

Child Labour in the Light of the Right to the Dignity of the Person

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SUMMARY

The present work aims to discuss the role of the social worker in the fight against child labor, so that there is a minimization of data where children have labor relations. In terms of methodology, the research consisted of a bibliographic context filtering data from journals, scientific articles, theses, dissertations that addressed dialogues about child labor in Brazil. It was found through this mapping theoretical approaches of the main authors, Martins, Amin, Ramidoff and Ramidoff, among others. The data point to the existence of laws that aim to protect children from actions related to work, to which access to education is entitled, not allowing the exemption of this activity for any reason. The index in the retrospect of the years presents a high quantity regarding the number of children who are in child labour practices. As adherence to strategies, in order to minimize data on child labour, agencies and governments present the creation of programs and projects that aim to adapt the reality of children within educational concepts, making labor practices unfeasible.

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Introduction

In the historical context present in Brazil regarding child labour, it presents its first actions at the time culturally known as slavery, in which the children of imprisoned men and women were sequentially subjected to the practices of providing services together with their parents. With the release, the practices were kept alive in many economically disadvantaged families as an aid in financial management, with children being counted as labor to help with their family's salary income. The data present in the Brazilian aspect point to an amount above 25 thousand children in a situation of service provision, starting from the minimum age of 5 years old, up to 17 years old. These effects signal the tendency still culturally present in the country, without considering the legislation that punishes this type of procedure. Child labour has its wide margin in general in the scenarios of involvement of agricultural practices, in planting and harvesting contexts, in rural work, or even less in the commercialization of small products. The relationships are still evident in Brazil for low-income classes, with greater use of child labour, precarious conditions make possible the family justification given to consolidate the practices of their children. The working condition is not only legalized in the form of law, with a ban on such practices, but, mainly, it presents a high rate of social, emotional, intellectual and physical damage to such individuals. In short, children who bring work practices into their routine often reflect on a negative impact on the progress of their studies, culminating in a risk to their future professional and economic life. Data provided by the IBGE, with a margin from 2000 to 2010, mention the high rate still present of the commonly experienced practice of child labour.

In Brazil, the index over the years shows its fall, however, the data are still alarming. Regarding the regions that potentiate these practices, the states of São Paulo, Minas Gerais and Bahia stand out as the largest in the amount of children's work developed. Based on these data, the general objective of the work is to discuss the role of the social worker in the fight against child labour. Having as specific objectives: to expose the guardianship and the integral protection through the attendance policies; describe the panorama of child labour in Brazil; and address the role of the Social Worker in protecting children and adolescents through work as well as the legislation relevant to the subject.

In order to meet the objectives of the work, the research was aimed at a bibliographic study, taking into account the mapping of studies in journals, scientific articles, dissertations, theses, and others, as a theoretical basis to discuss and meet the objective directing the looking at the following descriptors: child labour in Brazil, social service. In view of the exposed data, it became possible to understand that the data consisted and organized in this research point beyond the common labour causes, in the way that child labour removes the child from their social relationships, directly affecting their development in the relevant stages. In other words, a child who should correspond to life actions related to aspects of childhood, adapt to the adult world in a way that potentiates actions beyond their age group. In this approach, the research presents not only a warning about the distance from children's rights and laws, such as their access to education, but beyond this discussion, generating a direct impact on their social development.

Governmental Bodies and Processes Aim to Simplify Such Damage

The promotion of programs and projects that make society aware and promote access to children's rights, removing them from

their actions related to child labor. To this end, as a justification, this research becomes necessary in order to reconcile the role of the social worker in combating these concepts involved in child labor. The social worker's proposal is linked to this theory of enhancing the capabilities of the individual in order to expand their possibilities of access to really necessary rights.

Child Labor

In the same way as with the work performed by women, although in a more accentuated way, it is possible to observe the use of the labor of children and adolescents from the 19th century, during the period of the Industrial Revolution, in inadequate working conditions. so that they caused serious damage to the physical and psychological development of these individuals [1]. It is understood that this period can be understood as a contiguous period of changes that took place in industry, agriculture, transport, banking, commerce, when the economy became predominantly capitalist. Thus, it is explained that this process involved society itself, which was divided into the bourgeoisie, which owned the means of production, and the proletariat, which was the salaried class that used the workforce to subsist. In this way, the advent of industrial production, which left behind the activities carried out in a handmade way, made the use of minor work in the handling of machines gain notoriety. However, despite having become a common activity at the time, this work was carried out in extremely precarious conditions that caused several damages to the physical and mental health of children and adolescents [2].

In this logic, it is not stated that there was no use of child labor before that date, it is only reiterated that the exploitation of child labor gained visibility during this historical period, a time when the machines began to operate in large numbers. scale and the liberal economy was projected from Europe and the United States of America to the rest of the planet [3]. Thus, it is believed that the Industrial Revolution profoundly modified the family economic structure, as handcrafted products were no longer able to compete with the intense production coming from machines. In this way, child and youth labor, previously present in agricultural activities in the pre-industrial period, ended up being transferred to industrial centers [4].

