



## **The Right to a Safe Life: a study on the black mobilization for the Youth Statute approval in the National Congress**

*Pelo Direito à vida segura: um estudo sobre a mobilização negra pela aprovação do Estatuto da Juventude no Congresso Nacional*

**Felipe da Silva Freitas<sup>1</sup>**

<sup>1</sup> Universidade de Brasília, Brasília, Distrito Federal, Brasil. E-mail: fsfreitas\_13@yahoo.com.br. ORCID: <https://orcid.org/0000-0002-5502-4937>.

Article received in 12/03/2019 and accepted in 23/03/2019.



This work is licensed under a Creative Commons Attribution 4.0 International License.



**Abstract**

In this work we intend to analyze the mobilization of the black youth as political actors during operation of the Youth Statute proceedings, Law n. 12.852, August 2013, highlighting the narratives constructed within the scope of black youth movements, understanding the demands related to the safe life and to investigate the incidence of the black youths public action in the construction of this legal framework.

**Keywords:** Youth; Racism; Rights.

**Resumo**

Neste trabalho pretendemos analisar a mobilização dos atores políticos da juventude negra no processo de tramitação do Estatuto da Juventude, Lei n. 12.852, de agosto de 2013, destacando as narrativas construídas no âmbito dos movimentos de juventude negra, buscando compreender as demandas relativas à vida segura e investigar a incidência da ação pública dos(as) jovens negros(as) na construção deste marco legal.

**Palavras Chaves:** Juventude; Racismo; Direitos .



## Introdução<sup>1</sup>

Over the last 30 years, the social sciences field has been the scene of intense debates on youth as a social category and on the emergence of young people and their collective as political actors who are standing up for their rights. Emphasizing the processes of institutionalization of Youth Public Policies (PPJ<sup>2</sup>) in Brazil, studies about "young people and political participation"<sup>3</sup>; about "young people and public policies"<sup>4</sup> or about "young people and demands for rights"<sup>5</sup> have "proliferated" since the 1990s, collaborating to elucidate the senses of youth experience in the contemporary world and to understand the relationships built around the ideas of participation, leadership and "protagonism".

These studies, however, remained concentrated in the social sciences field and were not followed by similar investigations in the field of law studies which, in its own tradition as a dogmatic discipline, was little impacted by the intense debates about the issue of young people and of youth as a political subject occurred in other areas of knowledge.

If the whole scene about the youth participation over the last 30 years had been closely connected to an eminently legal issue - "How to build, formalize and guarantee rights for a particular group?" -, studies developed by jurists would have persisted as "not interested" in an understanding the emergence and the movement of these actors.

<sup>1</sup> The whole text, included other references quoted by the authors, was translated freely from Portuguese or Spanish to English.

<sup>2</sup> TN: PPJ is the portuguese initials for Youth Public Policies.

<sup>3</sup> RIBEIRO, Renato Janine. Política e juventude; o que fica da energia. In: NOVAES, Regina; VANNUCHI, Paulo (org.). Juventude e Sociedade: trabalho, educação, cultura e participação. São Paulo: Fundação Perseu Abramo, 2004.; NOVAES, Regina. Juventude e sociedade: jogos de espelhos. Sentimentos, percepções, demandas por direitos e políticas públicas. *Sociologia Especial: ciência e vida. São Paulo*, 1 (2), p. 6 – 15, 2007; ABRAMO, Helena W.; SOUTO, Anna Luiza Salles (coords.). Pesquisa sobre juventudes no Brasil. Relatório Nacional Brasil – Projeto Juventudes Sul-Americanas: diálogos para a construção da democracia regional, 2009.; BRENNER, Ana Karina. Juventude e Espaços de Participação. In: ANDRADE, Eliane Ribeiro; PINHEIRO, Diógenes; ESTEVES, Luiz Carlos (orgs.). Juventude em Perspectiva: múltiplos enfoques. Rio de Janeiro: UNIRIO, 2014, p. 118 – 122; SOUTO, Anna Luiza Salles. Juventude e Participação. In: NOVAES, Regina; VENTURI, Gustavo; RIBEIRO, Eliane; PINHEIRO, Diógenes (orgs.). Agenda Juventude Brasil: leituras sobre uma década de mudanças. Rio de Janeiro: UNIRIO, 2016, p. 265 – 286.

<sup>4</sup> CNPD. *Jovens Acontecendo na Trilha das Políticas Públicas*. Brasília, 1998; UNESCO. *Políticas públicas de/para/com as juventudes*. UNESCO, 2004; NOVAES, Regina; VANNUCHI, Paulo (org.). Juventude e Sociedade: trabalho, educação, cultura e participação. São Paulo: Fundação Perseu Abramo, 2004.; CASTRO, Jorge Abrahão; AQUINO, Lusení M. C.; ANDRADE, Carla Coelho de (orgs.). *Juventude e políticas sociais no Brasil*. Brasília: IPEA, 2009.; ANDRADE, Eliane Ribeiro; PINHEIRO, Diógenes; ESTEVES, Luiz Carlos (orgs.). *Juventude em Perspectiva: múltiplos enfoques*. Rio de Janeiro: UNIRIO, 2014.

