

Children and adolescents in Brazil: between full protection and actual lack of protection

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By opening issue no. 61 of *Em Pauta: social theory and contemporary reality* with the thematic dossier “Social Work, Children, and Adolescents,” this text aims to instigate and deepen reflections regarding the rights of children and adolescents in Brazil. It addresses, from a critical perspective, the paradox between the full protection established in legislation—specifically the Statute of the Child and Adolescent (ECA)—and the non-implementation and/or violation of these same rights. In reality, this paradox unveils the lack of protection for the next generations of workers, which is inherent to the maintenance and reproduction of capitalist social relations of production.

In our professional training, it is common to incorporate the notion that the work of social workers must be oriented toward guaranteeing rights and/or facilitating access to them. However, when faced with concrete reality, we see that this guarantee and/or access does not materialize as often as proclaimed. Regarding children and adolescents, it is evident that, even after the enactment of the Statute of the Child and Adolescent (ECA), they remain in conditions of impoverishment, lack of protection, and violence.

According to the study *Multidimensional Poverty in Childhood and Adolescence in Brazil – 2017 to 20231*, conducted by the United Nations Children’s Fund (UNICEF, 2025), Brazil reduced the number of children and adolescents aged 0 to 17 living in poverty across its multiple dimensions. In 2017, there were 34.3 million

1 The report *Multidimensional Poverty in Childhood and Adolescence in Brazil* was prepared using data from the Continuous National Household Sample Survey (Continuous PNAD) and analyzes seven basic dimensions of rights: income, education, information, water, sanitation, housing, and protection against child labor. The food dimension was evaluated based on the Consumer Expenditure Survey (POF).

EDITORIAL

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(62.5%), and in 2023, the number fell to 28.8 million (55.9%). Regarding extreme multidimensional poverty—which reveals even more drastic conditions due to a lack of access to income, health, education, and housing—the number went from 13 million (23.8%) to 9.8 million (18.8%) in the same period. It is worth noting that, despite the improvement in indicators compared to 2017, the 28.8 million in 2023 still represent 55.9% of the country's population aged 0 to 17. In other words: more than half of young Brazilians still live in what UNICEF terms “poverty in its multiple dimensions.” Added to this is the fact that in both total poverty and extreme poverty, the indices indicate that the situation is more difficult for black children and adolescents. Thus, despite the reduction, the rates for black children and adolescents remain higher compared to white ones, evidencing significant racial inequalities regarding living conditions and access to fundamental rights.

Regarding social protection (or the lack thereof), indicators show that challenges persist, with deprivations related to basic sanitation, education, hunger, mental health, and child labor. In 2023, 38% of children and adolescents did not have access to basic sanitation (especially in rural areas, where 92% lack access); 7.7% of children and adolescents were deprived of education, and 30 out of every 100 children aged 8 were not literate². Furthermore, 36.9% did not have access to quality food; nearly one in six adolescents (10-19 years old) faces some mental disorder; and 1.7 million children and adolescents are subjected to child labor (3.4%).

Specifically regarding child labor, the Continuous National Household Sample Survey (Continuous PNAD) – Child and Adolescent Labor 2024, released by the Brazilian Institute of Geography and Statistics (IBGE, 2025), shows that children and adolescents involved in child labor had an average monthly income of R\$ 845.00 (lower than the national minimum wage). It was also observed that the average income of the population in child labor situations performing activities related to hazardous child labor, according to the List of the Worst Forms of Child Labour (TIP List)³, was R\$ 789.00 per month—lower, therefore, than that of other groups. Researchers verified that the largest share (41.1%) had a workload of up to 14 hours per week. For 24.2%, the workload was between 15 and 24 hours; 18% worked from 25 to 39 hours, and 11.6% spent 40 hours or more on activities (noting that the higher the workload, the higher the remuneration). As with other socioeconomic indicators, the black or mixed-race population faces worse conditions compared to the white population. While

2 In 2023, about 30% of children aged seven to eight were not literate, up from 14% in 2019.

3 The worst forms of child labor are defined in Decree No. 6,481 of June 12, 2008. Broadly speaking, these refer to: all forms of slavery or practices similar to slavery; commercial sexual exploitation and the production of pornography; illicit activities, such as drug production and trafficking; and forced or compulsory recruitment for armed conflict (BRAZIL, 2008).

