



The Care and Shelter of Children and Adolescents in Brazil: Expressions of Social Issues

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*Orphans of the Brazilian Dream
Search for the leftovers of life
In the ashes of hope
The coals that were never extinguished
Let's invent a new country
Reassemble love's dream*

*There's been enough darkness
Enough fiery flames
Let our little angels open the doors of our paradise for us.*

Milton Nascimento- *Orphans of Paradise*

Abstract

The future of Brazilian children who have the protection offered by familial bonds is threatened by social inequities that force them to seek shelter and grow up in shelters. According to the Institute of Applied Economic Research, an estimated 20,000 children and adolescents are served by institutions. The majority of these children are afro-descendent males between the ages of seven and fifteen years old. Of those researched, 87.6% have families (58.2% receive visits from their families, 22.7% are rarely visited by their families and 5.8 are legally prohibited from contacting or being by their families). The percentage of children and adolescents “without families” or with “missing families” is 11.3%. There is no information available for 2% of the children and adolescents residing in shelters. The principle factors that necessitate the placement of Brazilian children in institutions that provide care and shelter include poverty (including children forced to work, sell drugs or beg, for example); domestic violence; chemical dependence of parents or guardians; homelessness; death of parents or guardian; imprisonment of their parents; and sexual abuse committed by their parents or guardians. The issue of abandoned children and adolescents and their care and shelter in the Brazilian context expresses a perverse violation of Child and Adolescent Rights.

¹ Text translated from Portuguese into English by Ava R. Williams.

1 Introduction

In Brazil the destinies of abandoned children and children who have lost all sources of protection offered by familial bonds invariably follows a perverse and cruel pattern: a large percentage of these children are raised and “educated” in shelters operated and maintained by the State, non-governmental associations or religious organizations (Camargo 2005). Of these children, a privileged few are adopted by couples or families. A large percentage of these children do, however, end up homeless living on the streets. This text reflects upon the harsh reality of orphans in Brazil using an analytical framework which contemplates existing literature. Our hypothesis, which we explore throughout this research, maintains that the inadequate care and shelter of abandoned children and adolescents in Brazil is reflective of social particularities and inequalities contained within the Brazilian culture. The statistics pertaining to the care and shelter of Brazilian children and adolescents are based upon research conducted by the Institute of Applied Economic Research (IPEA), in partnership with the Special Secretary of Human Rights of the President’s Republic (SEDH) and the National Council of Children and Adolescent Rights (CONANDA). The text’s structure is based upon three topics: economic growth and income concentration in the Brazilian context; the harsh reality of children and adolescents in Brazil as well as their care and shelter; and the relationship between the trafficking of drugs and the number of children requiring care and shelter provided by governmental and non-governmental entities.

2 What country is this?

“There are two highly contradictory images used to represent Brazil throughout the world. The first is a somewhat complacent image largely comprised of soccer, carnival, and music that exists alongside the other image which is comprised of massacres, injustice, discrimination and violence. If we ask ourselves which image is most accurate, then we have to admit that both are equally real; offering in their convergences and contradictions a truer representation of Brazil as a country and society.” (Sader 2003, p.131)

Brazil is a developing country with an estimated population of 189,399, 727 inhabitants (Instituto 2007a). Throughout the last century the country became the largest economy in Latin America. Conversely, it also became the most socially unjust, exhibiting a perverse concentration of income: 10% of the population possesses 47% of the national income, while 50% of the population possesses a mere 13% of the total (Sader 2003). According to statistics provided by UNICEF (2005), 10% of the Brazilian population lives on less than \$1 a day. Approximately 11.5 million children, or 56% of Brazilian children age 6 and below, live in families whose monthly income is less than ½ of the established minimum wage per capita per month (Instituto 2006).

Throughout the 1990s the Brazilian government, attempting to adhere to the new international order, instituted a State reform emphasizing, most notably, fiscal adjustments. His reform inserted Brazil within the dynamics of the international system configuring its political-economic sphere in favor of Brazil’s dominant class, absolving the government from its role as the sole protagonist of public policy. The Brazilian government positioned itself in a partnership type role with the Brazilian society financing services provided by non-governmental sectors (Behring 2003). According to Behring (2003), the supposed partnership assumed by the government represented, in actuality, a clever form of privatization and the lessening of the government’s responsibilities in regards to public policy. This process, also referred to as the State anti-reform, marked a series of regressive structural reforms which undermined the political, social and economic conquests for which the Brazilian working class and the Brazilian masses had fought during previous decades (Behring 2003). The

economic atmosphere in Brazil during the 1990s reflected policies that prioritized the stabilization of the national currency through a series of structural adjustments. The period is also marked by an increase in poverty and inequality throughout the country (Silva 2004a).