<sup>5</sup> INSTITUTO CIDADANIA. *Projeto Juventude: documento de conclusão*. São Paulo, 2004.; ABRAMO, Helena W.; BRANCO, Pedro Paulo M. (orgs.). *Retratos da Juventude Brasileira*. Análise de uma pesquisa nacional. São Paulo: Instituto Cidadania, Fundação Perseu Abramo, 2005.; NOVAES, Regina; VENTURI, Gustavo; RIBEIRO, Eliane; PINHEIRO, Diógenes (orgs.). *Agenda Juventude Brasil: leituras sobre uma década de mudanças*. Rio de Janeiro: UNIRIO, 2016.



This scenario led to a departure from the legal debate and research on youth as a social category - which remained insulated within the social sciences.

Therefore, the reductionist version of young people as “continuations of children and adolescents” were replicated in the legal environment that discarded the peculiarities of young people as bearers of their own trajectories, challenges and approaches. The main result of this gap in the legal debate is the superficiality with which legal operators deal with the legislative achievements of young people and how difficult it is for them to “enforce” laws in guaranteeing their own rights to the youth.

The overcoming of these shortcomings requires actors engaged in the legal world to review practices to highlight: How (and why) do youth issues emerge in the legislative field? How to “enforce” the law that recognizes rights to different groups in a large contingent of young people living in Brazil ?; How can we analyze, for example, the differences between the treatment of the legal demands of black and non-black youths within a racist society which so blatantly discriminates against people historically excluded from social groups?

In order to reflect on some of these issues, we intend to analyze youth articulations for approving a legal framework - the Youth Statute - highlighting the treatment of black youths' political demands for the right to public security to underline their action of incidence.

From this documentary research, we intend to analyze the mobilization of the black youth as political actors during the operating of Youth Statute proceedings, Law n. 12.852, Of August 2013, highlighting the constructed narratives that have been built about the notion of rights and trying to understand the demands related to a safe under the context of disputes and the parliamentary work.

In the first part of the text we will present the debate on the institutionalization of youth policies in Brazil and on the role of the black youth during the negotiations of these institutional arrangements. In the second part, we will discuss the placement of the security topic within the Youth Statute and the threats that are presented to the implementation of this normative framework, highlighting the State's responsibilities in relation to this social group and how to handle the legal instruments in the implementation of the central axis of these guarantees.



## The institutionalization of youth policies in Brazil: SNJ<sup>6</sup>, CONJUVE<sup>7</sup> and the Youth Statute

The history of the institutionalization of youth policies in Brazil is made up of milestones related to social participation (the National Youth Council and the Conferences), to the creation of a management management mechanisms within the executive powers (public policies for youth in the state and municipal leavels) and to this agenda (Constitutional Amendment of Youth, Youth Statute and National Youth System). These three dimensions (social participation, management of the public policies and legal framework) form the main advances of the public policies for youth are based in the recent period of Brazilian history. It currently constitutes the main source of analysis on the subject for researchers and activists social rights.

In this topic, we will analyze the process of consolidation of the PPJ in order to discuss the political participation issues, the formation of social actors and the public recognition of political demands with emphasis on the issue of black youth and their specific issues and demands. The purpose of this section is to emphasize the context in which the Youth Statute was built and the role of the black youth in its consolidation, emphasizing the disputes, tensions and ambivalences observed during the period.

### SNJ and CONJUVE as a result of youth struggles

The National Secretariat of Policies for Youth and the National Youth Council's creation (2005) represented an important step in the implementation of a national public agenda on youth rights. The creation of a federal structure responsible for the management of public policies for aimed at the youth segment induced a series of actions in the states and municipalities and, at the same time, opened new horizons for public policies discussion through the increasing reflections and work spaces - formal and informal - on youth, on their challenges and perspectives.

SNJ and CONJUVE provided the opportunity for actor of the civil society to gather, in face of political action ainda spaces of youth public policies participation. They

<sup>6</sup> TN: SNJ is the portuguese initials of National Youth Office, created in 2005 by Law n. 11.129.

<sup>7</sup> TN: CONJUVE is the portuguese initials of National Youth Council, created in 2005 by Law n. 11.129.



began to articulate and relate each other in the scope of this new area of politics dispute. The action developed by SNJ and CONJUVE provided different groups and youth segments with the establishment of connections and instances that resulted, in the following years, in interesting political mobilizations, especially around the construction of networks, forums and groups focused on the incidence within the scope of the public policies.

In this sense, the Youth Conferences that took place at the years 2008, 2011 and 2015 are characterized as important points of inflection in the construction of youth policies insofar as it is characterized as a classic participation and social control space. But it was also constituted as an opportunity for self-organization of youth groups by themselves and, why not say, the formation and militancy of these young people in the struggle for their own rights.

For young representatives of certain social segments, such as Roma people, indigenous people, quilombolas, youths from favelas and living in rural areas, participation in the Conference meant an important advance for their political organization as a group, as well as for greater visibility of their particular demands and particular realities. (...)

The wide participation of young people representing the most different social segment was considered one of the highlights of the Conference, an essential condition for these different group to have the opportunity to get to know each other, interact, exchange experiences and learn about the difficulties of others. (...) [So that] the Conference would have allowed discussions among people of the same movement, entities with different positions and among organizations making it possible to defend positions and to build common fronts of struggle over flags, which resulted in a significant increase in terms of political repertoire and socio-cultural insertion of the delegates.<sup>8</sup>

Experience in councils and youth conferences collaborate, in some sense, to train young activists who, after participating in these instances, continued to act (in many cases professionally) in the public policy area, in rights advocacy and in social control. The encounter with the same generation actors and the dispute experienced among these multiple subjects and social groups constituted as a kind of practical locus for the active citizenship practice with public expression experiences, theoretical formulation and practical analysis of social politics.