Furthermore, it is noteworthy that the transformations instigated by the advent of the industrialization process were not only in the field referring to the work performed by individuals at the time. There were changes with regard to the circulation of money, consumption by people, family life, as well as the occurrence of unbridled urbanization in large cities and the respective reduction in the population of the countryside [2]. In this sense, it is noteworthy that the use of work by minors was habitual, and they were exposed to degrading working conditions, strenuous working hours, putting their lives and health at risk. Thus, it is noteworthy that at the time there was still no effective protection of people in development, especially with regard to work. It remains clear that the exploitation of minors through their work has brought harmful social consequences with the unacceptable affront to the fundamental rights of children and adolescents [1]. Regarding the subject studied, Martins explains that there was general negligence regarding the health and safety of workers, among whom were minors, who worked for long periods, without adequate food and rest [3]. In addition, the places where the services were provided had unsanitary conditions, where fires, floods and explosions could easily occur [5]. In a similar sense, still with regard to the origin of the exploitation of minors through work, Santos (2006) states that children were used in the most varied types of functions. Individuals who were five, six or seven

years old worked 13 to 16 hours a day. Hiring the work of minors was encouraged by the salary received, which was lower than that of adults, which provided a reduction in production costs [6].

Oliveira asserts that it was admitted without major constraints that women received a salary lower than that of a male adult, and that children and adolescents received a salary lower than that of women. Still on the subject, Barros reiterates that the generalized employment of women and minors has surpassed the work performed by men, as the machine ended up reducing the necessary physical effort and ended up making it possible to employ women "docile half-forces", which they were not prepared to claim. Thus, they endured insignificant wages, inhumane working hours and degrading hygiene conditions, with serious risks of accidents [7].

In this way, it is shown that with the advent of machines and the industrialization process, it was easier to use the work of children, adolescents and women, since it was no longer essential for workers to have a lot of physical strength in production, since this shortage was supplied from the use of machinery. Furthermore, the exploitation of the labour of minors was attractive in the eyes of employers since they accepted to receive lower wages, have atrocious working hours, in addition to carrying out their activities in dangerous and unhealthy places where they were exposed to all kinds of risks. In addition, this class of workers was considered incapable of fighting for better working conditions, which was also well regarded by the owners of the industries. The use of the term "docile half-forces" used by Barros (2010, p. 63) shows that the class formed by underage employees and women was considered more docile and submissive, which made it easier to exercise the power of command. of employers and the exploitation of female and child labour [3]. With regard to the history of Brazil, the work of children and adolescents has in the formation of the family structure of the colonization period, through the figures of the colonizer, the slave and the Indian, the starting point to validate the perpetuation of the work. of minors (BARANOSKI, 2016) [7]. The country has an extensive history of child labour exploitation. It is shown that the children who were most subject to this oppression were the poorest, the slaves during the period of the Colony and the Empire, and the orphans, abandoned or destitute from the end of the 19th century at the beginning of the industrialization period [10].

However, the present study reiterates the emphasis on the time frame from the 19th century onwards and the industrialization process looms large when the activities carried out in an artisanal way were left aside with the advent of machines. The choice of this historical period is related to the creation of Labor Law, which among its various objectives was developed as an autonomous branch in order to protect workers in the face of the marked exploitation of the workforce of individuals, among them children and adolescents, as will be seen in detail in the following topics [10].

Thus, it can be said that in Brazil, during the period of the industrialization process that began at the end of the 19th century and deepened during the 20th century, there was the incorporation of minors into activities carried out in factories in different sectors, in the same way that occurred in the pioneer countries in the Industrial Revolution [11]. According to Aquino et al., industrial development from the mid-nineteenth century onwards did not correspond to a surge in industrialization, since the accumulated capital was not responsible for designing the necessary conditions for the formation of an industrial bourgeoisie. However, during this

period in Brazil there were more individual and isolated initiatives than large-scale investment. It is stated that Brazilian industrial development in the second half of the 19th century was significant due to the initiative to move towards capitalist production, but inexpressive when looking only at the issue of production, which was considered very low et al.,[2].

In this sense, it is clear that the national industrialization process was inexpressive with regard to production, as shown by the information reported above. In addition, it is noted how delicate the situation was for industry as well as for the working class. As in the pioneer countries of the Industrial Revolution, the conditions of Brazilian workers were bad, with a high mortality rate caused by unhealthy conditions in the places where the work was carried out at the time et al., from the use of machinery [2]. Furthermore, the exploitation of the labor of minors was attractive in the eyes of employers since they accepted to receive lower wages, have atrocious working hours, in addition to carrying out their activities in dangerous and unhealthy places where they were exposed to all kinds of risks. In addition, this class of workers was considered incapable of fighting for better working conditions, which was also well regarded by the owners of the industries.

