

# Advocacy efforts in Brazil to extend the recognition of children's rights in early childhood

A case study

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## Table of abbreviations

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ANDI	Agência de Notícias dos Direitos da Infância
BvLF	Bernard van Leer Foundation
CECIP	Centro de Criação de Imagem Popular
CNJ	National Council of Justice
CODIPI	Committee for Integral Development of Early Childhood
CONANDA	National Council for the Rights of Children and Adolescents
ECA	Statute on the Child and the Adolescent (Estatuto da Criança e do Adolescente)
ECD	Early childhood development
ELP	Executive Leadership Programme
FMCSV	Maria Cecilia Souto Vidigal Foundation
HCDC	Center for the Developing Child
IBGE	Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística)
IFAN	Instituto da Infância
NCPI	Science for Early Childhood Hub (Núcleo Ciência Pela Infância)
PIM	Better Early Childhood (Primeira Infância Melhor)
RNPI	National Network of Early Childhood (Rede Nacional Primeira Infância)
SNAPI	National Secretariat of Early Childhood Care (Secretaria Nacional de Atenção à Primeira Infância)
UNCRC	United Nation's Convention on the Rights of the Child

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# 1. Introduction

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Brazil is the largest country in Latin America.<sup>1</sup> A culturally and ethnically diverse nation,<sup>2</sup> it has over 200 million inhabitants, including 20 million children under the age of six.<sup>3</sup> While Brazil still faces significant challenges – especially linked to inequalities in the distribution of wealth that disproportionately affect children – young people living in the country today face better prospects in terms of child poverty, mortality, malnutrition and access to education than at any time in the last twenty years.

While in 2001 it was estimated that 20.5 million people in Brazil had less than \$1.90 per person per day,<sup>4</sup> in 2018 this share decreased to 9.3 million people.<sup>5</sup> There has also been a steady decrease in infant mortality rates. In 2005, 24 children died per 1,000 live births compared to 13 per 1,000 live births in 2019.<sup>6</sup> Under-fives mortality rates dropped on average by four per cent per year between 1990 and 2015, although there was a stronger decline in the north-east regions than in other parts of the country,<sup>7</sup> showing the continuing regional, urban–rural and state differences across the country.<sup>8</sup>

There have also been changes in malnutrition and access to education. Between 1996 and 2007, under-fives stunting reduced from 13 per cent to 7 per cent. However, under-fives stunting is more prevalent in the south than in the north of Brazil.<sup>9</sup> Finally, the out-of-school rate for children of primary school age has decreased from 2.4 per cent in 2009 to 0.4 per cent in 2017.<sup>10</sup>

Children living in Brazil in 2021 also have greater legal protection of their rights than at any time in the country's history. In the late 1980s and early 1990s, new legislation was passed that sought to provide greater backing to children's rights. In 1988, Article 227 in the new Constitution determined that children's rights should be given absolute priority.<sup>11</sup> Following this, the Statute on the Child and the Adolescent (Estatuto da Criança e do Adolescente, ECA) was introduced in 1990.

## 1.1. In 2016, a new legal framework was introduced that many see as a step change for early childhood development (ECD) policy in Brazil

In the early 1990s, Brazil ratified the United Nation's Convention on the Rights of the Child (UNCRC) and introduced the ECA. Since then, there has been marked improvements in policies protecting children rights. The first state-level law on ECD was created in 2006 and the Better Early Childhood (Primeira Infância Melhor, PIM) programme was introduced as a state policy in the state of Rio Grande do Sul. PIM proved to be an effective programme<sup>12</sup> that facilitated later advocacy efforts to improve ECD in Brazil.<sup>13</sup>

On 8 March 2016, Law No 13.257, known as the Legal Framework for ECD (the Legal Framework),<sup>14</sup> was sanctioned by the then President Dilma Rousseff after its approval in the Chamber of Deputies and the Senate. The new law modified the existing legislation on children, focusing on putting in place public policies as conditions to **guarantee children's rights in early childhood** and introducing new areas where public policies can be developed: health, food and nutrition, children's education, family and community coexistence, social assistance to the child's family, culture, play and leisure, and space and environment.<sup>15</sup> It also provides **protection for children** from gestation, birth and post-partum,

through to the age of six, and the possibility for pregnant women using the public healthcare system to have a companion before, during and after birth.<sup>16</sup> In line with guaranteeing children's rights and protecting their well-being, the Legal Framework also introduces as a new regulatory standard for neonatal care units to have human milk banks and human milk collection units. Furthermore, the Legal Framework **extends the action of the state beyond public childcare institutions** to include services delivered in the family home and community settings. It introduces guidelines to ensure the following:

