14873-Texto do Artigo-69465-71511-10-20250730

de 14873-texto Do Artigo 14873-texto Do Artigo-69465-71511-10-20250730

Data de envio: 05-ago.-2025 12:44PM (UTC-0700)
Identificação do Envio: 2725739560
Nome do arquivo: 14873-Texto_do_Artigo-69465-71511-10-20250730.pdf (434.95K)
Contagem de palavras: 7484
Contagem de caracteres: 39641

pensar
Revista de Ciências Jurídicas
Universidade de Fortaleza
e-ISSN:2317-2150
10.5020/2317-2150.2024.14873

Racial disparities in the fruition of the right to integral protection for children and adolescents in Brazil (2019-2021): a legal-quantitative approach

Disparidades raciais na fruição do direito à proteção integral de crianças e adolescentes no Brasil (2019-2021): uma abordagem jurídico-quantitativa

Disparidades raciales en el disfrute del derecho a la protección integral de niños y adolescentes en Brasil (2019 – 2021): un enfoque jurídico-cualitativo

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Abstract

Formal recognition of the right to integral protection for children and adolescents by the Brazilian Constitution and the Child and Adolescent Statute (ECA, in the Portuguese acronym) does not guarantee the practical realization of this right, nor does it ensure equitable legal effectiveness in terms of race. This study aims to provide quantitative expression to racial disparities in the empirical enjoyment of the right to integral protection. The research timeframe covers the years 2019 to 2021, and the data pertains to Brazil. Variables related to aspects of integral protection are considered, such as the number of homicides, police lethality, preventable deaths, low birth weight, low per capita household income, and enrollment in daycare centers and primary education, based on data from databases available from the Brazilian Institute of Geography and Statistics, UNICEF, the Abrinq Foundation, the Brazilian Public Security Forum and the Brazilian Ministry of Health. The main finding is that the race/ethnicity of the child and adolescent mattered for the enjoyment of the right to integral protection in the analyzed period. Racially biased police lethality towards Black children and adolescents was the aspect that deteriorated the most during the analyzed period. The greatest reduction in racial bias was observed in the incidence of children and adolescents up to 14 years old with a per capita household income of up to ¼ of the minimum wage; however, a strong bias still persists. Among the considered variables, no relevant racial bias was found in live births with low birth weight. These findings challenge arguments suggesting a deracialized childhood/adolescence in Brazil and emphasize the need to explicitly consider race when designing public policies for children and adolescents.

Keywords: law and public policies; quantitative methods; childhood and adolescence law; racism; positional analysis.

Resumo

O reconhecimento formal do direito à proteção integral de crianças e adolescentes pela Constituição e pelo Estatuto da Criança e do Adolescente (ECA) não implica a efetivação prática deste direito, nem tampouco que sua eficácia jurídica seja equitativa em termos raciais. O estudo objetiva conferir expressão quantitativa a disparidades raciais na fruição empírica do direito à proteção integral. O recorte temporal da pesquisa consiste nos anos de 2019 a 2021, e os dados são referidos ao Brasil. São consideradas variáveis correlatas a aspectos da proteção integral, como número de homicídios, letalidade policial, óbitos por causas evitáveis, baixo peso ao nascer, baixa renda domiciliar per capita e matrículas em creches e no ensino fundamental, com base em dados agregados disponibilizados pelo Instituto Brasileiro de Geografia e Estatística (IBGE), Fundo das Nações Unidas para Infância (UNICEF), Associação Brasileira dos Fabricantes de Brinquedos (Abrinq), Fórum Brasileiro de Segurança Pública e Ministério da Saúde. A constatação principal é que a raça/cor da criança e do adolescente importaram para a fruição do direito à proteção integral no recorte analisado. A letalidade policial racialmente enviesada em relação a crianças e adolescentes negros foi o aspecto de maior deterioração no período analisado. A maior

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diminuição no viés racial verificado foi na incidência de crianças e adolescentes de até 14 anos com renda domiciliar per capita de até ¼ do salário mínimo que, no entanto, permanece com forte viés. Dentre as variáveis consideradas, somente não houve viés racial relevante em nascidos vivos com baixo peso ao nascer. As constatações desafiam os argumentos de que haveria uma infância/adolescência desracializada no Brasil e apontam para a necessidade de considerar explicitamente a raça ao projetar políticas públicas destinadas à infância e adolescência.