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Characteristics of the Exploitation of Children and Adolescents through Work

Based on this topic, the characterization of the work performed by children and adolescents is discussed, especially with regard to their exploitation through labor. In this sense, the reader is presented with the characterized elements of children’s work from concepts such as the definitions of national and international institutions that are committed to combating it, in addition to discussing the conceptual aspects of the theme brought by different authors. In this sense, it is explained that there is no simplified way that is accepted worldwide as a definition of child labor. In this regard, it is noteworthy that concepts and definitions can vary and be constructed from different actors in different historical contexts. Thus, regarding a topic of such complexity, it is argued that it is not possible to have a simple definition that will capture all the facets of the highlighted problem [12]. In the international literature, the definitions brought by the ILO (International Labor Organization) and by UNICEF (United Nations Children’s Fund - United Nations Fund) are considered dominant on the subject [13].

The ILO (2001), one of the specialized agencies of the United Nations (UN) created in 1919, understands that protecting children is one of the fundamental aspects in the battle for social justice and universal peace. In this sense, the organization believes that child labour, in addition to not being considered decent work and going against the fight for poverty reduction, takes away from children their health, their right to education, that is, their very existence as children. , which for the institution is every person under 18 years of age.

Thus, the institution estimates (in 2001) that there are about 250 million working children across the planet, and that 120 million of these between 5 and 14 years old work full time. The others included in this assessment combine their work activities with studies and others that are not of an economic nature. The ILO shows as characteristics of child and youth work the activities carried out in an abusive, exploitative and dangerous way in industry, agriculture, as well as those carried out at home, taking care of younger siblings or helping in family farms or businesses, in a way that make it your only or main activity. In addition to these, it also highlights the arduous domestic work performed in conditions of isolation, with strenuous working hours, with the occurrence of physical and sexual abuse, those performed under slavery or similar conditions, such as menial work and prostitution.

In this logic, the ILO (2001) generally determines the minimum age of 15 years for entering the labor market, in all sectors of productive activity. However, with regard to jobs considered hazardous, the minimum age must be 18 years, and for jobs considered light, it is determined that the individual is 14 years old. This provision has a flexible character, considering that it seeks to meet the different levels of socioeconomic development of the different member countries of the organization, admitting medium and long-term initiatives.

Still with regard to the highlighted topic, the ILO (2001) has a list of activities characterized as the worst existing forms of

child labor. This classification includes all forms of slavery and similar practices, the use, recruitment or offering of children for prostitution, the production of pornography, pornographic performances, illicit activities such as drug trafficking, and any other that by its nature or conditions of performance could threaten the health, safety or morals of children. Regarding the hazardous work mentioned above, the organization advises that, at a minimum, work in which children: [...] are exposed to physical, emotional or sexual abuse; operate under land and water, at dangerous heights or in confined environments; use dangerous machinery, equipment and tools or that handle and transport heavy loads; operate in an unhealthy environment or are exposed, for example, to dangerous substances, agents or processes, or to temperatures or levels of noise and vibration that are harmful to health; work in particularly difficult conditions, such as long hours, at night or that prevent daily return to their homes. Thus, it is explained that the characteristics regarding child labor brought by the ILO are derived from the concept of child labor arising from Convention No. 138, which deals with the minimum age for admission to work. Thus, any work that is outside the scope of the aforementioned convention is considered illegal and must be eliminated.

The ILO presents, in this sense, the work that is considered acceptable for children and adolescents, and the work that should be eliminated. In 2008, in accordance with Resolution II of the 18th International Conference on Labor Statistics, the organization constituted a new concept for child labor when it expressly included activities carried out in the domestic sphere, including those not carried out without any remuneration. Thus, according to the ILO, "child labor" refers to: (I) The worst forms of child labor, including slave labor, prostitution and pornography, illegal activities and activities that pose risks to health, safety or moral integrity, in accordance with Convention no. 182 of the ILO; (II) All employment activities performed by persons under 15 years of age, in accordance with Convention no. 138 of the ILO; (III) Household activities, including household chores carried out for long periods of time, in an unhealthy environment, in dangerous locations, or with the use of dangerous or heavy equipment.

On the subject, Cavalcante explains that according to the ILO, child labor is characterized by the condition of exploitation and damage to both the health and development of the child and adolescent who performs the activity. In addition, it is shown that with such oppression, it is also distinguished by the impediment or impairment of school activities as well as games, which are typical of individuals in this age group. In this sense, it is stated that when such elements are present, even if the exploiter is someone responsible for the child, or if those involved in this relationship are from a wealthy economic class, child labor will still be characterized.

Finally, according to the organization's understanding, the main way to eradicate child labor is by prioritizing the education of children and adolescents, encompassing cultural activities, sports, leisure, health guidelines, among others. The ILO reiterates that the right to comprehensive and quality education has the power to guarantee young people another fundamental right, that is, to experience their childhood and youth as an essential period for the formation and development of their human potential.

In this sense, we move on to the characterization of child and youth work brought by UNICEF (United Nations Children's Fund), which is a United Nations body whose purpose is to promote the

defense of children's rights in accordance with their needs in order to contribute to their development. Regarding the current definition of the exploitation of minors through work, UNICEF expanded the characteristics of child labor brought by the ILO, highlighting the existence of domestic work performed by children in addition to that performed for economic purposes [10].

