies, centered on the integral formation of adolescents, in which the school institution assumes a central role in the reconstruction of identities and life projects. The consolidation of robust public policies, supported by continuing teacher training and effective inter-institutional articulation, is an indispensable condition for the materialization of the transformative potential inherent to the ECA.

In the context of Piauí, there is a significant gap in the supply of specific policies aimed at adolescents in conflict with the law. State attention is predominantly focused on the care of children and adolescents who are victims of rights violations, such as negligence, abuse and mistreatment, thus marginalizing the segment in conflict with the legislation. This scenario is aggravated by multifactorial factors, such as: misinformation conveyed by the media; the lack of knowledge, on the part of families, society and the managers and operators of the system themselves, of the provisions of the ECA; political influences; and the insufficient capillarity of public policies in the state territory.

The guarantee of the right to education, although widely guaranteed at the legal level, is not fully realized in the socio-educational context, which contributes to the perpetuation of cycles of exclusion and vulnerability among adolescents. It is concluded that education should be understood beyond a legal obligation, configuring itself as an inalienable ethical and political commitment to the processes of human emancipation and the realization of social justice.

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