Palavras-chave: *direito e políticas públicas; métodos quantitativos; direito da infância e adolescência; racismo; análise posicional.*

Resumen

El reconocimiento formal del derecho a la protección integral de niños y adolescentes por la Constitución y por el Estatuto del Niño y del Adolescente (Estatuto da Criança e do Adolescente - ECA) no implica en el cumplimiento práctico de este derecho, ni tampoco que su eficiencia jurídica sea equitativa en términos raciales. El estudio tiene el objetivo de conferir expresión cualitativa a las disparidades raciales en el disfrute empírico del derecho a la protección integral. El recorte temporal de la investigación consiste en los años de 2019 hasta 2021, y los datos son referidos al Brasil. Son consideradas variables relacionadas a aspectos de la protección integral, como número de homicidios, letalidad policial, óbitos por causas evitables, bajo peso al nacer, baja renta domiciliar per cápita e inscripciones em guarderías y en la enseñanza primaria, con base en datos agregados disponibles en IBGE, UNICE, Fundación Abrinq, Fórum Brasileño de Seguridad Pública y Ministerio de la Salud. La conclusión principal es que la raza/color del niño y del adolescente importaron para el disfrute del derecho a la protección integral en el recorte analizado. La letalidad policial racialmente sesgada con relación a niños y adolescentes negros fue el aspecto de mayor deterioro en el período analizado. La mayor disminución en el enfoque racial verificado fue en la incidencia de niños y adolescentes de hasta 14 años con renta domiciliar per cápita de hasta ¼ del sueldo mínimo que, sin embargo, permanece con fuerte enfoque. Entre las variables consideradas, no hubo enfoque racial relevante solamente en nacidos vivos com bajo peso al nacer. Las conclusiones retan los argumentos de que habría una niñez/adolescencia con pérdida del carácter racial en Brasil e indican para la necesidad de considerar explícitamente la raza al proyectar políticas públicas destinada a la niñez y adolescencia.

Palabras clave: *derecho y políticas públicas; métodos cuantitativos; derecho de la niñez y adolescencia; racismo; análisis posicional.*

1 Introduction

The Constitution and the Statute of the Child and Adolescent (henceforth referred to as “ECA”, an acronym derived from its Portuguese name, Estatuto da Criança e do Adolescente) enshrine the intrinsic right to comprehensive protection. This necessitates the assurance of children and adolescents’ access to fundamental rights including health, education, food, leisure, culture, dignity, respect, freedom, family and community life, and protection from discrimination, violence, cruelty, and oppression. While crucial, the acknowledgement of a right should not be conflated with its effective implementation. Importantly, the principle of complete protection in the context of children’s and adolescents’ rights is not impervious to the effects of racism in actual practice (Lima, 2015; Veronese; Lima, 2012).

Racism, a pervasive element of the social order, manifests itself through inequalities. Law, in this context, plays an instrumental role in legitimizing social inequality in society, thereby becoming a structural component of racism (Almeida, 2019, p. 37). The precepts of formal legal equality, predicated on the notion that the State and the law should extend equal treatment to all irrespective of their inherent inequalities, inadvertently fortify existing social disparity (Almeida, 2019).

Consequently, the formal acknowledgment of rights does not necessarily translate into the tangible realization of these rights for all (Castro, 2021). This study is designed to leverage quantitative elements to address the research question: what is the extent of racial disparities in the empirical compliance with aspects of the right to comprehensive protection of children and adolescents in Brazil from 2019 to 2021? The study stratifies children and adolescents by race/color, specifically white and black individuals, the latter understood as a more extensive group encompassing those who, in Brazil, are referred to as *pretos* and *pardos*.

The research presents the hypothesis that the degree of realization of the right to comprehensive protection for children and adolescents in Brazil between 2019 and 2021 varies by race/color. Specifically, higher levels of realization are likely associated with the white stratum rather than the black stratum, leading to a racially stratified legal effectiveness of the given right.

The variables encompassed in the study comprise the number of homicides, police lethality, preventable deaths, low birth weight, low per capita household income, and enrollment in daycare centers and primary education. The data was obtained in databases available from the Brazilian Institute of Geography and Statistics, UNICEF, the Abrinq Foundation, the Brazilian Public Security Forum and the Brazilian Ministry of Health, as specified in the Methods section below.

The selection of a quantitative approach is intentional. Quantitatively articulating racial differences in the realization of aspects of comprehensive protection in Brazil is pertinent to the framing of law as an instrument to counteract – rather than merely replicate – racism. Alain Desrosières, a leading figure in the sociology of quantification, asserts that social critique frequently relies on statistical arguments which seek to elucidate and make visible demands for equality and justice (Desrosières, 2014, p. 348). According to him, various facets of what is socially perceived as "real" are mediated by "statistical objectifications" (1990, p. 196), becoming comprehensible and technically objectified through statistical aggregation (Castro, 2021, p. 4–5). Didier and Bruno (2021, p. 19) underscore the potential of statistics as a tool for emancipation, arguing that indicators, besides imbuing complex phenomena with meaning, can guide action. Therefore, quantitatively expressing the degree to which racial biases impact comprehensive protection in Brazil is crucial. Conversely, the lack or inadequacy of measurements contributes to the invisibility or underestimation of the influence of race on the realization of the rights of childhood and adolescence in accordance with the ECA and the Constitution.