From the analysis of the recent trajectory of youth participation in social control spaces, we can say that between 2005 and 2015 - between the first and the third

---

<sup>8</sup> CASTRO, Mary; ABRAMOVAY, Miriam. *Quebrando mitos: juventude, participação e políticas*. Perfil, percepções e recomendações dos participantes da I Conferência Nacional de Políticas Públicas de Juventude. Brasília: Ritla, 2009, p. 255 – 256.



national youth conference - an arena of disputes over the notion of youth led to the consolidation of the idea of young people as subjects of rights, setting values and a political content related to the dissemination of equality, citizenship, rights and participation. A diverse set of social actors formed a conducive environment to the generalization of the expression "young people as subjects of rights", as a main common denominator of the group. The recognition of their own diversity as a constitutive fact of these collegiate, and, at the same time, the consensus that it is the role of the State to carry out the actions and policies that must meet the youth as a social group and respond to its many singularities:

There is no doubt, there are no grand theoretical definitions or explicit consensus on the scope and content of the slogan *young people as subjects of rights*. However, coined in the last decade, the expression - inaccurate, like every rhetorical resource - clearly shows an area of intersection in which rights of citizenship and human rights are combined. It is true that, decades ago, the notions of citizenship and human rights were seen as belonging to clearly distinct areas, today there is a strong confluence between them.

The extension of citizenship rights in some way is related to globalization - which has weakened national boundaries and made international relations more urgent - and, on the other hand, to the threats posed by global environmental degradation - that trigger the idea of global citizenship, focusing on shared human interests. (...)

In this context, the expression *young people as subjects of rights* is anchored in the understanding of the individual indivisibility and collective rights and it expresses the great challenges of contemporary democracies to articulate equality and diversity.

In summary, when PPJ is discussed, it is necessary to consider that problems and demands are related both to the more general (re) distributive issues of an exclusionary society and to issues of recognition and appreciation of their diversity, and they also evoke the participatory dimension, which is to great importance in the transition from the childhood to the adulthood when emancipation is sought<sup>9</sup>.

Of course, this formation process of a public arena for the debate on youth participation and public policies was accompanied by tensions and disputes among the different youth groups for the recognition of the legitimacy of their own demands and to guarantee of their own participation spaces. In the case of the black youth, these disputes have been articulated with the secular and repeated exclusions of the black population in general and it revealed tense negotiations involving civil society and public

<sup>9</sup> NOVAES, Regina. Prefácio. In: CASTRO, Jorge Abrahão; AQUINO, Luseni M. C.; ANDRADE, Carla Coelho de (orgs). *Juventude e políticas sociais no Brasil*. Brasília: IPEA, 2009, p. 18 – 19.



power in the field of youth policies, as one of the participants in I National Conference carried out in the scope of a the research in a focus group.

We need to learn to make the agreements too, because, on contrary sense, they come and they will (...) but you have to sit down, talk and talk, let's raise the issue of racism there, let's get together, let's sit down and you'll have to (...) Because we are also in a process that is new for us, and at the same time that we are learning, we have to pass on this knowledge ... I have to been receiving and passing on, receiving and passing on, and being attentive to all these things. (Discussion Group, Black Movement).<sup>10</sup>

### **The black youth case: the participation in the CONJUVE and in the 1st National Conference on Youth Policies**

As an example we can talk about the experience of the black youth participation in the National Youth Council and the incidence of the Black Youth National Forum during the 1st National Conference on Youth Policies. In these two episodes, the relevance of the confronting tensions in the debate of the national youth policy is explicit and, on the other hand, either the obstacles to the formal rights recognition of the black population within a society - as we pointed out - structurally racist and unequal.

The first composition of the National Youth Council (August 2005 to March 2007) had few organizations related to the racial issues. Among the 40 permanent members and 40 alternates, CONJUVE counted in 2007 only five entities related in some way to the racial issue: CEAURO - Education and Professionalization for Racial Equality - holder; Criola - Organization of Black Women - alternate; National Coordination of Quilombolas Rural Black Communities - alternate; Brazilian Hip Hop Movement, holder and Hip Hop Nation Brazil, alternate; Central Única de Favelas- holder<sup>11</sup>. However, in this first composition there was no more traditional organization of the black movement (Unified Black Movement, Black Union for Equality, Black Pastoral Agents or Black National Coordination, for example); there were also no representations of young people of African origin religions (although there were representatives of young Catholics - Pastoral of Youth - and Evangelical Churches - Latin American Council of

<sup>10</sup> CASTRO; ABRAMOVAY; *Op. Cit.*, p. 255

<sup>11</sup> FREITAS, Maria Virgínia de (org.). *Conselho Nacional de Juventude: natureza, composição e funcionamento*. Agosto de 2005 a março de 2007. São Paulo: CONJUVE; Fundação Friedrich Ebert; Ação Educativa, 2007, p. 42 – 45.



Christian Churches and Progressive Evangelical Movement) or specific youth groups for the discussion of black youth.