- Leisure spaces that provide children with well-being services and facilities to play and exercise their creativity.
- Free and safe environments in their communities for children to enjoy.
- Change at the family level through home visits, programmes to promote responsible parenthood and other arrangements that stimulate integral development in early childhood.
- The possibility for parents to extend maternity leave from 4 to 6 months and paternity leave from 5 to 20 days.
- Mothers of children under 12 who are in prison on remand awaiting trial have the right to be released from custody to wait for trial in freedom to take care of their children.

In order to ensure the quality of family programmes, the Legal Framework requires the participation of **qualified professionals**, who need to be supported by measures to ensure their retention as well as their continued training.<sup>17</sup>

The Legal Framework can be situated in a context of a historically progressive childhood legislation and can thus be seen as a continuation to this trend.<sup>18</sup> The Legal Framework was approved at a time when political tensions were rising and marks a success in terms of politicians supporting a greater cause for the benefit of ECD despite having differing political views. The added value of the Legal Framework lies in that it acts as an **ECD legislation 'aggregator'** to tackle Brazil's ECD challenges and it **creates a dedicated legal base** for early childhood, building on the achievements made by government, civil society and international organisations in previous years.

## **1.2. What can be learned from the Brazilian experience of introducing a national policy change?**

The Bernard van Leer Foundation (BvLF) believes that one of the current challenges in ECD, in Brazil and internationally, is achieving policy and practice change at scale.<sup>19</sup> BvLF has provided support to organisations working on ECD in Brazil since 2003. In 2005, it commissioned the organisation Promundo to support the Committee for Integral Development of Early Childhood (CODIPI), created in 2000, in reviving its activities. Promundo's work resulted in the establishment of the National Network of Early Childhood (Rede Nacional Primeira Infância, RNPI). Since then, BvLF has provided financial support to RNPI, the Early Childhood Parliamentary Front, and national, state and municipal programmes, in partnership with other civil society organisations and governmental institutions.

Following the 2016 adoption of the Legal Framework, BvLF was keen to understand if and how the organisations supported by the Foundation, such as RNPI, had played a role. It wanted to learn if there

Advocacy efforts in Brazil to extend the recognition of children’s rights in early childhood were lessons that could inform its current and future work in the area of ECD policy, and lessons that could be of broader relevance to governments, practitioners and other foundations.

With this in mind, BvLF commissioned an independent research organisation, RAND Europe, to produce a case study of the events and debates between 2012 and 2016 leading up to the adoption of the Legal Framework. The case study investigates the role of different stakeholders, partnerships and groups in this policy change, and captures the facilitators and barriers to the adoption of the new law and its implementation after 2016.

This case study is based on a careful collection and analysis of documentary sources and interviews with a range of stakeholders that represent a variety of perspectives and voices (see Annex A for details on the methodology used).

In examining the factors underlying the legislative change, this case study does not claim to identify direct or simple causal connections between the work of a single civil society organisation and the new law being enacted. The organisations and individuals whose work is described in this case study – RNPI, the Maria Cecilia Souto Vidigal Foundation (FMCSV), Osmar Terra (a member of the Chamber of Deputies from Rio Grande do Sul who was leading actor in proposing and developing the Legal Framework) and Vital Didonet (an ECD expert and member of RNPI) – were among a number of other stakeholders advocating for the changes achieved, and their work was just one factor at play. The case study recognises the complex nature of achieving policy change and explores the confluence of events, actions, stakeholders and other elements that came together to result in the legislative change. It uses stakeholders’ perceptions of the factors (including the work of RNPI) that contributed to introduction of the Legal Framework as a basis for evidence.

It is important to highlight that the case study particularly focused on the work done by RNPI, while acknowledging that this was one of the many actors, including the legislative power, executive power and other civil society organisations, that supported the introduction of the Legal Framework. The case study should not be taken in isolation but rather it should be read bearing in mind that it tells one angle of the story of the introduction of the Legal Framework.