This study employs the methodology of Positional Analysis, a quantitative approach within the theoretical framework of Legal Analysis of Economic Policy (LAEP), to evaluate racial disparities in the realization of the right to comprehensive protection of children and adolescents in Brazil within the specified timeframe. Detailed specifications for the application of this methodology will be provided in a subsequent section. The findings will subsequently be presented and discussed. The paper concludes with final remarks and a list of the references used.

2 Methods

Positional Analysis is the methodological expedient adopted for conducting the study. It is a quantitative approach belonging to the theoretical framework of the LAEP. LAEP seeks to strengthen the legal capacity to critically assess empirical reality through the expansion of the channels of approach to social facts. The emphasis of the approach lies on how economic policy decisions and the structuring of public policies differentially impact the actions of individuals and groups, with effects on their fundamental and human rights (Castro, 2018a, p. 112-113). It is therefore a methodological approach that focuses law from the aspect of the empirical fruition of legal rights (Castro, 2018a, p. 134):

> The perception that certain public or economic policies limit the possibilities of fruition of rights becomes, in theory, a basis for demanding that such policies should always be structured in such a way as to promote, and not undermine, the effectiveness of the exercise of fundamental rights and human rights.

Within the LAEP framework, Positional Analysis is employed to produce "an objective analytical description of the experience of empirical fruition of economically relevant subjective rights of individuals and groups" (Castro, 2018b, p. 361).

The method has as its central element the elaboration and comparison of two indicators. A first objective indicator to characterize the degree of fruition of a right related to a public policy: the Index of Empirical Effectiveness (IEE). It acts as a numerical portrait of an aspect of reality. Another, the Rights Fruition Benchmark (RFB), is designed to express the level of fruition that would correspond to legal validation. That is, it consists of a projected image, within the scope of what *ought to be*. The comparison between the indicators is then used as an element for evaluating public policy on the realization of fundamental and human rights. As interpretative keys of this method, if the numerical value obtained by the IEE is less than the RFB, the level of empirical enjoyment of the subjective right is not legally validated and public policy must be reformed (Castro, 2018a, p. 132–133, 2014, p. 44–45). In contrast, an IEE value equal to or greater than the RFB means the legal validation of the situation analyzed.

The elaboration of an IEE of the racial isonomy in the integral protection of children and adolescents presupposes the analytical decomposition of the relational contents of this right (Castro, 2018a, p. 128, 2014, p. 43). After all, the quantification of a right implies the translation of its meaning into observable and measurable

variables (Ballestero, 2014, p. 29; Castro, 2021, p. 4–5). For the purposes of this analysis, it should be considered that the principle of integral protection recognizes the right of children and adolescents to have fundamental rights, with priority and in an indiscriminate manner, i.e. without differentiation by ethnic and racial separation. The precept also provides for the duty shared by State, society and family in guaranteeing fundamental rights. Life, health, food, education, leisure, culture, dignity, respect, freedom, family and community coexistence, as well as protection against neglect, discrimination, exploitation, violence, cruelty and oppression, are all comprised into the list of rights harnessed by integral protection (Veronese; Lima, 2012).

It should be noted that the principle of integral protection consists both of elements that must be guaranteed to the child and adolescent, and of aspects from which these individuals should be protected. Using the database available from *Instituto Brasileiro de Geografia e Estatística* (IBGE), United Nations Children's Fund (UNICEF), the Abrinq Foundation and the Brazilian Public Security Forum, aspects needed for the materialization of comprehensive protection have been selected. The time span chosen for the research limited the selection of these elements. For the intended quantification, this selection obeyed the criterion of relevance and availability of data with racial stratification, understood as necessary to capture the racial isonomy in the fruition of integral protection. In LAEP terminology, variables are referred to as "relational components". See Table 1, further below.

In addition to these variables, the proportion of racial/color strata in the Brazilian population, according to their respective age groups, are important parameters for the implementation of the research methodology proposed here. In this sense, four segments will be considered: Brazilian population born alive (P0); from 0 to 4 years old (P04), 0 to 14 years old (P014); and 0 to 19 years old (P019). The data concerning P019 are from the Childhood and Adolescence Scenario in Brazil of the ABRINQ Foundation (2020, 2021 e 2022). To determine P0, data from the Live Births Information System (SINASC) was used, which is made available annually.