The reforms instituted provoked deterioration and regression of the process of constructing social protection in Brazil as mandated by the Federal Constitution of 1988. The Constitution guaranteed universality, integrality and equality in terms of social protection involving the public health system, social security and social assistance. Paradoxically, the 1980s and 1990s in Brazil represent significant advances in the fight for Democracy (the direct election of the president of the Republic after a period of political repression) while also seeing the deterioration of many of the civil rights conquests gained by the working class due to the dominance of neo-liberal politics in the federal sphere with the ascension of Fernando Collor do Mello (PRN) to the presidency.

The Brazilian Constitution of 1988, which is the product of many struggles, and movements of diverse segments of Brazilian society, configured a new social and political paradigm in the country. The elaboration of the Constitution represents the consideration of the demands of people in regards to the necessity to restructure the system of social protection. However, the strategies implemented to meet such demands heralded a profound economic crisis displaying discrepancies between discourse and practice. These contradictions aggravate the miserable conditions suffered by so many. In Brazil, the so called social arena constitutes a conflict between the empirical increase of the population situated in poverty and ever decreasing presence and responsibility of the Federal government in regards to its social duties (Gerschman 2004).

Historically children and adolescents in Brazil, and indeed, throughout much of the world have been considered subjects without rights, thereby being denied formal guarantees of social protection. Only in the 20th century, with the recognition to the right to childhood, were the rights of children and adolescents recognized. In January 1990 Brazil signed the Convention on the Rights of the Child, which was ratified by the United Nations in November 1989, formally committing itself to uphold, execute and promote the principles contained within the document. However, the violation of human rights, especially in the case of children, is still clearly evident.

Orphaned and abandoned children without any type of familial support are guaranteed by the Brazilian Constitution the right to life, health, freedom, respect and dignity as human beings in the process of development. However, the continued violence and precarious conditions with which they are confronted daily threaten and violate those rights. In this text it is our intent to reflect upon the realities of abandoned and orphaned children and adolescents in Brazil and the question of their care and shelter.

3 The Realities of Abandoned Children and Adolescents in Brazil and the Question of their Care and Shelter.

The reality of childhood in the Brazilian context attests to the historically constructed social inequalities that continue to be evident throughout the country. For a long time in Brazil orphaned and abandoned children were considered the responsibility of private entities. The State absolved itself of any obligations passing such responsibilities to churches and families. Approximately a century and a half ago the traveling circus was practically the only institution throughout Brazil that provided assistance to abandoned children (Marcílio 2001). The objective of the traveling circus was to hide the illegitimate origin of the “rejected” or

“exposed” child and, thereby, preserve the family’s honor. In that sense, it constituted one of the social initiatives to “reeducate” the poor in the sense of transforming them into the working class and distancing them from the dangerous segment of society associated with prostitution and promiscuity (Mattoso 1991). Moreover, the number of traveling circuses was quite limited in comparison to the elevated number of abandoned children in need of care and shelter (Marcílio 2001).

Since the 18th century in Brazil, childhood has been a period for vulnerability to abuse and violence. Children lacked rights and were not recognized as children. The acknowledgement of childhood as a specific phase of human development and of children as subjects that possess rights is a recent conquest. The result is a conceptual discrepancy evident when discussing childhood in its current and historical context. “Children and childhood were perceived, and consequently, treated differently in distinct moments and places throughout human history” (Lajolo 2001, p. 230-231). Who speaks about childhood? It is always someone else, who studies, classifies and delimits it or someone else who doesn’t speak about it, doesn’t delimit it. Thus, it becomes, as it has been for many centuries throughout history, a notion infiltrated by silence of the needs and the voices of the unheard children. While such discourse has historically been repressed, forbidden, and rejected, it has also had an impact on society. It must be understood that while childhood did not exist in the context that it exists today since children were considered little adults, there was, however, a distinction made between those who were and were not considered children. For example, the daily realities of poor children and black children differed greatly from that of affluent white children. “During the 18th century, black children and adolescents, when they survived the process of extermination to which they were submitted through forced abortion, slaughter by their owners, or exposition in the traveling circus, wandered the allies and streets as ‘blacks or blacks for hire’” (Roure 1996, p. 28).