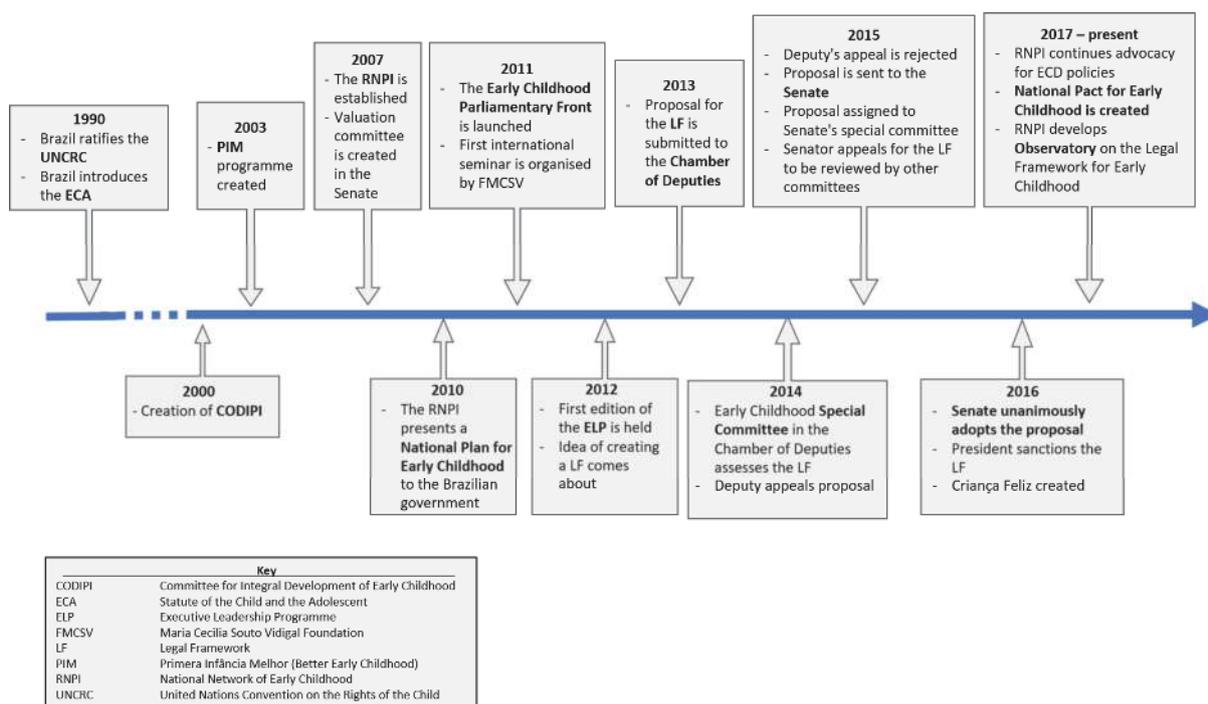
## **2. Setting the stage**

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The legal, cultural and political factors leading up to the Legal Framework being proposed to parliament in 2013 and passed into law in 2016 are highly complex; many events that took place between 1990 and 2000 had an influence both directly and indirectly. While recognising this complexity, the aim of this case study is to put a spotlight on a handful of the factors, decisions and events that are relevant to understanding how and why the Legal Framework was passed. These factors were identified as important by the key stakeholders involved in the debates around the new law who were interviewed by the research team producing this case study.

The events on which this case study focuses are shown in Figure 1. This is not intended as a comprehensive account, but merely highlights the parts of the story described in this case study.

Figure 1. Timeline of events covered in this case study



## 2.1. Improvements to ECD policy started during the 1990s in Brazil

After two decades of authoritarian military dictatorship, the restoration of democracy in Brazil in 1985 and the introduction of the 1988 Constitution brought renewed support for the rights of children. Article 227 of the Brazilian Constitution set the backbone for all subsequent legislation and policies regarding children.<sup>20</sup> The new Constitution created a receptive climate for aspects related to the rights of children.<sup>21</sup> The first part of Article 227 of the Constitution states:

*“It is the duty of the family, society and the state to ensure that children, adolescents and young people, with absolute priority, have the right to life, health, food, education, leisure, professionalisation, culture, dignity, respect, freedom and family and community coexistence, in addition to safeguarding them from all forms of neglect, discrimination, exploitation, violence, cruelty and oppression.”*