Despite the positive aspect of the inclusion of domestic work, the permissiveness regarding the number of hours that a child can work at home is criticized until it is considered a case of child labor. In addition, it is shown that domestic work is more performed by girls, while that performed for economic purposes is more performed by boys. There is an imbalance between working hours in domestic activities and those that are not, as there is a large number of hours of domestic work without exploitation through child labor being characterized, which can harm the school performance of children and adolescents [14].

In this sense, it is noteworthy that the use of the term "employment activity" does not mean that it is employment, but productive activity, which means that it can be work with or without a formalized employment relationship. In this regard, Süsskind explains that the prohibition of work activities for those under 16 years old is not limited to the exercise of employment, but can also be occasional, temporary, autonomous, single and small work [15].

Still on the characterization of the exploitation of minors through work, according to the National Plan for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers prepared by the National Commission for the Eradication of Child Labor of the Ministry of Labor and Employment, the term "labor child" refers to economic activities and/or survival activities, whether for profit or not, whether remunerated or not, carried out by children or adolescents under the age of 16, with the exception of apprentices aged 14 and over, irrespective of their occupation-related status. In order to protect the adolescent worker, all work performed by the individual aged between 16 and 18 years, and under the condition of apprentice, from 14 to 18, will be considered, according to Constitutional Amendment n° 20/1998 [16].

Finally, Kassouf clarifies It is feared that there is no single definition of child labor. Thus, due to different factors such as the definition of a child, which is different from one country to another, not only chronological age, but also social and cultural factors are also taken into account. In this sense, in studies on child labor, the age group to be analyzed is established based on the legislation in force in the locality, which differs significantly from one country to another [17].

Integral Protection and Protection through Service Policies
The service policies are defined in the ECA, based on art. 86 and must always be guided by the guarantee of human dignity, since they must provide life, health, healthy means of coexistence, among others, having in their guidelines three factors: articulation, decentralization and participation. Therefore, policies are formed by governmental and non-governmental bodies, which must work together towards a common end. Observing the word "set", it is important to emphasize that the work will only have its full effectiveness with the collaboration of all agents, which constitutes the so-called "Protection Network", being responsible for protecting and guaranteeing the rights of children and adolescents [18]. Costa classifies the service lines as four: "basic social policies, social assistance policy, special protection policy and guarantee policies" [19].

A strict attendance policy represents the set of actions, services and programs to be activated at the municipal level to face a problem, specifically involving children, adolescents and their families, in a resolute perspective, being able to provide the integral protection foreseen in law. According to article 87 of the ECA, the following are considered lines of action for the service policy: I - basic social policies; II - social assistance policies and programs, on a supplementary basis, for those who need them; III - special prevention services and medical and psychosocial care for victims of neglect, mistreatment, exploitation, abuse, cruelty and oppression; IV - identification and location service for missing parents, guardians, children and adolescents; V - legal and social protection by entities that defend the rights of children and adolescents; VI - policies and programs aimed at preventing or shortening the period of withdrawal from family life and guaranteeing the effective exercise of children and adolescents' right to family life; VII - campaigns to encourage fostering in the form of custody of children and adolescents away from family life and the adoption, specifically interracial, of older children or adolescents, with specific health needs or disabilities and groups of siblings [20].

Basic social policies are aimed at groups in general, guaranteeing the fundamental rights of every human being, especially children and youth, such as health, leisure, education, sport, among others. When it comes to social assistance policy, it is possible to exemplify with cases of people in a state of need, whether permanent or temporary, due to economic or vulnerability situation. There is also a special care policy, aimed at specific cases in which the child and adolescent are at personal or social risk, such as situations of sexual abuse, mistreatment, slave labor, committing offences, among others. And, finally, the policy of guarantees is composed of the Public Ministry, Public Defender's Office, Judiciary, Police and other guarantors of the defense of individual and collective rights, that is, responsible for the legal and social defense [20].

According to art. 86 of the ECA: "the policy for meeting the rights of children and adolescents will be carried out through an articulated set of governmental and non-governmental actions, from the Union, the states, the Federal District and the municipalities" (BRASIL, 1990, s.p), which demonstrates the importance of the work carried out by all the subjects and institutions involved. At the municipal level, there is the Municipal Council for the Rights of Children and Adolescents, which is formed by representatives of the Municipal Executive Power and members of civil society. It is a Council established by law and independent of the Public Power, which becomes directly responsible for the policies applied to the protection of infants. The Rights Councils and decision-making bodies occupy municipal, state, district and federal levels, and are composed of public and private initiatives, responsible for defining the care policy and controlling the budget that is destined for the child, in integration with all the other policies. In the case of Guardianship Councils, they are composed of citizens elected by the community itself, responsible for the realization of special fundamental rights, intended for children and adolescents, through the application of protective measures. The greatest responsibility remains on the State, since it acts as the greatest articulator and creator of Public Policies. Therefore, greater engagement is expected, with the active participation of Brazilian society. This can be accomplished with the creation of Non-Government Organizations (NGOs) and their concrete development, with the dissemination of Forums and other social movements which seek to guarantee children's rights [21]. Due to the importance of this body, a severe reform took place in the