At the end of the 19th century children from poor families were often inserted into the workforce and utilized as cheap sources of labor. They were submitted to violence and were frequently victims of work related accidents. It is important to remember that slavery, which forced black children and adults to perform rural and urban work, existed until 1888 in Brazil. Childhoods lost in the struggle for survival confirm the marginalization of children and adolescents from impoverished and disadvantaged backgrounds. As in the past, children in Brazil are prematurely inserted into the workforce in order to aid their families. Today, poor children and adolescents are overwhelmingly present in the informal job market working as sellers of popsicles, candy, and trinkets and as parking guards and domestic employees. According to IBGE (Instituto 1996), in 1996 there were 7.5 million children and adolescents between the age of 10 and 17 in this situation; according to UNICEF (1995), in 1995 the number increased to 24% accounting for 9.3 million children. In National Research of Brazilian Households in 1995 indicates that 522,000 children between the ages of 5 and 9 perform some type of work related labor with 49% of these children working between 15 and 39 hours per week. According to the 2001 National Research of Household Surveys (PNAD) and the Brazilian Institute of Geography and Statistics (IBGE), the lower a family’s income is, the higher the occurrence of premature insertion into the workforce. The percentage of children forced to work prematurely from families who receive ½ the established minimum salary per month is 18.9%. For families receiving ½ to 5 times the established minimum salary, the number oscillates between 12.2% and 13.7% (Brazil 2001). For families receiving the monthly equivalent of 10 or more minimum salaries, the percentage falls to 7.5%. The involvement of children in economic activities severely prejudices their ability to attend and

remain in school. Consequently, the right to education and quality instruction is denied to children who need to work in order to ensure their survival.

It is important to note that 24.7 million children come from impoverished families that subsist on less than half of the established minimum salary (approximately US \$190 per month). Sixty-eight percent of these families are concentrated in the Northern and Northeast region of Brazil. In addition to regional inequalities, poverty in Brazil displays racial components. It is estimated that 740,000 Brazilian children do not attend school. Of these children 500,000 are black, 233,000 are white and 7,000 are indigenous (UNICEF 2006).

The concept of poverty utilized in this work is based upon the multidimensional concept of poverty proposed by the United Nations Children's Fund (UNICEF). The indicators of poverty, thus, in addition to including economic indicators also encompass issues such as access to clean water, education, and health care. The following discussion is informed by research conducted by IBGE (2003). The infant mortality rate in Brazil is 27.5 deaths per 1000 live births. Among blacks the infant mortality rate is 34, and among whites it is 23. Brazil has the largest incidence of infant mortality in South America. The infant mortality lack of access to water adequate for consumption (12.8% does not have access to consumable water); lack of sanitation (34.4% of the population does not have access to a sewage system); lack of access to education (11.2% of the population age 15 or older is illiterate and 2.8% of children between the ages of 7 and 14 do not attend school); and poor quality of education. Thus, any discussion of childhood in the Brazilian context must also consider the historical differences in access to opportunities between the rich and poor, blacks and whites and girls and boys.

In a country such as Brazil, where a significant part of the population is denied access to basic services and the traces of white male domination are still present, the significance of being male or female, black or white cannot be overlooked. Street children are often considered "little thugs", "future thieves", "small criminals" that should be "judged" and "condemned". Such discourse is still present in Brazilian society and hinders many from truly understanding the exploitation and violence to which these children are submitted to by their families, the police, the State and even civil society. Revealing its contradictions, organized civil society has also developed discourses that prioritize children and adolescents, consecrating them as absolute priority. Social Segments of society such as the National Movement of Street Boys and Girls (MNMMR), created in 1985, fight for the protection and defense of marginalized children and adolescents, denouncing the violence they suffer in order to change the way in which this group of children is perceived (Macedo and Brito 1998).

In the 1979 Code for Minors, social exclusion was viewed as a "Doctrine of Irregular Situations", signifying a social pathology and sickness. Moreover, it reinforced the stereotypes and prejudices that the society and the State held about marginalized minors. Public power advocated and strengthened the use of judges in regards to the "problem" that these children who were perceived as "needy" and "delinquent" represented. The judges possessed the authority to apply the law as they deemed necessary to the lives of the juveniles. It was possible, for example, to imprison minors encountered on the streets who had not committed any crime without any type of judicial order or warrant. "It is not necessary to point out the discrepancies and abuses in the application of the 1979 Code for Minors. The harsh reality faced by so many: the lack of freedom, the violations of rights by the State and police, and the discrimination by society have, in large part, resulted from the errors contained within the elaboration of the Code" (Porto 1999, p. 82).