Brazil ratified the 1989 UNCRC in 1990.<sup>22</sup> Following this, Brazil **introduced the ECA** in the same year. This represented an important step towards the protection of these rights. The ECA formally introduced the concept that children and adolescents are subject to a set of rights appropriate to their age and developmental condition in line with the UNCRC. Through this ownership of rights, the ECA introduced a "doctrine of integral protection", setting a new paradigm for the relationship between society, the family, the state, and the child and adolescent. Relations of the family, society and state with children and adolescents now needed to be created in full respect to their fundamental human dignity.<sup>23</sup>

**However, further focus on the legal protections for young children was needed.** Brazilian ECD policy had been evolving since the mid-1980s and legislation covered children up to the age of 18. New public policies to address the rights of children and adolescents were introduced, along with several plans

Advocacy efforts in Brazil to extend the recognition of children’s rights in early childhood and programmes including the National Plan for Early Childhood Education, the National Plan for the Rights of Children and Adolescents, the National Plan for Family and Community Coexistence, and the National Plan to Combat Violence Against Children. These policies mainly focused on those in late childhood (6 to 12-year-olds) and adolescence (12 to 18-year-olds), with limited attention on issues affecting very young children (0 to 6-year-olds). After the ECA was adopted in the 1990s, there was a need to increase interest in driving change for children in the youngest age groups.<sup>24</sup>

According to various interviewees,<sup>25</sup> the rationale for the introduction of the Legal Framework was to specifically target the protection and development of the rights of children up to the age of six, which had not been the main focus of existing policies. One of the advisors to those drafting the Legal Framework described that when thinking about improving ECD policy:

*“[It was important] to refine our outlook (‘afinar o nosso olhar’). There needed to be a focus on 0–6. People thought everything was OK regarding this age group, but there were high mortality rates, malnutrition, lack of education, etc. The objective was not to create a new ECA, which has a conceptual unity that shouldn’t be broken, but to focus on children and look at specificities of the first years of life.”<sup>26</sup>*

## **2.2. RNPI was created to strengthen ECD policy in Brazil**

**Civil society organisations, governmental organisations, UNICEF and other international organisations decided to reinvigorate public support around early childhood issues in Brazil and in 2007 created RNPI.** RNPI mobilised a great part of civil society and governmental organisations focusing on ECD. Box 1 provides further details on RNPI.

### Box 1. National Network of Early Childhood (RNPI)

During Fernando Henrique Cardoso's government (1995–2002), CODIPI was created in 2000. The committee introduced cross-sector committees on early childhood and undertook many regional actions that set the stage for the creation of regional plans and programmes, as well as for the later creation of RNPI. For example, in 2003 the project 'Our children: windows of opportunities' and PIM<sup>27</sup> were introduced as a result of CODIPI's work. PIM was introduced in the southern state of Rio Grande do Sul in 2006 and served as the basis for the later establishment of the Criança Feliz programme rolled out across the whole of Brazil.<sup>28</sup>

During the following Lula government (2003–2010), the committee lost some momentum despite continued investments by the government in social programmes related to children's well-being.<sup>29</sup> In 2009, the Early Childhood Programme was introduced and in 2010 the Study on Determinants of Early Childhood Development in Brazil started.<sup>30</sup> Promundo, with the support of BvLF, started a process to renew the committee. As a result of their efforts and the participation of 17 pioneer organisations, RNPI was created in 2007 and replaced CODIPI.<sup>31</sup>

RNPI has since grown into a cross-sector network of more than 200 member organisations,<sup>32</sup> bringing together civil society organisations, government organisations, the private sector, community associations, universities, research institutes, other networks and multilateral organisations.

The main governmental organisations taking part in the network include the National Secretariat of Children and Adolescents, the Ministry of Citizenship, the Ministry of Education, the Early Childhood Parliamentary Front, as well as approximately fifteen others from states and municipalities.

RNPI leads initiatives to increase awareness on ECD matters in Brazil. It intends to be a forum for knowledge exchange and collaboration of organisations that work directly or indirectly on the protection, promotion or guaranteeing of the rights of children of up to six years of age.