Statute, making the municipal powers higher (than the State and Federal) in this area, since they have a direct role in this area, constituting the municipalization of care, whose attributions are described in the art. 136 of the ECA [22]. The Council's main functions are to provide information and advice to families, as well as to apply the necessary measures in cases of abuse, emotional or physical violence against children. The same should work together with the Public Ministry, Public Defender's Office, the Judiciary (work usually carried out by the Court of Childhood and Youth), Reference Centers for Social Assistance (CRAS), Specialized Reference Centers for Social Assistance (CREAS), Center for Defense of the Rights of Children and Adolescents (CEDECA), Specialized Police Station, shelter institutions, among others. In view of this, the need for responsible and complete works is highlighted, since a small failure of any entity may result in a lack of structuring to achieve the greatest objective: integral protection. It is extremely necessary to unite all bodies responsible for the rights of children and adolescents in order to carry out a good work, that is, the articulation of institutions, people and organizations with the objective of sharing causes and projects, with the objective of that all perform their attributes in a complete and exemplary way, in order to achieve the expected effectiveness [21].

From the above, it appears that by Protection Network, it is understood the planned set of integrated actions implemented in the four governmental dimensions - Municipal, State, District and Federal -, as well as between and in the spheres of power - Executive, Judiciary and Legislative - aimed at preventing threats and violence against the interests, rights and guarantees of children and adolescents. The Protection Network, therefore, is aimed directly at children and adolescents who may find themselves in situations of threat or violence resulting from actions or omissions by society or the State, otherwise, due to lack, omission or abuse of parents or guardians, as well as due to their own and respective conducts, as provided for in incs. I, II and III, of art. 98 of the ECA [20].

Indeed, in order to establish and consolidate a network of protection for children and adolescents, seeking, in this way, to prevent threats and violence, especially that take place within the family and community nucleus - such as, for example, "domestic violence", "abuse" and/or "sexual violence" among other forms of physical, moral, psychological and social offenses - it is certainly necessary to adopt specific measures of protection both for infants and young people, and, if not, for mainly aimed at their respective families. The objective of every protection network must be a plural (transdisciplinary) and dialectical (democratic) analysis of the reality in which millions of Brazilian children and adolescents live, with the aim of inscribing not only a theoretical (discursive) orientation that links (justification/ legitimation) the legality (political option) that is constituted for the (material) construction of resolutions to address situations of threat and violence to the rights affecting children and adolescents [21].

As seen in the previous chapter, the CF/1988, popularly known as the Citizen Constitution, is considered a true milestone in the legal history of Brazil, since it represented the triumph of fundamental rights and guarantees, the placing of the human person at the center of the legal system, in place of heritage, in addition to establishing human dignity as the foundation of the Republic in the first provision. In the words of Daniel Sarmento, the current Major Law "marked the re-encounter of Brazilian society with Law and democracy, intending to be the sign of a new era in the

country, stamped by justice society, solidarity and democratic pluralism. As demonstrated in chapter 1, CF/1988, in its arts. 227, 228 and 229, expressly provided for the protection of childhood and adolescence [23].

These constitutional commandments explicitly represented a break with the previous system (centralized, vertical, assistentialist and correctional-repressive), based on the Minors Code of 1979 and, ultimately, on the revoked Mello Mattos Code of 1927 [25]. The CF/1988 lists as indispensable rights for the free and complete development of the personality of children, adolescents and young people: life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community coexistence. It is not referring to an exhaustive list, so much so that the ECA itself advocates in its art. 3 that in addition to all the fundamental rights inherent to the human person, the infant enjoys singular rights related to the full protection referred to in the aforementioned Law. Unfortunately, children and adolescents suffer daily, in Brazil, serious violations of their dignity. Due to the age group in which they are, the daily problems that will be pointed out below cause irreparable damage to children's development and can lead to the destruction of their own lives: infant mortality, malnutrition, lack of vaccinations, diseases, lack of access to essential medical and dental services, sanitation and sewage network absent or in terrible conditions, hunger (not uncommon, some only eat once a day, with school lunch), extreme poverty (absolute misery, begging), place to live (street boys and girls; some live in shacks, in places at risk of collapse, sometimes they live in a single room with the whole family), illiteracy (has to do with admission, permanence and quality of education, especially teaching basic and fundamental; some are not even able to develop learning due to lack of nutritional vitamins essential to the body, to the intellect, even developing brain lesions), mobilized (do not have access to transport, live in distant places, have difficulty getting to hospitals, schools, places of recreation), unprotected work (informal, without a work card, in unhealthy, painful, dangerous conditions), slave labor (unfortunately, slavery for some has not been abolished; common in rural areas), lethal violence (suicide, traffic accident, homicide), physical violence (mistreatment, torture, cruelty, any action that causes injury to the developing person), sexual violence (harassment, pornography, rape, pedophilia, prostitution), psychological violence (any action or omission that causes damage to the self-esteem, identity, honor of the developing person, such as humiliation), intra-family violence (negligent, oppressive, irresponsible parents), early pregnancy, sexually transmitted diseases, dependence chemistry, alcoholism, criminality, abandonment, institutionalization (shelters, orphanages, socio-educational units, absence of family and community ties), exclusion (social, economic, political, cultural, digital), among other problems [25]. The place of the person in a peculiar condition of development is in the family, in the school, in the public budget. The State has the duty to guarantee to all children and adolescents, without distinction of color, sex, social class, or any other criterion, access to the goods of life indispensable to the development of their potential (physical, psychic, intellectual, moral, spiritual, social) in the most complete, healthy and harmonious way possible [26]. The bilaterality of children's rights is not limited to a vertical relationship, demanded only by the State. The family and society also have their responsibility and, in this sense, there is talk of horizontal effectiveness of the fundamental rights of children and adolescents: to underline the fact that such rights do not only regulate the vertical relations of power that are established between State and citizen, but also affect relations maintained between