In reality the Code reflected the belief that the “minors” were outside the normal social parameters. The miserable, abandoned and mistreatment minor were, according to the Code, in situations of irregularity (Porto 1999, 82). Furthermore, it was the families of these children who were responsible for this type of social pathology. Questions arose from the blatant discrimination present in the Doctrine generating social mobilization and culminating in the approval of the Statute of Children and Adolescents of 1990. The Statute of Children and Adolescents, also known as the SCA, is the product of historical struggles by determined segments of civil society for the defense of equal rights, and above all, the rights and defense of children. It refers to the equality of opportunities and rights possessed by all human beings.

The Brazilian Government recognized and formalized the rights of children in the Federal Constitution and in the Statute of Child and Adolescents Rights² (Law 8069/90 adopted July 13, 1990). Article 227 of the Constitution proclaims the *doctrine of full protection*, whose stipulations are have been ratified by the Statute.

“It is the responsibility of the family, of society and the State to assure and prioritize the rights of children and adolescents which include the right to life, to health, to nourishment, to education, to rest, to professional training, to culture, to dignity, to respect, to freedom, and social and familial interaction as well protection from any form of negligence, discrimination, exploration, violence, cruelty and oppression.” (BRASIL 1990, s.p)

This doctrine highlights the necessity and duty to address situations of irregularity such as abandoned and abused children representing a significant advance in the discourse and actions pertaining to the rights of children from previous patriarchal-authoritative models which portrayed such children as threats to National Security to whom punishment and surveillance based actions were applied as “corrective measures” and forms of social control.

The elaboration of the SCA represents the passage of the doctrine of irregular situations to the doctrine of full and equal protection. According to the latter perspective, children and adolescents possess the same rights afforded to adults, in addition to other rights as developing persons. The SCA stipulated that although they are in the process of development, children should not be considered inferior or incapable and their dignity as human beings should be respected. The SCA also addressed the treatment of children and adolescents, stipulating that corrective and punitive methods (Costa 1990) could not be arbitrarily or unjustly used against them by the State, their families or society. However, such changes, in order to be fully and effectively instituted, must be incorporated into public institutions, society and, of course, the families. Addressing the rights and needs of children is a process that involves the continued fight for the consolidation of democracy, and the participation of civil society in the articulation and development of public policy.

² Brazil’s 1990 Statute of the Child and Adolescent stands as one of the most advanced pieces of national legislation on child rights. Here, the protective environment approach to child protection has succeeded in dramatically reducing the incidence of child labor – the number of working children aged 5-15 fell by some 2.2 million between 1995 and 2002. In 2007 4.8 million Brazilians between 5 to 17 years were working: 39.3% of children and young people were in agricultural activities; predominant among them, the males (65.7%) and black (59.5%), the majority (71.7%) lived in households without income or with average per capita income of up to one minimum wage (IBGE 2007).

3.1 The Care and Shelter of Children in Brazil.

Analyzing the theme of adoption in Brazil, Negrão (2002) concludes that the care of unprotected children in Brazil has primarily been undertaken by institutions marked by religious, eugenic and hygienic dimensions. The innovative ideas contained within the Federal Constitution (Brazil 1988) and the Statute of Children and Adolescents (Brazil 1990) provoked an inversion in the manner in which the care and shelter was understood. What before was understood as a corrective and punitive measure became understood in the context of protection. With the advent of the SCA, the care and lodging of children and adolescents as a protective measure could occur as a result of the lack of parents, abuse or negligence by parents or any familial situation considered threatening to their well being (Ferreira 2004). The SCA made a clear distinction between care and shelter and internment, redefining the function of both as provisional and absolutely exceptional practices.

In the sphere of assistance based social policy, institutions that care for and shelter children and adolescents provide continued services rendered over long periods. The resources for such care are based upon and calculated in accordance with the number of children and adolescents that they serve on a monthly basis. Public institutions that shelter children and adolescents are fiscally dependent upon the Municipal Council of Children and Adolescents, The Tutelary Council, The Council of Judges Appointed for Infant and Youth Advocacy and Prosecutors among a plethora of diverse human rights entities and organizations (Silva 2004b). Research conducted by the IPEA³ in 2004 identified that around 20,000 children and adolescents are housed among the 589 official institutions that shelter juveniles throughout Brazil. All of the 589 institutions are a part of the Network of Continued Services and Actions and, thus, receive federal funding. The composition of these institutions is generally as follows: 65% are non-governmental, with two-thirds exerting some sort of religious affiliation, Catholicism being the most frequent. These institutions are not very old. More than 58% of them were founded after the implementation of the Statute of Children and Adolescents (SCA) in 1990. Although the Statute of Children and Adolescents defines the shelter of juveniles as a protective measure that is, as a rule, both temporary and exceptional, the period of residence in many most instances tends to be excessive extending beyond 6 years or more.