This composition impacted the contents which were worked throughout this first period of the council's work. In the first years the thematic chambers were structured from the following axes: integral development - education, work, culture and information technology; quality of life - environment, health, sport and leisure; and safe life - valuing diversity and respect for human rights<sup>12</sup>. The racial question, albeit indirectly referred to in these various groups, was not structuring of the debate and was not exactly a strategic priority of the collegiate. This framework will revert significantly in the coming years, not without tension and heated disputes.

The first great step for the recomposition was given to the extent that the organized young black activist put pressure themselves on the National Youth Council and articulated a greater presence in this space. The ENJUNE (National Black Youth Encounter) took place in Lauro de Freitas city, of Bahia state, in 2007, and represents a milestone in this effort of agenda setting. It has an immediate result over the new composition of CONJUVE, with the participation of black movement entities and a greater emphasis on racial issues in the collegiate resolutions. That included the establishment of the Working Group on Black Youth, the creation of a chair for young people of African religions and the consolidation of a permanent institutional space for this debate in the public policies for youth at the federal level:

I understand ENJUNE as a fundamental framework for the recognition, elaboration and implementation of public policies aimed at the black youth in a more organized and systematic way (...). We can effectively consider the black youth movement with the ENJUNE as its watershed, as this great process of the black youth's mobilization made possible the pressure and dialogue with the public authorities to fulfill the demands set out in the expressive 702 resolutions of the meeting.

Following the event of I ENJUNE and its resolutions, the black youth immersed itself in the construction and mobilization of the first large social participation process of the Brazilian youth, unprecedented in the country, which was the 1st National Youth Conference - unrolled from September 2007 to April 2008. Strongly, It began to compose the municipal and state organizing commissions of the conferences and to

---

<sup>12</sup> Idem, p. 5.



carry out acts with other youth groups to establish common days of political activism among others<sup>13</sup>.

The National Plan to Prevent Violence Against the Black Youth - Youth Living Plan – (2012), coordinated by the General Secretariat and the Secretariat for the Promotion of Policies for Racial Equality, both of the Presidency of the Republic, which has the objective of developing actions to tackle institutional racism and to promote the black youth rights in the 142 municipalities with the highest rates of violence against the black youth throughout the country, was created as a result of the political influence of the organized black youth over CONJUVE and the SNJ. The Plan was also a response to the political action of the black youth in the context of youth public policies and the recognition of the legitimacy of the demands presented in the ambit of ENJUNE.

As highlighted by Danilo Morais and Paulo Ramos, the ENJUNE was characterized as a self-affirmation strategy of the black youth specificity as a social and political actor; without a radical discontinuity with the black movement as a whole<sup>14</sup>. According to these authors, the ENJUNE formed a position according to which it is recognized:

- the specific form that racial inequality affects the black youth; - a generational perspective of the black movements' organization, therefore, proper to those who are young and black at the same time; the need for specific public policies for this population segment, and the self-perception of these actors as potential builders of these policies in the dialogue with the State.<sup>15</sup>

At the first National Conference of Policies for the Youth (2008), the composition of CONJUVE and its framework of three years before had changed significantly in comparison to what it used to be three years earlier. The presence and relevance of the black youth among the political actors present in the space was easily verified not only for the expansion of the number of black entities present in CONJUVE but also regarding the content of the discussions held during the Conference.

Topics related to the black youth, combating racism and coping with the extermination of black youth permeated the resolutions of most municipal

<sup>13</sup> GUIMARÃES, Ângela. Uma década de políticas de igualdade racial e juventude, para onde caminhamos? In: OBSERVATÓRIO DE JUVENTUDES NEGRAS. *Juventudes negras do Brasil: trajetórias e lutas*. São Paulo: Observatório de Juventudes Negras, 2012, p. 73, 75.

<sup>14</sup> MORAIS, Danilo de Souza; RAMOS, Paulo Cesar. A emergência da juventude negra como ator na construção democrática brasileira nos anos 2000. XXVII Congresso Internacional das ALAS, 6 a 11 de setembro de 2011, UFPE, Recife – PE.

<sup>15</sup> Idem.



conferences and almost all state youth conferences held in all units of the federation.<sup>16</sup>

In spite of strong pressure from various political actors present at the plenary session, the black young delegates were able to obtain majority of support among the delegates on their way to the national phase of the Conference. Their resolution defended the public authorities should "recognize and implement the resolutions of the 1st ENJUNE turning them into youth public policies, and prioritizing them as ethnic / racial guidelines to / from / and with they youth."<sup>17</sup> The assertive form of the resolution and the explicit demand for its transformation into public policy is and evidence of the black youth's interest as the proposal was being written, namely: to obtain the centrality recognition of the racial agenda in structuring inequalities in the country and to require the adoption of radical measures which could confront the problem and operate to guarantee decisive actions to combat racism within the youth policy framework.

These tensions also appeared in the formulating process of the Youth Statute. The Draft Law n. 4529/2004, which originated the Youth Statute, proposed before the creation of SNJ (2005), was drawn up by the Special Commission to accompany and to study proposals for Public Policies for Youth (CEJUVENT) in the Lower House of the Parliament (Chamber of Deputies). It began the operation of proceedings in the National Congress in 2004 and it was approved after nine years in August 2013 with significant changes from the original text.

The process of negotiating the Youth Statute in the parliament and its proceedings was therefore accompanied by disputes in the civil society and in the National Youth Council (social participation body) about the meanings of the rights that had been recognized there. And regarding the black youth, a discussion was faced about the meaning of the slogan "right to a safe life" for the different youth groups that disputed the public policy of youth.