persons and non-State entities, which are in a position of formal equality. In fact, the needs of all children and adolescents will only really be met if the three of them work together, family, society and the State, "in perfect co-management and co-responsibility" [27,28].

In addition to the rights necessary for one's own existence, education is one of the most valuable assets that can be guaranteed to children and adolescents. Only through education can they fully exercise citizenship, fully develop as people, qualify for work, actively participate in political decisions that indicate the direction of their country, which goes far beyond the simple vote or payment of taxes. Misguided are those who believe that the latter are enough to make a person a full citizen [29].

The State has the obligation to allocate, with absolute priority, the funds necessary for the integral protection of children and adolescents to be ensured, and this certainly involves assistance to their families. Socially promoting a child or adolescent necessarily involves rescuing their family. All family members must be assured of an existential minimum, which does not mean surviving, but living with dignity; only then will there be mutual support and care. It takes planning, political will, articulation between the different spheres (health, education, social assistance) and, above all, commitment to childhood and adolescence in this country [19].

With regard to children's rights, the CF/1988 includes: a) all fundamental rights already guaranteed to adults; b) exclusive fundamental rights for children and adolescents (family living, not working, safe work, criminal non-imputability, exceptionality and brevity in the deprivation of liberty); c) are all or exclusive, said rights must be guaranteed by the State, together with society and the family in conditions of absolute priority; d) equality between children and adolescents with regard to protection and priority, that is, the Constitution created the "protective legal inequality", in line with the current phase of evolution of children's human rights, adopted by the Convention on Rights of Children and Adolescents. The only difference lies in accountability for their actions. The 1989 United Nations Convention influenced the domestic legal system in such a way that, in the following year, the ECA came into force, consisting of a specific legal microsystem, intended to meet the desires and needs of this population segment, which brings matters of various orders, such as civil, criminal, family, administrative, procedural, among others [30]. Following the trend established at the international level, art. 1 of the ECA expressly on the adoption of the doctrine of integral protection, in exchange for the old model, of the irregular situation [28].

As the name itself makes clear, the diploma was intended to protect every child and adolescent, without any type of discrimination. It also established the absolute priority of this population segment in accessing their fundamental and personality rights, given the best (better or greater) interest of children and adolescents. It also advocated political-administrative decentralization, in terms of serving this population, by giving greater responsibility to bodies, entities, programs and services available in the municipality, as they meet the best conditions to meet the needs of children and young people, while side of civil society and the family [24]. The merely illustrative list of the 11 (eleven) fundamental rights, summarized in the CF/1988, is detailed by the ECA, which brought other even more specific rights to the category [31]. These rights are listed in Title II (arts. 7 to 69) of the ECA, which, in turn, is subdivided into five chapters: Chapter I–The right to life and health–arts. 7th to 14th; Chapter II – The right to freedom, respect

and dignity—arts. 15 to 18; Chapter II—The right to family and community coexistence—arts. 19 to 27; Chapter IV—The right to education, culture, sport, leisure—arts. 53 to 59; Chapter V—The right to professionalization and protection at work—arts. 60 to 69 [32].