The institutions house, in general boys (58.5%), afro-descendants (63.6%) who are between the ages of 7 and 15 (61.3%). They are housed for a period that ranges from 7 months to 5 years (55.2%) with a significant parcel of the population being housed for a period of 2 to 5 years (32.9%). The majority of the children and adolescent are inserted into the educational system with 66.8% of the children ages 0 to 6 attending daycare and 97.1% of children ages 7 to 18 attending school. Conversely, the rate of illiteracy of adolescents between the ages 15 and 18 is quite high at 19.2%. The majority of the residents have families (86.7%) with 58.2% maintaining some sort of contact with relatives. Only 5.8% of the residents are legally prohibiting from having contact with their families. The residents live in institutions and are denied the experience of family life. Research conducted by the IPEA revealed that poverty was the principal factor that led to the boys and girls and boys residing in shelters (24.2%). Other important factors include: abandonment (18.9%); domestic violence (11.7%); chemical

³ The research was conducted in conjunction with the Secretariat of Special Human Rights and the National Council of the Rights of Children and Adolescents (CONANDA) under the instruction of Enid Rocha Silva. This article utilized their findings in order to analyze the conditions of care and shelter of children and adolescents in Brazil.

dependence or drug addiction of parents or guardians (11,4%); homelessness (7%); or becoming orphaned (5.2%). Rizzini and Rizzini (2004) highlight, for example, that extreme poverty led to an increase in the number of demands for shelter for children and adolescent in Rio de Janeiro (from 2001 to 2002 the demand increased by 20%)⁴.

It must be mentioned, however, that poverty is not the sole determinant of the need for care and shelter. The Federal Constitution and Statute for Children and Adolescents, for example, obligate the inclusion of families in official assistance based programs when parents are unable to fulfill their parental obligations as a result of material destitution. In a certain sense, poverty can be counted among the determining factors that violate the rights of children and adolescents and justify their need for care and shelter. Poverty was also cited by 35.5% of the directors of such institutions interviewed by the IPEA as the primary factor that hindered the return of sheltered children and adolescents to their families. Or rather, the factors that cause children and adolescents to need shelter impede their reinsertion into their families. This indicates that the policies that attend to children and adolescents have not articulated actions to adequately include the family. To do so, would require not only avoiding the need for institutionalization, but also shortening the length of the resident's stay when institutionalization is necessary.

Approximately 81% of these children and adolescents have families, while only 5.2% are double orphans. These institutions clearly disrespect the directives of the SCA, in that 85.1% of the institutions that provide shelter render impersonalized services adopting a system of mass care where even beds and toothbrushes are used collectively. Research conducted by the IPEA further highlighted this disrespect, concluding that only 6% of the institutions met the minimum standards necessary to permit visit from relatives and to keep siblings together. Only 14% of the institutions offer the support services necessary for the rebuilding of families fundamental for the reintegration of children and adolescents into their families (IPEA 2004).

Silva (2004b), however, calls attention to the fact that the SCA, in and of itself, has not been able to sufficiently regulate the practices of institutions maintained by organization from civil society. It is estimated, however, that an additional 80,000 children and adolescents are sheltered in institutions over whose functioning and quality there is no control. Some of the institutions do not deem it necessary to register themselves or their programs with the Municipal Council of Children and Adolescents, do not incorporate the suggestions of the Tutelary Council and do not adhere to the fiscal standards established by judicial authorities in terms of how resources allocated for their residents are utilized. The factors that contribute to this situation include: innumerable difficulties fulfilling its provisions related, in part to cultural issues; lack of cooperation or cohesive measures between sectors and institutions that address the needs of children and adolescents, thus, hindering that implementation of

⁴ It is important to note that in the case of poverty in Brazil, it is the State's responsibility to formulate policies aimed at ameliorating situations of vulnerability and risk as well as furnish a network of services that strengthen familial bonds. One aspect of this network is the Social Assistance Reference Center (CRAS) which serves as a point of reference and training for social workers. In the case of poverty, families are, in accordance with current legislation, inserted in assistance based social programs. However, these programs often fail to adequately address or consider the reality of Brazil and as a result tend to be discriminatory and inefficient in nature. There are public initiatives to address the needs of families in precarious situations. The income transfer programs in Brazil, like the Family Allowance Program is an example of such an initiative. Yazbeck (2001) affirms that these initiatives are also unable to significantly alter the scenario of poverty in Brazil or sufficiently address poverty related issues such as inequality. Social inequalities continue to plague Brazilian society and violate human rights at an alarming rate.