It is worth emphasizing that the approach to the agenda of the right to security is an old agenda of the black social movements and its appropriation by the black youth movements has always been accompanied by a strong structural criticism of the country's public security model, the violent police action and the justice system

---

<sup>16</sup> GUIMARÃES, *Op. Cit.*, p. 75.

<sup>17</sup> CASTRO; ABRAMOVAY, *Op. Cit.*, p. 457.



regarding the black population. However, not necessarily this was the final meaning embodied in the text of the law.

### **Disputes over the construction of the Youth Statute: the notion of the right to a safe life**

From the first black movement articulations in the late nineteenth century in the post-abolition period to its reinventions from the second half of the twentieth century, the issue of racial selectivity in the institutions of the criminal justice system and public security continues to be listed as a structurer of this field in Brazil. Police violence against black people, overrepresentation of blacks in incarceration rates, selectivity in processing racism accusations and racial stigma have been identified as decisive problems in the reproduction of racial asymmetries in the country and criticized as a vector for deepening discrimination and of racial prejudice.

The documents which inspired the founding of the Unified Black Movement, for example, in 1978, already represent a good summary of how the problem of racial selectivity works, while pointing out the challenge of overcoming discriminatory practices by police forces. It is worth remembering that the convening letter about the MNU<sup>18</sup> foundation in June 1978 had among its motivations a protest against police violence practiced systematically against the black population, and in particular in that episode, against the black men Robson Silveira da Luz, tortured and killed in the 44th Guaianazes Police District; and the case of Nilton Lourenço, murdered by a police officer in the Lapa district of São Paulo, both before the foundation of the MNU in 1987.

We can emphasize that what we know today as a contemporary black movement was born emphasizing the importance of constructing public means to face the police violence and urging the authorities to change the nature of the state's relationship with the black population through the reinvention of the ways by which the police and the justice system are administered.

Systematically, there are strong and repeated denunciations of different treatment to black people by public agents who act in the security and criminal justice area. The denunciations of black organizations also focus the selectivity of the right to a

---

<sup>18</sup> TN: MNU is the portuguese initials of Unified Black Movement.



safe life notion, in relation to different groups as well as the defense of radical reforms in the organization of these instances of power. Therefore, it is from a political denunciation about existing racial filters in law enforcement activities that a series of public and academic initiatives will - progressively and slowly - unveiling the subject and initiating investigations on the issue that, in the years 2000, will end in the fight for public policies of racial equality, and at various other fields of social policies, in the struggle for combating racism that is contained transversally in the action of many government bodies.

In the case of youth, this issue is presented in a direct formulation proposed by the ENJUNE's Final Report, which clearly suggested reform measures for youth and public security, as well as indicating the need for a youth legal diploma that would report legal protection expectations for different social demands for rights and equality.

It was a political agenda that sought to translate a set of radical demands into a grammar of struggle for rights and pointed to the need for new legislation which could reverse the racial violence rates that, for years, disturb and threaten life and the integrity of the black youth. In this sense, Black Youth's proposals for the Youth Statute through ENJUNE were designed to improve the control of the police's action by altering the milestones of the police's relations with communities and the removal from police officers who act abusively "covered by" institutionalized investigative procedures.

In other words, the assuring initiatives to safeguard the right to a safe life for the black youth related to the protection against discriminatory practices and the occurrence of abuses by police officers and public agents in general; assistance to victims of cases in which there were violent practices, material and psychological support to relatives and survivors; and, effective punishment for agents of racist practices with greater effectiveness in criminalizing racism in the terms of the Federal Constitution. In other words, to have access to security is, for the black youth, to be protected from the abusive action of the State and to rely on public agents not as disseminators of fear but as agents of citizenship within the communities.

When we address the question of violence, we find that the Brazilian State acts in an inverse way, that is, instead of guaranteeing security, it figures as an agent of oppression. These contradictions and ambiguities are present in society and are repeated in the corrective device; trying to correct violence, it often becomes an aggravating factor of violence. It is common, for example, that the application of penalties exceeds the acts committed in situations where those who are in judgment are those already socially excluded. In this way, it is not uncommon for the blacks and the poor to be



exposed to greater penalties. It can therefore be said that the increase in violence against the black population is directly related to socioeconomic inequality, to the culture of violence and fear, conveyed by the media. The role of the police in the exercise of their power throughout the centuries has been characterized as an instrument of power constituted for the ruling classes, a defense factor of the state rather than the citizen, a way of containing social conflicts within limits established by the interests of the elites than to guarantee effective compliance with the law. The authoritarianism that has permeated the national political conjuncture goes back to the process of colonization. In this historical framework, the police power has been assimilated and was conditioned by authoritarianism, reproducing the arbitrary mechanisms of the institutional political system, thus characterizing the profile of a distant police of the community, which is predominantly repressive and committed to an order that penalizes and discriminates against the majority of the population.<sup>19</sup>

As it can be seen, this is a very organized agenda around the notion of the right to life associated with the memory, justice and reparation notion, but which would hardly be fully incorporated into a parliament where there is strong lobbying of conservative groups, in particular on issues relating to racism, sexual diversity and gender equity, religious tolerance and the criminalization of discrimination practices. The process of dispute over the construction of the final text of the Youth Statute was therefore especially revealing of the weight and the importance that the black youth managed to obtain in negotiations with other youth organizations within the National Council and with the parliamentarians themselves within the Deputies Chamber and the Senate. At the same time, it meant a synthesis of the resistances and obstacles experienced by the young blacks in the struggle for the recognition of their own rights and for the legitimacy validation of their guidelines before the State.