Table 1 – Analytical decomposition and resulting relational components

Notation	Relational components	Source
H	Homicides of persons under 19 years old	Fundação ABRINQ - Observatório da Criança e do Adolescente
L	Homicides of persons under 19 by legal interventions and war operations	Fundação ABRINQ. Cenário da infância e adolescência no Brasil
D	Deaths of children under four years old due to preventable causes	MS/SVS/CGIAE - Sistema de Informações sobre Mortalidade – SIM DATASUS
W	Live births with low birth weight	MS/SVS/DASIS-Sistema de Informações sobre Nascidos Vivos - SINASC
I	Children and adolescents up to 14 years old with household per capita income of up to ¼ of the minimum wage	Fundação ABRINQ. Cenário da infância e adolescência no Brasil
E	Enrollment in daycares	Fundação ABRINQ - Observatório da Criança e do Adolescente
F	Enrollment in fundamental education	Fundação ABRINQ - Observatório da Criança e do Adolescente

Source: Authors' elaboration

The segmentations of P04 and P014, by race/color layers, were not readily available, and had to be calculated for a more reliable analysis. To this end, it was necessary to make an estimate from available population data with selected age groups. IBGE publishes the Population Estimates annually, obtaining these data from the observation of the population growth trend of the municipalities, between two consecutive demographic censuses, in relation to the trend of growth of a broader geographical area.

The described method is known as "AiBi" (Wood; Simões, 1972) and consists of a population trend model that projects the population of a subarea from its contribution to the absolute growth of the expected population in the larger area (IBGE, 2021). In a study that analyzes techniques of projection of small areas, comparing them by means of distribution error, Santos and Barbieri (2015) conclude that the AiBi methodology has proved to be the technique with the least error between estimate and veracity, because it is not directly determined by the size of the population, but rather by the participation of the small areas in the growth of the larger area (2015, p. 157).

For the purposes of this research, the resident population from 0 to 19 years was taken as a larger area reference, using as a parameter the estimates produced annually by the Abrinq Foundation. For the age reductions of 0 to 14 years and 0 to 4 years, the data produced by the Censuses of 2000 and 2010 were used as a smaller

area reference. All data used were stratified according to race and color criteria. Thus, it was possible to calculate the coefficient of proportionality of the increase in the population of the age group in relation to the increase of the population from 0 to 19 years, and, consequently, the approximate population distribution of the racially stratified age groups in each reference year. The results are presented in Table 2 below.

Table 2 – Variables relevant to the right to racial isonomy in the integral protection of children and adolescents, with corresponding percentage values for the white and black race/color strata

Notation	Variable		2019		2020		2021	
		Populational parameter	white (%)	black (%)	white (%)	black (%)	white (%)	black (%)
H	Homicides of persons under 19 years old	P019	17.3	80.2	15.3	82	16.3	81.4
L	Homicides of persons under 19 by legal interventions and war operations	P019	23.3	73.3	21.4	77.1	18.9	79.9
D	Deaths of children under four years old due to preventable causes	P04	61.7	68.8	73.4	74.8	61.7	69.0
W	Live births with low birth weight	P0	34.0	61.8	33.2	62.6	32.4	63.3
I	Children and adolescents up to 14 years old with household per capita income of up to ¼ of the minimum wage	P014	23.5	75.8	22.2	66.4	26.6	72.9
E	Enrollment in daycares	P04*	37.0	30.9	37.2	32.2	35.3	33.0
F	Enrollment in fundamental education	P014*	32.8	40.3	31.5	39.5	32.7	39.5
	Populational parameters by age group							
P019	0-19 years	-	44.0	54.5	43.9	54.5	44.0	54.5
P014	0-14 years	-	43.3	55.2	43.4	55.1	43.4	55.0
P04	0-4 years	-	41.0	57.6	41.4	57.2	41.8	56.8
P0	Born alive	-	33.9	62.2	33.3	62.8	32.5	63.5

Source: author's elaboration based on data from the Abrinq Foundation and of the Secretariat of Health Surveillance of the Brazilian Ministry of Health. *P04 and P014 were used as proxies for E and F, respectively, given that data for the age groups 0-5 and 6-14 were not available.

To measure the right to racial isonomy in integral protection, the variables described in Table 2 are considered. For each of them, the proportional incidence of white and black children and adolescents is indicated in each variable, expressed as a percentage. These proportions are compared with the proportion of white and black children and adolescents in the population of the same age group or similar for the same year.