activities in accordance with the ECA's principles; lack of satisfactory supervisory practices by relevant agencies (the Judiciary, the Public Ministry, Advising Councils, etc) of institutions that provide care and shelter; the existence of children and adolescents sent to such institutions by their families, police or other institutions without any judicial intervention; precarious coordination of the public policies that serve children and adolescents and their families and are necessary to intervene in and ensure the positive reorganization of the familial environment; the indiscriminate and hasty use of judicial measures as opposed to considering alternative options that are available (Silva 2004b). The judicial process in Brazil is often subject to innumerable delays and frequently results in the suspension or complete loss of the Rights of families. The lack of consistent and coherent policies that regulate the manner in which children and adolescents are admitted into and released from institutions deprives the children for a significant part of their lives of the Right to family and social life and further contributes to the social injustices to which these children and adolescents are subjected. According to the ECA it is the shared and permanent responsibility of the Judiciary, Prosecutors and Tutelary Councils to supervise institutions that provide care and shelter for adolescents and children.

While the information presented indicates the non-fulfillment of the obligations to children and adolescents in situations of vulnerability, it is also necessary to highlight the multitude of social movements and actions attempting to improve this scenario. They include the growing number of municipal, state, governmental and non-governmental studies and research regarding the subject; the development of national and international systems of information such as the System of Information for Childhood and Adolescence (SIPA) and the Intra-American Network of Information about Childhood (RIIN); the development of alternative programs and methodologies for institutional shelter such as the promotion of family participation and involvement; the realization of the 19th Pan-American Congress regarding children whose theme was "The family as a foundation of the complete development of the adolescent and child;" the proliferation and growing organization of groups that support adoption; and the debate surrounding the project of Law 1756 (the National Adoption Law) that has been in before Congress since 2003. In the federal sphere, a Commission for the Guarantee of the Rights of Children and Adolescents to Social and Family Life⁵ was created by presidential decree. It involved various initiatives to establish political directives and plans of actions and included representatives from the three spheres of government, entities from civil society; advisory councils; and international organizations among others. The Commission replaced the Committee for the Reorganization of National Shelter Networks. In the December 2006 the government, during President Lula's first term, published a plan of action for the Commission which reflected the government's intent to prioritize the theme and develop and implement public policy that guaranteed and integrated the rights of children and adolescents with government programs. The plan was presented to the National Council of Children and Adolescent Rights and the National Council of Social Assistance (CNAS) in conjunction with representatives from each sphere of government, organizations from civil society and international entities.

The government defends the plan as a procedure to regulate protective political policy in Brazil by breaking with the culture of institutionalizing children and adolescents and by

⁵ Between November 2004 and March 2005 the Commission organized a series of meetings during which time the following strategic areas proposed as plans of action were debated: analysis of the functioning of systems of organizations b) type of services offered c) norms and regulations and d) mobilization, articulation and participation.

strengthening equal and full protection as well as preserving bonds with families and communities. The plan opted to use the term Institutional Housing to designate the programs that offer shelter, such as those that attend to children and adolescents in need of protective care and shelter with the shelter provided being temporary and exceptional, in no way implicating a loss of freedom. Institutional Housing may be offered in different modalities such as group homes, or foster care. Independent of the nomenclature, all of these modalities constitute “shelter based programs” as foreseen in the SCA. All of the entities that develop shelter based programs must offer assistance to children and adolescents providing in addition to care, space for their socialization and development.

Among its directives, the Plan highlights the necessity to reorganize the programs that offer Institutional Housing in accordance with the new guidelines. Such reorganization is necessary in order to eliminate inefficient practices that unnecessarily prolong the resident’s stay and in order to prioritize actions that will lead to the successful reintegration of the children and adolescents with their families. The directives of the program also establish quantitative and qualitative measures to continually evaluate the training and qualifications of the professionals who work with Institutional Housing programs in order to uphold the rights of children and work to successfully reunite the residents with their families. Thus, the reorganization of such institution must adhere to certain guidelines that ensure their quality and efficiency.

3.2 Orphans with Living Parents

The escalating problem of violence in Brazil is intrinsically linked to the illicit and lucrative activity of drug trafficking. It reveals an almost perfect synchronicity with the country’s perturbed social configuration stimulating its social inequalities and poverty. The trafficking of drugs was one of the most lucrative businesses installed in Brazil during the 1990s. Freixo (2007) explains that the traffic of drugs is a highly productive industry that utilizes cheap and alienated sources of labor yielding immense profits and concentrated income that defies all legalities (i.e. fines, tariffs, taxes, etc). The cost of the drug industry for society is high. However, the politics of national security chooses to address this problem by criminalizing poverty utilizing tactics that promote the repression and control of ghettos.