Thus, we can say that the analysis of the procedure of the Statute is, for many reasons, a dive in the ways in which the Parliament has heard, assimilated (or not) and responded to the demands of the black youth and how they attend the final version of the law, symbolizing the strength, receptivity, political weight and significance of this black protest before the authorities and the political representations of the country.

---

<sup>19</sup> ENJUNE. Relatório Final do 1º Encontro Nacional de Juventude Negra, Lauro de Freitas, Bahia, mimeo., 2007, p. 14 – 15.



### **What the Statute says and what are the possibilities of its implementation in defense of the interests of the black youth**

The Youth Statute consists of 48 articles organized in 2 titles: I) Rights and Public Policies of Youth; and, II) The National Youth System. The first title refers to Principles and Guidelines for Public Policies of Youth and then to dispositions referring to the Youth Rights including: citizenship, social participation, politics and youth representation; education; professionalization, work and income; diversity and equality; health; culture; communication and freedom of expression; sports and leisure; territory and mobility; sustainability and the environment; public security and access to justice. The title referring to the national youth system describes the competences of the system and the attributions of the Councils.

The text of the law in this way is the forecast of how youth policies should be organized and what the content of these policies should be in terms of what rights should be ensured within each of the themes contained in the law.

The innovations proposed by the Statute that achieved visibility in the media were only the discounts and gratuities in interstate transportation for low-income youths and the half price entry to cultural and sporting events for students and low-income youth. However, the Act provides in a series of other provisions relating to a very broad set of issues which, although broadly speaking, are extremely significant for the debate on youth policies and equality promotion.

The establishment of a legal norm on how a national youth policy system should be structured, on what are the strategic themes of a public action focused on youth rights and on the legal establishment of rules for the installation, consolidation and strengthening of councils, represent a qualitative leap in the management of youth policies, but, in no way, it represents a panacea for very complex problems whose resolution is passed by the integrated and systematic action of various agents and public authorities.

With regard to the issue of safe lives and the rights of black youth, innovative provisions of the Youth Statute are set out in section XI between articles 37 and 38. It is provided in these points that "All young people have the right to live in a safe, non-violent environment, with a guarantee of their physical and mental safety, being guaranteed equal opportunities and facilities for their intellectual, cultural and social



improvement "(Article 37) and that public safety policies for young people must articulate actions of the Union, the States, the Federal District and the Municipalities and non-governmental actions, having as guidelines:

- I - integration with other policies aimed at youth;
- II - prevention and coping with violence;
- III - the promotion of studies, research, collection of statistics and relevant information to subsidize public security actions, which allow the periodic evaluation of the impact of public policies on the causes, consequences and frequency of violence against young people;
- IV - the prioritization of actions aimed at young people in risk situations, social vulnerability and people from the national penitentiary system;
- V - the promotion of effective access of young people to the Public Defender's Office, considering the specificities of the juvenile condition; and
- VI - to promote the effective access of young people with disabilities to justice on an equal basis with other people, including provision of procedural adjustments appropriate to their age.

The racial question is referred to, in the Statute, only in the reaffirmation of the quota policy for black students (Article 8) and in the prediction that young people have the right to diversity and equal rights and opportunities and not be discriminated against on the grounds of ethnicity, race, skin color, culture, origin, age and sex (article 17). There is no provision in the law for any incorporation related to the conditions for guaranteeing these rights, which are generally declared - as can be seen in other similar legislation, such as the Statute of the Child and Adolescent or Statute of the Elderly, for example - rules that ensure the specificities of this population group as the numerous topics dealt with, and in particular, on the subject of the right to a safe life.

Also there are concealed things in the proceedings of the Statute more structured reference to race and racism, which were diluted in the expression of the right to diversity and equality. While the draft law introduced in 2004 was explicit on racial and gender equality, the final version, adopted in 2013, avoids controversy with the conservative panel and adopts a more palatable tone to the ever reactionary vigilant law reformers present in the parliament. To get an idea of the kind of obstacle the bill faced within the National Congress it is worth mentioning the speech of the then Federal Deputy Jair Bolsonaro, , at that time a member of the Parliament in the Lower House (Chamber of Deputies), in the session of October 4, 2011, during the debates about the plenary of the Chamber of Deputies :

Mr. President, I am going to speak for 3 minutes about the Youth Statute that is to be voted on in this House today, on an emergency regime.



But I now want to address the Mayors of Brazil. If any Mayor or their advisers is listening to me, read the bill, see the absurdity and contact your Parliamentarian. Because it will simply be impossible to rule the Municipality with this Statute as it is here, with the many rights given to the youth. In addition, Mayors, it will be created Youth Councils will be created in all 27 Units of the Federation and the main importance of them will be to forward to the Public Prosecutor's Office news of fact that constitutes administrative or penal infraction, that is, the Mayor will have as his shadow the Public Persecutor. There are so many rights, that it is impossible to serve them, besides the question of "homoafetividade". The gay kit is coming back with full steam now, even for the school's curricula. We'll talk about it for another 3 minutes.