The IEE formula requires the operationalization of racial isonomy through the comparison of two proportions. The ratio between the proportions of black and white stratifications observed in a given variable (V) and the ratio of black (b) and white (w) proportions in the population is calculated (P). The difference between these ratios is treated as a positive value between 0 and 1, where 0 indicates absolute racial disparity and 1 indicates perfect isonomy. This value is obtained by subtracting from 1 the absolute value of the arithmetic calculation. This procedure is called "I" and is represented by formula I_v, which determines the racial isonomy in the behavior of a given variable. Although the formula may seem complex, it is a simple way to determine racial isonomy, with a resulting value of 1 indicating no disparity and a value of 0 indicating complete disparity.

Equation 1 – General formula for calculating the racial isonomy in the behavior of a variable

$$I_V\ 1 - \left(\frac{Vb}{Vw} - \frac{Pb}{Pw}\right) \div \left(\frac{Vb}{Vw} + \frac{Pb}{Pw}\right) \text{V}$$

Where:

I_v = Isonomy in the behavior of a given variable;
V_b = incidence of the black race/color stratum in a given variable;
V_w = incidence of the white race/color stratum in a given variable;
P_b = incidence of the black race/color stratum in the population;

P_W = incidence of the white race/color stratum in the population.

The IEE formula applies the "I_V" equation to each of the variables identified in Table 2, and extracts from a simple average from it:

Equation 2 – Index of Empirical Effectiveness (IEE)

$$\text{IEE}\ \frac{I_H+I_L+I_D+I_W+I_I+I_E+I_F}{7}$$

Where:

IEE = Index of Empirical Effectiveness (of the right to racial isonomy in integral protection of children and adolescents);

I_H = race/color isonomy in homicides of persons under 19 years old;

IL = race/color isonomy in homicides of persons under 19 by legal interventions and war operations;

ID = race/color isonomy in deaths of children under four years old due to preventable causes;

IW = race/color isonomy in live births with low birth weight;

II = race/color isonomy in children and adolescents up to 14 years old with household per capita income of up to ¼ of the minimum wage;

IE = race/color isonomy in enrollment in daycares;

IF = race/color isonomy in enrollment in fundamental education.

In Positional Analysis, the result of the IEE is compared to the RFB. The ideal result for the I_V formula is 1, which indicates complete race/color isonomy. This value is set as benchmark for each of the RFB components, and for the final result expected from the RFB equation:

Equation 3 – Rights Fruition Benchmark (RFB)

$$\text{RFB}\ \frac{1+1+1+1+1+1+1}{7} = 1$$

The next section presents the results of the application of the method outlined above.

3 Results and Discussion

Processing the data through the IEE formula yielded the following results:

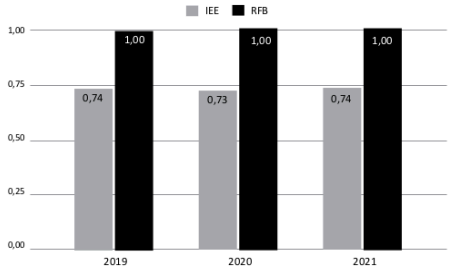
Table 3 – Quantification of the IEE for the right to racial isonomy in integral protection and children and adolescents (2019-2021), with absolute (Δ) and relative (Δ%) distances between the beginning and the end of the historical series

Notation	Variable	Populational parameter	2019	2020	2021	Average	Δ (2019 to 2021)	Δ% (2019 to 2021)
H	Homicides of persons under 19 years old	P019	0.42	0.38	0.40	0.40	-0.02	-6.1
L	Homicides of persons under 19 by legal interventions and war operations	P019	0.56	0.51	0.45	0.51	-0.11	-24.7
D	Deaths of children under four years old due to preventable causes	P04	0.89	0.85	0.90	0.88	0.02	1.9
W	Live births with low birth weight	P0	1.00	1.00	1.00	1.00	0.00	-
I	Children and adolescents up to 14 years old with household per capita income of up to ¼ of the minimum wage	P014	0.57	0.60	0.63	0.60	0.07	10.4
E	Enrollment in daycares	P04	0.75	0.77	0.82	0.78	0.07	8.5
F	Enrollment in fundamental education	P014	0.98	0.99	0.98	0.98	-0.01	-0.6
IEE	Index of Empirical Effectiveness	-	0.74	0.73	0.74	0.74	-	-

Source: authors' elaboration

The analysis of the data presented in Table 3 reveals that the IEE did not reach the level of racial isonomy in any of the years covered by the research. IEE values remained stable, demonstrating a consistent deficit of 26% compared to the RFB of racial isonomy. Figure 1, below, illustrates this finding.