In contrast, we believe that the drug trade in Brazil possesses geographic, cultural and economic dimensions that must be understood in the context of social exclusion. Moreira (2000) illustrates the appropriation of the traffic of drugs within the capitalistic logic of production. Generally, those in the more authoritative positions, just as those who provide the labor, are young, poor and reside in the same locals. In the eyes of common sense, they become, on the one hand, agents of violence and destruction. On the other hand, they become, according to the statistics, the segment of the population most affected by violence and assassination. It is with their delinquency and death, however, that other sectors of society profit. This is done through the import, refinement, transport and laundering of drug money - tasks which can only be done by persons socially well situated who possess political influence and powerful political, business and financial contacts. Those responsible for the trade use aggressive forms of marketing to recruit more and more youths from diverse segments of society, utilizing them to perform different and specialized functions. The drug trade is presented, in many instances, as the only alternative to ensure one’s well being and overcome the limitations of one’s social class. Thus, there is a psychological element that exploits the personal, familial and social frustrations used to recruit those who labor (dealers, transporters, mules, etc.) for the drug trade. The sale of drugs employs a large number of persons (Fraga

2000). This type of “employment”, especially when considered in conjunction with the prevalence of structural unemployment, presents a paradox which the authors Soares, Athayde and Bill (2005) highlight via the example of a drug dealer who became indignant at the hypothetical suggestion of firing more than 300 youths that worked for him. The drug dealer contemplating the futures of the youths should they be fired, questioned:

“Who is going to employ them or put them through school? And if these boys are killed or imprisoned, who will substitute their income and provide for their families? Will the State assume such responsibility? I would say that the majority of the boys that are considered drug dealers by society, launder their money in grocery stores to buy bread and meat for their families.” (Soares; Bill and Athayde 2005, p.43).

On the one hand, in their macrostructure based dimensions, these issues are directly related to economic and political processes that exist principally in Latin American countries and offer unexpected opportunities for insertion into the capitalistic market, even if they are illicit and illegal. On the other hand, in their micro dimensions, such issues encapsulate the struggle of thousands of persons to ensure their survival which is threatened by structural unemployment. It is an activity that involves innumerable youths and adults. The magnitude of their involvement is reflected by the fact that according to the Ministry of Justice of the 401,236 people imprisoned during 2006, 45,133 were convicted in conjunction with the drug trade. The incarcerated population in Brazil is mainly comprised of youths, the poor and men with a low level of education. Half of those imprisoned are less than 30 years old, 95% are poor and male. Two thirds of the prison population never completed elementary school and about 12% are illiterate (Human Rights Watch, 1998).

The case of women is also noteworthy. Since the end of the last century, the traffic of drugs has become the crime most committed by women. There is also significant feminine participation in serious crimes such as robbery and kidnappings. Of the population of incarcerated women, 50% were detained, accused or convicted of drug related offenses (some being minor offenses) in accordance with Brazilian law (Human Rights Watch 1998).

It must be pointed that there is no official data regarding the number of those orphaned by violence. However, research conducted by a national and reputable newspaper revealed that in 2003 alone, 3,415 people were assassinated in Rio de Janeiro, most of whom were male and half were parents; the majority of their children, 83%, were younger than 17 years old, and the city had 2,985 orphans registered that year. Of youths between the ages of 11-24 who were involved in drug trafficking, 5.2% had lost their fathers and .4% had lost their mothers. Such data affirms the necessity to consider the issue of orphaned children and the care and shelter of children and adolescents as an expression of deeply rooted social issues.

In light of this scenario there exists the National System of Socio-Educative services; the National Plan for the Promotion, Protection and Defense of the Rights of Children and Adolescents to Family and Community Life; The Child and Adolescent Initiative⁶. Additionally, the guarantee of rights is the focus of the VII National Conference of Child and Adolescents Rights occurring in Brazil at the end of 2007.

⁶ The National Plans marks an historical landmark in the process of creating a system that guarantees and defends Rights. Its provisions are accompanied by concrete actions that were articulated by the three branches of

We must consider the context of social work in Brazil. The process of formulating and implementing public policy aimed at guaranteeing the rights of children, adolescents and families to family and community life is undertaken by many entities. They include institutions that provide shelter and care for children and adolescents, the Prosecutors⁷, and non-governmental organizations which fight for defending the rights of children and adolescents⁸. In the case of institutions that provide care and shelter for children and adolescents, legislation requires that their staff include social workers, psychologists, pedagogues, support staff, childcare specialists, motorists, gardeners and cooks. In a study conducted by the IPEA (2004) of the various services offered by institutions that provide care and shelter only 38.4 offered psychological or social support for the families of the children housed within the institutions. The research further indicated that of the 361 social workers that work in the institutions, 23.3% are volunteers.