Thank you, Mr. President.<sup>20</sup>

Central aspects of the political agenda formulated over the years by the black youth movements as the question of the racial selectivity of the police, the violent nature of the interactions of the justice system towards the young blacks, the absence of institutional mechanisms to support the young people who are victims of violence and the denunciation of racism cases directed mainly to the black youth were completely neglected in the final version of the Statute, even in the face of the successive black youth organizations interferences in the discussion and in the formulation of proposals that would improve the text in its final writing.

In spite of a number of hearings of the black youth organizations (and other youth organizations as well) with members of the National Congress, lobbying for the incorporation into the law devices that would ensure more structural changes in terms of the right to the a safe life for the black youth, what prevailed was a conservative understanding about the subject and a general legal discipline disconnected from the historical demands of the black movements. From the battles that were fought to guarantee their mark in the text of the law that establishes and recognizes rights for the Brazilian youth, the black youth gained some and lost many others over the negotiations with the Parliament and with the other instances and youth segments.

But, how to guarantee the effectiveness of these achievements? How to ensure that, even without achieving all the objectives in the legislative contest, young blacks can enjoy what the law says in terms of strengthening the principle of non-

---

<sup>20</sup> BOLSONARO, Jair. Pronunciamento em Sessão Plenária da Câmara dos Deputados em 04 de outubro de 2011. Disponível em: <https://www.camara.leg.br/internet/sitaqweb/TextoHTML.asp?etapa=5&nuSessao=271.1.54.O&nuQuarto=4&nuOrador=2&nuInsercao=0&dtHorarioQuarto=09:06&sgFaseSessao=BC&Data=05/10/2011&txApelido=JAIR%20BOLSONARO,%20PP-RJ&txFaseSessao=Breves%20Comunica%C3%A7%C3%B5es&txTipoSessao=Extraordin%C3%A1ria%20-%20CD&dtHoraQuarto=09:06&txEtapa=>. Acesso em 12 de março de 2019.



discrimination and repudiation of the selectivity of actors in the justice and security system public?

The way to answer these questions is long and the solution is the persistence in the collective struggle and interpretations and studies that deepen the political content that underlies this matter.

### **Final considerations**

The construction of a legal framework regarding youth rights in Brazil is the result of a strong political action by the youth social movement. Although the Statute is the basic instrument for the formalization of state responsibilities in relation to Brazilian young people, and in this sense, it is characterized as a valuable charter of rights for this population.

As in other public policy areas - children and adolescents, seniors, people with disabilities and others - the legal framework constitution which agglutinates the rights of the segment achieved complies the strategic role in terms of political visibility of the issues for youth presented by them and, at the same time, broadened the public debate on ways of incorporating "youth issues" into the national agenda.

The long processing of the Youth Statute proceedings and the controversies and disagreements faced during the negotiations in the Parliament made up the context in which this legal instrument was endowed with legitimacy before the social actors who built it and fought for it. In this sense, we are talking here about a popular legislation rather than referring to a law elaborated from the permanent and structural discussion with civil society and, in particular, with the representatives of young people benefited by this same policy.

In the specific case of the black youth, participation during the processing of the Youth Statute proceedings was also covered by the demand for recognition, visibility and legitimacy. As with other groups, the incidence of this political segment – blacks youth - within the legislative process and the institutional articulation framework represented the double movement of striving to be recognized as a political agent in the country and, at the same time, the demand for rights, in particular the right to a safe life, free from all forms of violence and discrimination.



Thus, it is important to emphasize the pedagogical nature of this demand for a safe life - to fight for the right to not be violated - and, on the other hand, to underline the structurally unequal dimension of this scenario in which young people have as their main concern not to be a victim of violence. Or, as Regina Novaes teaches, young people whose main concern is the fear of dying prematurely, losing their own life or some of their peers of the same age<sup>21</sup>.

## References

ABRAMO, Helena W.. Considerações sobre a tematização social da juventude no Brasil. *Revista Brasileira de Educação*, n. 5 -6, p. 25 – 36, 1997.

\_\_\_\_\_.; BRANCO, Pedro Paulo M. (orgs.). *Retratos da Juventude Brasileira*. Análise de uma pesquisa nacional. São Paulo: Instituto Cidadania, Fundação Perseu Abramo, 2005.

\_\_\_\_\_.; SOUTO, Anna Luiza Salles (coords.). *Pesquisa sobre juventudes no Brasil*. Relatório Nacional Brasil – Projeto Juventudes Sul-Americanas: diálogos para a construção da democracia regional, 2009.

ABRAMOVAY, Miriam; ANDRADE, Eliane Ribeiro; ESTEVES, Luiz Carlos Gil (Org.). *Juventudes: outros olhares sobre a diversidade*. Brasília: MEC: Secretaria de Educação Continuada, Alfabetização e Diversidade; UNESCO, 2009.

ANDRADE, Eliane Ribeiro; PINHEIRO, Diógenes; ESTEVES, Luiz Carlos (orgs.). *Juventude em Perspectiva: múltiplos enfoques*. Rio de Janeiro: UNIRIO, 2014.

BORGES, Larissa Amorim; MOYORGA, Claudia. Juventude negra: memórias de luta e conquistas políticas. In: RIBEIRO, Matilde (Org.). *As políticas de igualdade racial: reflexões e perspectivas*. São Paulo: Fundação Perseu Abramo, 2012.