Figure 1 – Contrast between the IEE and RFB values for the right to racial isonomy in integral protection of children and adolescents (2019-2021)



It is important to analyze the greater or lesser relevance of race/color to the behavior of the variables analyzed. The most racially sensitive variables were, in this order: homicides (H), in the order of 60%; police lethality (L), and low household *per capita* income (I) – an indicator of poverty – with a disparity of 40%. The variable of daycare enrolment (E) had an average IEE value of 0.78, which would indicate that black children enroll less in daycares than white children. However, the ratio of non-declaration of color/race for variable E is high, as noted in Table 2, so this aspect should be considered with caution. The same caveat applies to enrollment in fundamental education (F). In essence, the only variable for which a conclusion regarding low race sensitivity was possible refers to low-weight live births (B). In no case was racial bias favorable to black children and adolescents. When verified – which occurred in the vast majority of variables – this bias reflected a sensitivity to race/color in detriment to the black stratum. Table 4 below shows the variables ordered by the degree of sensitivity to race/color, expressed in terms of their distance to the RFB, taking into account the average for the period 2019-2021. In other words, the differences between the IEE and the RFB are taken as representative of the racial bias in the behavior of the variables, and presented in ranked order.

Table 4 – Ranking of racial bias in the behavior of the variables, in terms of the average distance between RFB and IEE (Δ RFB-IEE) between 2019 and 2021

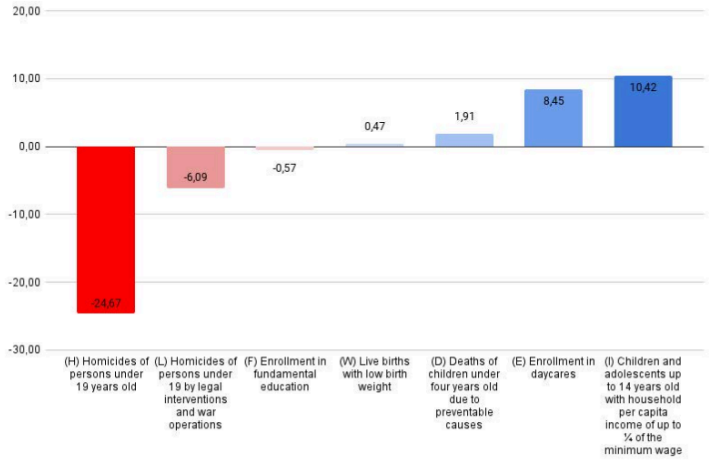
Ranking position	Notation	Variable	Average Δ RFB-IEE (2019-2020)	Δ 2019	Δ 2020	Δ 2021
1	H	Homicides of persons under 19 years old	0.60	0.58	0.62	0.60
2	L	Homicides of persons under 19 by legal interventions and war operations	0.49	0.44	0.49	0.55
3	D	Deaths of children under four years old due to preventable causes	0.40	0.43	0.40	0.37
4	W	Live births with low birth weight	0.22	0.25	0.23	0.18
5	I	Children and adolescents up to 14 years old with household per capita income of up to ¼ of the minimum wage	0.12	0.11	0.15	0.10
6	E*	Enrollment in daycares	0.02	0.02	0.01	0.02
7	F*	Enrollment in fundamental education	0.00	0.00	0.00	0.00

Source: author's elaboration

* As noted in the text, the analysis of variables E and F should be approached with caution, given the high proportion of non-declaration of color/race for these variables.

In relation to the changes in IEE values over time, E and I had the greatest improvements from 2019 to 2020. W remained stable, while F remained relatively consistent. The variables that showed the greatest decreases in IEE values, corresponding to an increase in racial bias, were L and H, with L deteriorating by 24.7% and H deteriorated by 6.1% in the same period. Figure 2 below illustrates the dimension of the change in racial bias in the behavior of the variables considered in the study, in comparison between the initial and final moment of the historical series considered.

Figure 2 – Percentual change in the IEE values between 2019 and 2021 for the right to racial isonomy in integral protection of children and adolescents in Brazil.



Despite the identification of select components displaying improvement over time, various other variables exhibited increased discrepancy within the same period, leading to Index of Economic Efficiency (IEE) values that deviate significantly from the ideal. The analysis of these outcomes underlines the harsh reality that black children and adolescents, similar to their adult counterparts, grapple with the detrimental effects of racial discrimination.

The observed disparity, whether it be in facilitating or hindering access to and safeguarding fundamental rights, serves as a poignant illustration of the social exclusion these individuals confront from a young age due to structural racism. As Silvio Almeida (2019, p. 33) articulates, this form of racism manifests as “political, economic, and legal inequality”.