The aforementioned discussion affirms the necessity that the current system aims to ensure the Rights of children and adolescents receives the support of various segments of society. It is must be understand that the rights of children and adolescents do not merely represent legal or transnational issues; they are the results of various historical, economic and cultural processes and segments of society. The rights of children and adolescents, as defined by the ECA, will only be consolidated through the construction of suggestions and alternatives that confront discriminative, punitive, authoritative and other negative practices that have historically characterized the actions and policies concerning children and adolescents in situations of vulnerability in Brazil (Silva 2008).

4 Conclusion

The statistics and information presented within this article reveal the institutionalization of children and adolescents in Brazil continues to be utilized almost exclusively as the sole means of “protecting” children and adolescents. Thus, the principle of using institutions that provide shelter as a temporary and exceptional mechanism is disrespected. The profile of institutions that provide shelter, as identified by a National Study conducted by the IPEA, reveals that the majority of the institution are non-governmental, guided by religious values, staffed by volunteers and dependent upon their own and private recourses to continue functioning. It seems relevant, considering the aforementioned information, to ensure that institutions that shelter children and adolescents are closely regulated and adhere to certain guidelines. It is especially important that they implement public social policies that are family oriented. Policies that promote, protect, and defend the rights of children and adolescents to family and community life requires the interaction with a variety of social policies. A focus on the family and access to health care, quality education, and employment opportunities among others criteria must orient such policies. It is fundamental that the reorganization of

government in conjunction with a myriad of individuals, groups and organizations from the social sector and designed to promote, protect and defend the Rights of children and adolescents to family and social life.

⁷ According to the Brazilian Federal Constitution of 1988, in the main body of Article 127, the prosecutor has the task of Defense of the legal system, the democratic regime and of social and individual interests unavailable. In Article 129, Item II, it is up to him to ensure effective compliance by the public authorities and services of public relevance to the rights guaranteed in the Constitution. Today many social workers work in Prosecutors in Brazil as technical advice about social policies, especially with the Child and Adolescents policy.

⁸ Whereas the Child and Adolescent shall be subject human rights, human person in peculiar condition of development is essential to recognize the existence of a body of civil society (NGO), that represent them and assist both administratively and judicially. The department in Brazil is called the Center for Defense of Children and Adolescents - CEDECA. The Social workers visit family or responsible for Child and Adolescent hosted and attended by CEDECA.

institutions that care and shelter children and adolescents be incorporated into a network that monitors and ensures the quality of such institutions throughout the country. The reorganization of such institutions also necessitates the reorientation of private and public institutions that have historically provided shelter in accordance with the newly proposed paradigm. The new paradigm will consider the family as a privileged space and will no longer perceive children and adolescent from the isolated context of the families or communities from which they stem.

This debates accompanies the ethical-political nature of social services in Brazil which currently struggles for a) the acknowledgement of the importance of freedom as an ethical value central to public demands – autonomy, emancipation and the expansion of social participation; b) the defense of human rights and recourses against arbitrary and authoritative practices; c) the expansion and consolidation of citizenship including the guarantee of civil , social and political rights; and d) the strengthening of democracy and socialization of political participation and wealth socially produced. Professionals in the social sector must defend social justice and equity that ensure universal access to the goods and services relative to social programs and social policy by working to eliminate all forms of prejudice, stimulating the participation of groups socially discriminated against and championing respect for diversity. In this sense, the task that confronts professionals in social sectors involves not only ensuring professional competency and the quality of services offered, it involves constructing a new social order absent of exploration and domination based upon class, ethnicity or age as well (CFESS 1993).

In conclusion, there are many structural tasks, essential in overcoming harmful tendencies and practices still present in the Brazilian context as it pertains to improving the quality and care provided by institutions that care for and shelter children and adolescents, the promotion of child and adolescent rights and efforts to successfully reunite them with their families, that must be undertaken. They include: a) sustainable economic growth and stability; b) stimulation of employment and opportunities in income; c) the combat of poverty; d) the consolidation of Democracy and the defense of human rights; e) reduction of regional inequalities; f) the promotion of the rights of minorities and g) the combat of discrimination and prejudice.

Should this not be so, paraphrasing the words of the Brazilian singer and composer, Milton Nascimento, the orphans of the Brazilian Dream will continue to search for the leftovers of life in the ashes of hope whose coals were never extinguished. It is necessary to invent a new country. There's been enough darkness, enough misery, poverty and drugs. We must defend the rights of all Brazilians, especially our children, to a dignified life.

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