BRENNER, Ana Karina. Juventude e Espaços de Participação. In: ANDRADE, Eliane Ribeiro; PINHEIRO, Diógenes; ESTEVES, Luiz Carlos (orgs.). *Juventude em Perspectiva: múltiplos enfoques*. Rio de Janeiro: UNIRIO, 2014, p. 118 – 122.

CASTRO, Jorge Abrahão; AQUINO, Luseni M. C.; ANDRADE, Carla Coelho de (orgs.). *Juventude e políticas sociais no Brasil*. Brasília: IPEA, 2009.

CASTRO, Mari Garcia; VASCONCELOS, Augusto. Juventudes e participação política na contemporaneidade: explorando dados e questionando interpretações. In: ABRAMOVAY,

<sup>21</sup> NOVAES, Regina. *Juventude e sociedade: jogos de espelhos*. Sentimentos, percepções, demandas por direitos e políticas públicas. *Sociologia Especial: ciência e vida*. São Paulo, 1 (2), p. 6 – 15, 2007.



Miriam; ANDRADE, Eliane Ribeiro; ESTEVES, Luiz Carlos Gil (Org.). *Juventudes: outros olhares sobre a diversidade*. Brasília: MEC: Secretaria de Educação Continuada, Alfabetização e Diversidade; UNESCO, 2009.

\_\_\_\_\_; ABRAMOVAY, Miriam. *Quebrando mitos: juventude, participação e políticas*. Perfil, percepções e recomendações dos participantes da I Conferência Nacional de Políticas Públicas de Juventude. Brasília: Ritla, 2009.

CNPD. *Jovens Acontecendo na Trilha das Políticas Públicas*. Brasília, 1998  
ENJUNE. *Relatório Final do 1º Encontro Nacional de Juventude Negra*, Lauro de Freitas, Bahia, mimeo., 2007.

FREITAS, Maria Virgínia de (org.). *Conselho Nacional de Juventude: natureza, composição e funcionamento*. Agosto de 2005 a março de 2007. São Paulo: CONJUVE; Fundação Friedrich Ebert; Ação Educativa, 2007.

GUIMARÃES, Ângela. Uma década de políticas de igualdade racial e juventude, para onde caminhamos? In: OBSERVATÓRIO DE JUVENTUDES NEGRAS. *Juventudes negras do Brasil: trajetórias e lutas*. São Paulo: Observatório de Juventudes Negras, 2012, p. 73 – 86.

INSTITUTO CIDADANIA. *Projeto Juventude: documento de conclusão*. São Paulo, 2004  
MORAIS, Danilo de Souza; RAMOS, Paulo Cesar. A emergência da juventude negra como ator na construção democrática brasileira nos anos 2000. *XXVII Congresso Internacional das ALAS*, 6 a 11 de setembro de 2011, UFPE, Recife – PE.

NOVAES, Regina. Juventude e sociedade: jogos de espelhos. Sentimentos, percepções, demandas por direitos e políticas públicas. *Sociologia Especial: ciência e vida*. São Paulo, 1 (2), p. 6 – 15, 2007.

\_\_\_\_\_. Prefácio. In: CASTRO, Jorge Abrahão; AQUINO, Luseni M. C.; ANDRADE, Carla Coelho de (orgs). *Juventude e políticas sociais no Brasil*. Brasília: IPEA, 2009

\_\_\_\_\_; VENTURI, Gustavo; RIBEIRO, Eliane; PINHEIRO, Diógenes (orgs.). *Agenda Juventude Brasil: leituras sobre uma década de mudanças*. Rio de Janeiro: UNIRIO, 2016.

RAMOS, Paulo Cesar. *“Contrariando a Estatística”: a tematização dos homicídios pelos jovens negros no Brasil*. Dissertação (Mestrado). Centro de Educação e Ciências Humanas, Departamento de Sociologia, Universidade Federal de São Carlos, 2014.

RIBEIRO, Renato Janine. Política e juventude; o que fica da energia. In: NOVAES, Regina; VANNUCHI, Paulo (org.). *Juventude e Sociedade: trabalho, educação, cultura e participação*. São Paulo: Fundação Perseu Abramo, 2004.



SOUTO, Anna Luiza Salles. Juventude e Participação. In: NOVAES, Regina; VENTURI, Gustavo; RIBEIRO, Eliane; PINHEIRO, Diógenes (orgs.). *Agenda Juventude Brasil: leituras sobre uma década de mudanças*. Rio de Janeiro: Unirio, 2006, p. 265 – 286.

UNESCO. *Políticas públicas de/para/com as juventudes*. UNESCO, 2004

#### About the author

##### Felipe da Silva Freitas<sup>1</sup>

<sup>1</sup> Possui graduação em Direito pela Universidade Estadual de Feira de Santana (2010) e mestrado em Direito pela Universidade de Brasília (2015) com concentração na área de Direito, Estado e Constituição na linha de Sociedade, Conflito e Movimentos Sociais. Atualmente é doutorando em direito pela UnB e membro Grupo de Pesquisa em Criminologia da Universidade Estadual de Feira de Santana - BA (GPCrim / UEFS), onde desenvolve pesquisa sobre segurança pública e controle de homicídios. Tem experiência na área de direito, com ênfase em direito penal, criminologia e direitos humanos. Atua principalmente nos temas: juventude, relações raciais, políticas públicas, política criminal e participação política. E-mail: fsfreitas\_13@yahoo.com.br. ORCID: <https://orcid.org/0000-0002-5502-4937>.

**The author is solely responsible for writing the article.**