The statutory diploma detailed the special protection system built by the Federal Constitution, including giving better contours to the instruments for the realization of these rights, such as the appropriateness of public civil action, the creation of Councils of Rights, Guardianship Councils, guidelines for the formulation of policies public service, service programs, the participation of civil society entities in their execution, among others. From the entry into force of the statutory diploma, the entire Brazilian legal system was influenced, as exemplified by Cunha et. al., Civil Law (best interest in the definition of custody, regulation of visits, maintenance of food, declaration of paternity, etc.); Administrative Law (definition of new bodies in the administrative structure); Labor Law (limitation of working conditions for children and adolescents); Financial Law (priority allocation of public funds); Civil Procedural Law (representation or procedural assistance and regularization of custody and guardianship); Collective Procedural Law (change in the implementation of public policies), etc [18]. This work could be summarized as follows: all Brazilians under 18 years of age, regardless of gender, race, age, social class, creed, sexual orientation, whether they were born in the South or Northeast, if they live in favela or in a luxury condominium, if you are white, black, yellow, indigenous, if you studied in a private school all your life or if you are illiterate, if you have committed any deviant (or infractional) act; in short, every child and teenager deserves that their family, their community (embracing all the social groups and places they frequent), their society (in this case, the Brazilian one), their State, from the Judiciary, the legislature, the Executive, encompassing from the mayor of your city, the governor of your state, and the president of your country; everyone, without exception, has a legal and moral duty to measure all possible efforts to implement the Rights Guarantee System: Art. 1st. The System for Guaranteeing the Rights of Children and Adolescents is constituted by the articulation and integration of governmental public bodies and civil society, in the application of normative instruments and in the functioning of mechanisms of promotion, defense and control for the realization of the human rights of the children and adolescents, at the Federal, State, District and Municipal levels. Art. 2nd. It is incumbent upon the Child and Adolescent Rights Guarantee System to promote, defend and control the realization of civil, political, economic, social, cultural, collective and diffuse rights, in their entirety, in favor of all children and adolescents, in a way that that they are recognized and respected as subjects of rights and people in a peculiar condition of development; protecting them from threats and violations of any of their rights, in addition to guaranteeing the investigation and repair of these threats and violations [24].

The foundation of integral protection lies in the vulnerability that this segment of the population presents: first, because they are in the early years of training; second, because they still suffer a lot of resistance from the State and the dominant (adult-centric) society, regarding the full, substantial, concrete recognition of their citizenship and their fundamental and personality rights. Although the current international and national legal order recognizes children and adolescents a series of fundamental and personality rights that must be fully enjoyed and with absolute priority in relation to other members of society, which is still an advance, thus, the problem involving these people is not resolved. The existence of a Doctrine entitled “comprehensive protection”

is of little use if those who deal with children and adolescents on a daily basis – family, society and the State – are not made aware that, in fact, they must fully protect children and adolescents. The “preaching” of this new language needs to be internalized (changing the way of thinking, acting, looking at, sanctioning, regulating, prescribing, etc.), so that the inviolability of the dignity of the developing human person begins to be respected in its entirety, otherwise, the Doctrine will remain valid only for a privileged part of the country, which could count on the commonly called “golden cradle” [33].

The worst part of the recognition still remaining formal is that, due to the rights being already enshrined in law, the defense in favor of this vulnerable group weakens and the supporters of the children’s flag decrease. As long as there is a developing person oppressed, impoverished and deprived of their rights in this country of continental dimension, the struggle for full protection and for the realization of their fundamental and personality rights cannot stop.

Conclusion

In the following discussions, it became possible to contemplate the impacts of child labor being directed directly to aspects of children’s lives. It was found that, although there is a law that protects children from such practices, and the rate has been decreasing over the years, the number of children still belonging to these living conditions is high. The children’s access to laws that consolidated their protection and care, guaranteeing access to actions characteristic of their structural phases, consisted of a slow and selective process, in the way that, according to studies that were deepened in the bias of these discussions, laws and decrees that would consolidate the guarantee of child development.

However, just the presence of a law prohibiting such actions will not create conditions for the effective minimization of this event, as we can see in data over the years that demonstrate a minimal drop in the number of children engaged in child labor. Given the still high data on practices involving child labor in Brazil, the creation of programs and projects that meet this demand, leading to awareness and adaptation of the reality of these family members involved, were created.

It is necessary that politically, actions are developed that aim not only to coerce the prohibition of child labor, but to consolidate an understanding of the damages and negative impacts that the absence of children in their social routine will compromise, as well as lead society to rethink actions that make possible the annual implementation of these practices, taking into account the economic aspects to which each individual belongs. In order to propose a quality of life that promotes child development in all its stages, the programs sanctioned in favor of child protection. This movement is constituted by making child labor unfeasible and tends to improve its discussion processes, leading society to awareness of the damage caused in various existential spheres that allows the child not to consolidate in all the stages necessary for its development.

References

1. Garcia, Gustavo Filipe Barbosa (2016) Course of labor law. 10th ed. Rio de Janeiro: Forensics.
2. Aquino, Rubim Santos Leão de (2007) History of Societies: Of Societies Modern to Current Societies. 48. ed. Rio de Janeiro: To the Technical Book.
3. Martins, Ana Luisa Leitão (2013) The artistic work of children and adolescents. 142 f. Dissertation (Master) –Law School of the University of São Paulo. Sao Paulo.