59.7% of the population aged 5 to 17 is black or mixed-race, when analyzing the universe of child labor, this group represents 66.6%.

According to the National Observatory of Human Rights (ObservaDH, 2024), information from the Brazilian Forum on Public Safety (FBSP) points out that, in 2022, Brazil registered 2,489 intentional violent deaths of children and adolescents, maintaining the level of almost 7 cases of murders of children and adolescents per day. Regarding age, about 9 out of 10 intentional violent deaths of children and adolescents affected those in the 12–17 age group. Intentional homicides represent the majority of intentional violent deaths of children and adolescents, accounting for 84.8% of deaths among children (0 to 11 years) and 80.4% of deaths among adolescents (12 to 17 years). In second place, among deaths of children, are femicides (11.4%), and among deaths of adolescents are those resulting from police intervention (15.7%). Regarding the profile of the victims, the majority are black (67.1% of child victims and 85.1% of adolescent victims) and male (54.1% among children and 89.7% among adolescents). It should be highlighted that the data indicate that adolescents and young adults aged 12 to 29 account for 75% of deaths in police interventions, and that among the victims, young black men predominate (83.1%).

Added to this panorama are crimes classified as non-lethal, with an emphasis on sexual exploitation, rape, abandonment of the incapacitated, and maltreatment. The crimes with the highest number of victims among children and adolescents were rape (about 142 victims per day), maltreatment (about 61 victims per day), and bodily injury in the context of violence (about 42 victims per day). In 2022, 54,490 occurrences of sexual violence against children and adolescents were registered, including rape, child pornography, and sexual exploitation. Of these, 95.4% were rape crimes, mainly among those aged 10 to 13 (42.2%). Considering rape of a vulnerable person (statutory rape) with victims up to 13 years old, 86% of the victims were girls and 56.2% were black children, followed by white children (43%). In 8 out of 10 cases of rape of a vulnerable person, the perpetrator was known to the victim, and approximately 8 out of 10 children who suffered violence at home lived with the suspect of the violations.

The ECA established in its Article 4 the fundamental rights “to life, health, food, education, sports, leisure, professional training, culture, dignity, respect, freedom, and family and community coexistence” (Brasil, 1990). However, social indicators show that, in reality, these rights do not materialize in the lives of Brazilian children and adolescents. And what does this mean? It means that the legal order is not above the contradictions of the capitalist mode of production; on the contrary, it is overdetermined by these contradictions. Therefore, the law does not prevent numerous forms of violence promoted by capitalism—and by the state that sustains it—from continuing to occur, corroborating the consolidation of the incorporation of childhood into the process of capitalist accu-

mulation, under (ultra)neoliberal guidance. Conversely, laws contribute to concealing capitalist exploitation by affirming the principle of generalized legal equality in a society founded on inequality between owners of the means of production and bearers of labor power. Thus, the legal form, which enables the recognition of children and adolescents as subjects of rights, is a fundamental condition for the existence of capitalist domination and expropriation.

Since the emergence of capitalism, children and adolescents have become participants in social relations of production through the sexual, racial, age, and territorial division of labor. Historically, the labor of children and adolescents has been associated with capitalist needs, given that the economic, scientific, and technological development triggered by the Industrial Revolution and transformations in the productive process have intensified the exploitation of human labor, including the labor of children and adolescents (Silva, 1999, p. 2).

It is important to emphasize that child labor has always been considered a common activity in the capitalist system, as these precocious workers did not have guaranteed rights and were taken as cheap labor, since a job occupied by a child replaces that of an adult whose remuneration is higher. Thus, this exploitation was normalized and, in many cases, this work came to be almost equivalent to slavery, contributing to the maintenance and reproduction of the capitalist system (Silva, 1999, p.1).