The Brazilian legal structure acknowledges the rights of children and adolescents, adopting the Doctrine of Integral Protection, which is committed to legally effectuating fundamental rights with absolute priority in the enactment of public and social policies favoring this demographic. Current legislation upholds the rights to equality, non-discrimination, and human dignity. However, as revealed by the findings of this research, the reality for black children and adolescents lacks isonomy with the white race/color group regarding the enjoyment of these rights.

The formal acknowledgment of the right to racial equality among children and adolescents does not inherently translate into practical implementation, reflecting the conceptual dichotomy between “law in the books” and “law in action”, as underscored by Roscoe Pound (see Goodhart, 1964). It is, therefore, imperative for the Integral Protection provision – as established by the Constitution of the Federal Republic of Brazil in 1988 and consolidated in ECA – to transcend a merely formal conception of equality, accounting for the unique characteristics of each social group, to approximate the envisioned material equality.

Concrete action in the realm of public policies, specifically targeting the socially marginalized and excluded black children and adolescents, is essential to this end (Lima, 2015, p. 27). The observed ineffectiveness in promoting

racial equality can be attributed to the peripheral nature ascribed to the rights of children and adolescents historically, and the application of universal public policies.

The actualization of the rights of children and adolescents extends beyond an examination of the historical-social constructs of the Brazilian State and racial relations (Lima, 2010). According to Lima (2015, p. 142), the disregard or devaluation of black childhood within Brazilian historiography is reflective of their contempt stemmed from vulnerability due to age, as well as the disrespect meted out by the Brazilian government after the abolition of slavery.

Black children were denied the right to childhood in the slavery era. Under this regime, they were obligated to perform work unsuitable for their age, often excessively strenuous, shortening their lifespan. The absence of appropriate nutrition and hygiene also contributed to the persistently high child mortality rates observed during Brazil's slavery period (Lima, 2010).

Although some abolitionist measures were enacted, such as the prohibition of transboundary slave trade in 1850 and the liberation of children born to enslaved women in 1871, these actions failed to effectuate tangible changes in the lives of the enslaved. They were primarily linked to economic concerns, influenced by the emerging market trends of that time (Lima, 2010).

The conclusion of the 19th century witnessed the formal abolition of slavery, the instatement of the Republic in Brazil, and increasing industrialization, leading to significant social transformation. The advent of the capitalist model necessitated the fulfillment of the demands of new consumer markets. In that new context, issues related to children were overlooked by the State, thereby perpetuating the rampant exploitation of child labor and resulting deprivation of this group's rights (Veronese, 2013).

The exploitation of child labor was predominantly observed in the lower strata of society, predominantly black. White children enjoyed greater access to rights, such as education, and only engaged in work as adults, often assuming managerial roles in factories (Veronese, 2013).

Historically, the State neglected the plight of socially vulnerable children and adolescents, overlooking the need for a social policy capable of adequately addressing the needs of families in extreme poverty. The response was the establishment of palliative mechanisms to control the social problems of the time. The State exerted social control over vulnerable children and adolescents through their commitment in institutions (Lima, 2010).

In this context, the legal formation of the Minor Law (1927) and the Minor in Irregular Situation Law (1979) transpired, entirely disregarding ethno-racial nuances. These acts were justified as tutelary legislation. "This tutelage emphasized a discriminatory understanding, ratified a supposedly inferior 'culture', because it implies safeguarding the superiority of some, or even groups, over others" (Veronese, 2013, p. 49).

In 1988, the Constitution of the Federal Republic of Brazil normatively incorporated a new perspective on childhood and adolescence in the country, characterized by democratic openness and awareness of child causes. In 1990, the promulgation of the ECA consolidated the legal and political objective of protecting and promoting the rights of children and adolescents in Brazil. The normative advancements "created a system of its own and fully capable to be put and/or transformed into political-social practice" (Lima, 2010, p. 174).

Although these arrangements recognized racial discrimination as a violation of the rights of black children and adolescents, the simple regulatory ban does not necessarily impose a change in social behavior. The quantitative analysis of statistical data "enables the mapping of social reality, involving, in many cases, the study of the living conditions of the population in general and the access they have to public services for the guarantee of their basic and fundamental rights" (Lima, 2015, p. 189).

The methodological contribution of this research encompasses a critical examination of the realization of children's and adolescents' rights, viewed through a racial lens, utilizing available data to quantitatively measure racial isonomy in the integral protection of children. The detected inequality underscores the necessity to devise affirmative actions for racial equality within the Brazilian early-age demographics. As Lima (2015, p. 101) suggests, "identifying the equal and unequal, and understanding the social context in which equality and inequalities operate is crucial".