4. Liberati, Wilson Donizeti (2012) Adolescent and the infraction: is socio-educational measure a penalty? 2. Ed. Sao Paulo: Juarez de Oliveira.
5. Martins (2016) Sergio Pinto. Labor Law. 32. ed. São Paulo: Saraiva.
6. Santos, Ronaldo Lima dos (2006) Human dignity of children and adolescents and labor relations. In: FREITAS JUNIOR, Antônio Rodrigues de (Org.). Labor law – human rights. São Paulo: BH Editora 541-566.
7. Sunday, Cintia Oliveira (2016) Adolescents and the age of criminal responsibility: reflections on violence and prevention in the light of integral protection. Curitiba: Juruá Editora.
8. Oliveira, Oris de (2009) Adolescent work and professionalization. Sao Paulo: LTr.
9. Baranoski, Maria Cristina Rauch (2010) Children making art: children's artistic work. Course of labor law. 6. ed. Sao Paulo: LTr.
10. Rizzini, Irma (2015) Small workers from Brazil. In: PRIORE, Mary del (Org.). Children's history in Brazil. 7. ed. São Paulo: Context 376-406.
11. Moura, Esmeralda Blanco Bolsonaro de (2015) Working children in newly industrialized São Paulo. In: PRIORE, Mary del. Children's history in Brazil. São Paulo: Context, 259-288.
12. Weston, Burns H (2005) Child labor and human rights: Making children matter. Lynne Rienner,
13. Chaubey, Jay (2007) Child Labour, Education and Policy Options. New York: United Nations Children's Fund (UNICEF).
14. Gibbons, Elizabeth D Huebler, Friedrich Loaiza Edilberto (2005) Child Labour, Education and the Principle of Non-Discrimination. New York: United Nations Children's Fund (UNICEF).
15. Sussekund, Arnold (2020) Constitutional Labor Law. 3. ed. Rio de Janeiro: Renovate, 2004.
16. Brazil. Ordinance No. 104, of January 25, 2011 (2020) Available at: https://bvsm.s.saude.gov.br/bvs/saudelegis/gm/2011/prt0104_25_01_2011.html. Access on 12 Apr.
17. Kassouf, Ana Lucia. What do (2007) we know about child labor? New Economy 17:323-350.
18. Cunha, Rogério Sanches; Lépole, Paulo Eduardo; Rossato, Luciano Alves. Statute of the Child and Adolescent commented. São Paulo: Journal of the Courts, 2010.
19. Costa, Ana Paula Motta (2015) Adolescents: the State reveals itself as a violator of rights and society echoes superficiality. In: Boletim IBCCRIM 271.
20. BRAZIL. Law No. 8069, of July 13, 1990 (2020) Provides for the Child and Adolescent Statute and other provisions. Available at: http://www.planalto.gov.br/ccivil_03/leis/L8069.htm.
21. Sauerbronn, Selma (2011) Public Policies and the Comprehensive Protection of Children and Adolescents, with a focus on the Federal District. ICPD – CEUB Institute for Research and Development.
22. Ramidof, Mario Luiz RAMIDOF, Luísa Munhoz Bürgel (2017) Lessons on Child and Adolescent Law. 4. ed. Curitiba: Juruá Editora.
23. Sarmento, Daniel (2004) Fundamental rights and private relationships. Rio de Janeiro: Lumen Juris.
24. Tavares, José de Farias (2010) Comments on the Statute of Children and Adolescents. 7 ed. Rio de Janeiro: Forensics.
25. UNICEF United Nations Children's Fund (2020) The right to be a teenager: Opportunity to reduce vulnerabilities and overcome inequalities. Brasília, DF: UNICEF, 2011. Available at: http://www.unicef.org/brazil/pt/br_sabrep11.pdf. Access on: 20.
26. Maior Neto, Olympio de Sá (2006) Criminal guarantees of the adolescent who committed an infraction. In: Inalud, Abmp, Sedh, Unfpa (Orgs.). Justice, Adolescents and Infrafractional Act: socio-education and accountability. São Paulo 124-127.
27. SARMENTO, Daniel (2004) Fundamental rights and private relationships. Rio de Janeiro: Lumen Juris.
28. AMIN, Andrea Rodrigues (2015) Doctrine of Integral Protection. In: MACIEL, Kátia Regina Ferreira Lobo Andrade (Coord). Child and Adolescent Law Course: theoretical and practical aspects. 8.ed. Rio de Janeiro: Lumen Juris 14-29.
29. DIMENSTEIN, Gilberto (2012) The paper citizen: childhood, adolescence and human rights in Brazil. 24th ed. São Paulo: Attica.
30. MACHADO, Martha de Toledo (2006) Special system for the protection of adolescent freedom in the Brazilian Constitution of 1988 and in the Statute of Children and Adolescents. In: INALUD, ABMP, SEDH, UNFPA (Orgs.). Justice, Adolescents and Infrafractional Act: socio-education and accountability. São Paulo: Inalud 87-121.
31. SARAIVA, João Batista Costa (2010) Compendium of Juvenile Criminal Law: adolescent and infraction. 4. ed. Porto Alegre: Livraria do Advogado.
32. SUNDAY, Cintia Oliveira (2016) Adolescents and the age of criminal responsibility: reflections on violence and prevention in the light of integral protection. Curitiba: Juruá Editora.
33. VERONESE, Josiane Rose Petry (2012) The rights of children and adolescents: building the concept of subject-citizen. In: WOLKMER, Antonio Carlos; LEITE, José Rubens Morato (Org). The "new" rights in Brazil. Sao Paulo: Saraiva 49-69.

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