Currently, throughout the world, child labor is associated to a greater or lesser degree with super-exploitation and the flexibilization of social and labor rights, where the logic of capitalist competitiveness, in the face of its structural crisis, imposes the progressive lowering of production costs through the lowering of wages and the elimination of workers' conquests. This is evidenced by the neoliberal offensive and its counter-reforms affecting labor rights and social policies, increasingly adapting state intervention to market logic (Silva, 1999, p. 5).

Worldwide, children and adolescents are exploited, representing a continuity of the violence promoted by capitalism against the working class. This violence intensifies with the restructurings operated in the world of work, the flexibilization and deregulation of labor, the increase in informality, outsourcing and subcontracting, and, above all, the expansion of structural unemployment. Consequently, the material conditions of existence for workers are reduced, and social inequalities and poverty increase, making it impossible for workers to maintain their own existence and that of their families.

The impoverishment and unemployment that plague working families cast children and adolescents into work under conditions of super-exploitation which, besides not promoting their development, put their lives at risk and do not generate the promised income, allowing only their survival in misery and oppression.

The exploitation of child labor is expressed in various activities in the lives of children and adolescents, including the sale and production of drugs, which is often just one more activity added to other precarious informal jobs that young people performed previously or even simultaneously with illicit work. Other activities range from bricklayer's assistants, cleaning, delivery for pizzerias and apps, recyclables collectors, to car washers. The exchange value of labor power for these activities is lowered, resulting in economic instability for young workers, as well as a fragility in the very possibility of constructing a class identity from the universe of the world of work, given the short periods in different occupations without the possibility of consolidating relations of sociability with other workers or qualifying their own practice of the trade performed (Melo, 2021, p. 50).

With the impoverishment of families and no employment prospects, young people end up swelling the relative surplus population and come into the crosshairs of the state's repressive apparatuses. State violence against children and adolescents reveals a genocidal and racist policy based on the socio-historical formation of Brazilian capitalism, characterized, among other aspects, by the racism, authoritarianism, and conservatism of the dominant classes. This conservatism is currently expressed even in bills favoring the reduction of the age of criminal responsibility and/or the increase in the time of deprivation of liberty, which collide with the prerogatives of the ECA.

Indeed, the promulgation of the ECA in 1990 was a significant legal milestone in the institution of the fundamental rights of children and adolescents in the country. It represented an attempt to break with the doctrine of the "irregular situation" prevailing in previous legislation, replacing it with the doctrine of full protection, as provided for in the 1988 Federal Constitution. Amid political disputes between different social forces over the issue of childhood and adolescence, the ECA was configured, in a conciliatory manner, as a response to the historical, legal, and social exhaustion of the Minors' Code, enabling the recognition of children and adolescents as political subjects (Silva, 2011, p. 101).

However, this recognition remained circumscribed to legal legitimation, subsuming social struggles into the state institutional field, dampening the combativeness of social movements. Thus, the movement for the defense of childhood and adolescence ceased to be a contesting movement, becoming a movement guided by legislation, and consequently, its confrontations ceased to be fought in the streets, being channeled into the arena of institutionality (Melo, 2021, p. 36). The recognition of children and adolescents as subjects of rights, however, restricted by legality and without the radicalism of popular forces, favored the assimilation of values inherent to the neoliberal program, mainly with the valorization of the so-called Third Sector. This valorization contributed to demobilizing struggles and reinforcing the logic of absolving the state of responsibility regarding workers' interests, while ensuring the realization of capital's interests.

Particularly from the 1990s onwards, with the counter-reform of the state, public-private/philanthropic partnerships proliferated in the social field, commodifying policies and social services. The neoliberal offensive mobilized various sectors to develop social projects aimed at children and adolescents, such as NGOs, companies, corporate foundations, non-profit institutes, etc. These organizations propagate solidarity, social responsibility, and volunteerism, camouflaging their position in the process of capitalist accumulation and in the privatization of public policies, turning them into means of obtaining profit and strengthening the project of bourgeois hegemony.