Affirmative measures aspire to facilitate and stimulate the expansion of participation by discriminated groups across various areas, including but not limited to, education, food, and respect. Lima (2015) posits that "these actions face the challenge of forming policies or even government programs aimed at addressing inequalities that traditional mechanisms of social inclusion failed to overcome".

The application of LAEP's methodological expedient of Positional Analysis has facilitated the identification of elements contributing most significantly to the discrepancy in racial isonomy, thereby highlighting racial inequality,

a manifestation of structural racism. The data obtained suggests that elements adversely related to the right to life (L and H) continue to disproportionately affect black children and adolescents.

To implement reforms – the final stage of the utilized methodology – the amplification of affirmative actions for promoting racial equality, especially pertaining to the right to life of young black individuals, is deemed vital. To fund this expansion, it is proposed that the National Fund to Combat Racism be approved, with a minimum percentage earmarked for public policies specifically targeted at children and adolescents, in adherence to the principle of absolute priority established by ECA.

Addressing the institutional violence endured by the black population must also be prioritized, as indicated in the analysis of the variable "L". The suggested reforms for this issue comprise potential articulations to be pursued with respect to the conduct of agents and the state, such as encouraging the filming of key procedures and/or the implementation of body cameras in police forces, within the constitutional boundaries of federal legislation.

Despite the improvement of the related aspect of low per capita household income (I) throughout the analyzed period, it still represents a significant disparity (40%) amongst the compared groups. Therefore, proposals such as the Child Poverty Ceiling ("*Teto de Pobreza Infantil*") and Basic Early Childhood Income ("*Renda Básica da Primeira Infância*"), both under legislative consideration, are viewed as alternatives for enhancing the income of black children and adolescents in Brazil. Additionally, the reinstatement of the Family Grant Program ("*Bolsa Família*") is expected to positively impact the behavior of variable I. Also, active engagement of representatives of these social groups must be ensured in spaces designated for deliberation and proposal of public policies aimed at realizing the rights of children and adolescents and combating racism.

All these measures align with the principle of integral protection, and consequently contribute "to ensuring that the Law of the Child and the Adolescent not only normatively closes off discrimination based on racial belonging to the infant and juvenile population, but can also effectively be materialized in the realm of facts" (Veronese; Lima, 2012, p. 183).

4 Final Remarks

The results of the application of Positional Analysis indicate that, during the period from 2019 to 2021, the right to racial isonomy in the integral protection of children and adolescents in Brazil was not achieved. The Index of Empirical Effectiveness (IEE) revealed a consistent deficit of 26% compared to the desired level of racial isonomy (RFB).

The analyzed data demonstrated that the race/color of children and adolescents had a significant impact on the fruition of the right to integral protection, with racially biased police lethality towards black children and adolescents being the aspect that showed the greatest deterioration over the analyzed period. Racially biased police lethality towards black children and adolescents was the most significant obstacle to racial isonomy in the right to integral protection in Brazil.

In contrast to the sharp escalation of racial bias in police lethality, other variables recorded improvements over the observed period, such as the low family income of individuals up to 14 years old (I) and deaths of children up to 4 years old due to preventable causes (D). It is noticeable that these variables are not directly linked to the public security area. The improvement does not mean that racial bias has been eliminated: there has been an attenuation, but there is still a way to go to achieve racial equality in these areas.

The only variable that was not sensitive to race was the low birth weight in live-born children (W). This means that the incidence of low birth weight did not show significant differences between race/color strata, indicating a positive aspect in terms of racial equality. The behavior of this variable might suggest that socio-racial differences are smaller at the beginning of life and escalate during its course. In this sense, the behavior of variable W serves as a reference, or benchmark, for the other variables.

The findings obtained in the present study challenge the arguments that there would be a deracialized childhood/adolescence in Brazil. They also point to the need to explicitly consider race/color when designing public policies aimed at childhood and adolescence. Especially in the field of public security: since police lethality of children and adolescents in Brazil proved to be the component with the greatest escalation in racial bias in the analyzed period.

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Como citar:

FERREIRA, Hugo Luís Pena; MELLO, Jaira Rodrigues de. Racial disparities in the enjoyment of the right to full protection of children and adolescents in Brazil (2019-2021): a legal-quantitative approach. **Pensar – Revista de Ciências Jurídicas**, Fortaleza, v. 29, n. 3, p. 1-12, jul./set. 2024. DOI: https://doi.org/10.5020/2317-2150.2024.14873

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Recebido em: 17/12/2023
Aceito em: 10/05/2024

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PÁGINA 1

PÁGINA 2

PÁGINA 3

PÁGINA 4

PÁGINA 5

PÁGINA 6

PÁGINA 7

PÁGINA 8

PÁGINA 9

PÁGINA 10

PÁGINA 11

PÁGINA 12