In this direction, the state sought to respond to demands regarding the rights of children and adolescents, but the response given “was recycled and updated according to the demands of world capital, and continues to be guided by authoritarianism, conservatism, prevention, repression, and social control” (Silva, 2011, p. 108). This means that the defense of children’s and adolescents’ rights is acceptable only when expressed within the contours of legality and the convenience of established powers. When these contours are frayed, the repressive contents of the legal order are triggered to contain and criminalize actions considered disruptive to the established order. Like a double-edged sword, the law that guarantees rights is also the one that evokes force and deprives adolescents of liberty. In this perspective, the ECA did not overcome the historical articulation between protection and punishment that accompanies the intervention of the state and dominant classes on children and adolescents in Brazil, re-editing, in the Gramscian sense, the consensus/coercion binomial.

Therefore, faced with the opposition between full protection and actual lack of protection, one questions the repercussions of the ECA on the lives of children and adolescents, insofar as the formal conquest of rights did not provide better living conditions for the new generations of the working class, as social indicators show. In many situations, there was even a worsening of this condition, as the social protection established by law was not guaranteed, and thus children and adolescents remained in the state necessary for the perpetuation of capitalist social relations of production, substantiated in the exploitation of their labor power. So much so that the ECA itself allows the insertion of adolescents into the labor market from the age of 14, regulating their condition as workers submitted to the dominion of capital and, therefore, under the legal form of a subject of rights.

In a classist, sexist, racist, patriarchal, and adult-centric society, advances regarding the recognition of children and adolescents as subjects of rights imply understanding that, as offspring of the working class, they are also subjects of inequalities of class, gender, sexual orientation, race/ethnicity, age/generation, region/territory, among others. Such inequalities are constitutive of capitalist social relations of production, which are expressed in structural, institutional, and daily violence. These are forms of violence that, intensified in (ultra)neoliberal times, are articulated with a project “that is one of zero tolerance, xeno-

phobia, fear, maximum security, punishment, and the criminalization of social relations and, above all, the criminal accountability of poor adolescents” (Silva, 2010, p. 30).

If, on the one hand, children and adolescents are considered potential workers and consumers, shaped by a market ideology, being exploited in work, in the exposure of their image, and in sexualization to generate profit; on the other hand, they are taken as subjects of rights, always relegated, with distinct access to social protection and exploited by capitalism which, despite the ECA, deepens inequalities, transforming the next generations of the working class into market shares and/or priorities for socio-penal control. Therefore, despite the advances in legislation attempting to operate changes in the lives of Brazilian children and adolescents, the numerous acts of violence and violations of their rights prevail. These express the contradictions permeating the place they occupy in the process of capital accumulation and reproduction, in a new phase of neoliberalism that presents itself very close to neofascism.

Readers attentive to the newest edition of the dossier “Social Work, Children, and Adolescents” of our *Em Pauta* will be able to come into contact with a composite of national and international articles, with the continuation of the excellent interview with social worker and professor Eunice Fávero, and with the tribute to the admirable professor Gaudêncio Frigotto, in addition to reviews of thought-provoking works and the sensitive photographic exhibition of the *Nosso Olhar* Project, which reveal the complexity of the issue summarized here. Finally, there are many “discoveries” that the reader will be able to make through reading this edition. The greatest of them is that in any case, one way or another, knowledge and wisdom will continue to defeat retrograde common sense and the naturalization of the barbarism that envelops our children and adolescents.

In this issue no. 61, which notably concludes the management of the editorial team initiated in 2022 under the coordination of scientific editor Monica de Jesus Cesar, the themes and political concerns present refuse depoliticization and submit the presented topics to rigorous and critical theoretical examinations that seek to understand the studied issues within the nature of recent intense capitalist transformations.

The new is only born from freedom of thought — from competent criticism that aims at overcoming the maladies present in our societies. What we witness today are neofascist forms disguised as novelty, which only critical perspectives can unveil.

These and other reflections/provocations are gathered in this edition of *Em Pauta* with the dossier “Social Work, Children and Adolescents,” which we present with Gramscian “optimism.” After all, as Antônio Gramsci tells us:

One must violently draw attention to the present as it is, if one wants to transform it. Pessimism of the intelligence, optimism of the will.

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