RNPI developed and promotes the implementation of the National Plan for Early Childhood. Its vision is to have the plan referenced in public policies on early childhood at the federal, state, district and municipal spheres in order to advance the protection of children's rights. It also aims to be recognised as a space for plural and diverse dialogue, and a leading network that defends and promotes the rights of children up to six years of age and their participation in matters that concern them.

### 2.3. A National Plan – an accidental template for legislative reform

Following extensive consultation and planning activities in 2010, RNPI launched the **National Plan for Early Childhood 2010–2022** in December that year. The plan provided general guidelines, objectives and goals that the country should work towards to guarantee that the rights of children up to the age of six would be recognised. It brought a new perspective to understanding early childhood, putting forward the notion that experiences of childhood vary by context. According to a member of RNPI:

*"[One of the advances of] the National Plan (...) was that it recognised the existence of different experiences of childhood depending on race, social class, etc., as opposed to one universal, uniform childhood."*<sup>33</sup>In addition to this:

*"...the National Plan adopted a holistic approach by focusing on intersectoral action. The National Plan encompasses all rights recognised by the Constitution, bringing together different generations of rights."*<sup>34</sup>

A few days after its release, the National Plan for Early Childhood was approved by the National Council for the Rights of Children and Adolescents (CONANDA), becoming part of the government's policy on early childhood and providing a **roadmap** for national and local ECD policies in Brazil. In 2020, the plan was revised to incorporate five new chapters<sup>35</sup> on current topics<sup>36</sup> and its term was extended until 2030 to align it with the timescales of the Sustainable Development Goals.<sup>37</sup>

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**Interviewees noted that the National Plan for Early Childhood inspired the proposal for a Legal Framework.**<sup>38</sup> Between 2012 and 2013, RNPI focused on how to effectively implement the National Plan through the creation of Municipal and State Plans for Early Childhood, rather than on creating a new law.<sup>39</sup> However, it seems that those drafting the Legal Framework were drawing on learnings gained from the creation of the National Plan. In the words of an advisor to Osmar Terra, one of the authors of the Legal Framework:

*"...when we developed the Legal Framework three years after the National Plan, we strongly built from the experience leading to the National Plan, from its topics. A great deal of what's included in the Legal Framework was inspired by the Network's experience in creating the National Plan and its contents. [...Likewise...] when drafting the Municipal Plans, they capture both the National Plan and the Legal Framework."*<sup>40</sup>

As well as drawing learning from the National Plans, the Legal Framework was also inspired by other sources such as the PIM, the National Plan for Family and Community Living, and other programmes and projects on early childhood from the Brazilian government.<sup>41</sup>

#### **2.4. The Executive Leadership Programme at Harvard – ideas for a new legal framework are developed by consecutive cohorts**

In 2011, the idea of establishing a leadership course on ECD for Brazilian politicians came about as part of a wider strategy to improve ECD in Brazil.<sup>42</sup> The then executive director of FMCSV was approached by Osmar Terra, the Brazilian federal deputy, and Mary Young,<sup>43</sup> a specialist in global health and child development from the World Bank, about starting a leadership course at the Center for the Developing Child (HCDC) at the University of Harvard (see Box 2).<sup>44</sup> At that time, FMCSV was establishing a new platform, the Science for Early Childhood Hub (Núcleo Ciência Pela Infância, NCPI),<sup>45</sup> and was defining its different workstreams. Following the proposal by Osmar Terra and Mary Young, a consensus emerged between FMCSV, HCDC and NCPI members that starting a training programme on early childhood matters for politicians aligned with the objectives of these different organisations.

In 2012, **12 Brazilian Chamber of Deputies members of the Early Childhood Parliamentary Front took part in the first edition of the Executive Leadership Programme (ELP)**, along with participants from the civil service and civil society. Participating deputies formed a working group. One of their assignments entailed drafting a Responsibility Bill on Early Childhood for Brazil, which required reviewing existing legislation, analysing current legislative shortcomings and developing a proposal for Congress to improve the bill. The output of this task formed the foundation of what would become the Legal Framework for Early Childhood.

## Box 2. The Executive Leadership Programme (ELP)

The ELP “*aims to engage policymakers, public managers and representatives of civil society in a dialogue about the science of early childhood development*” and on how they can contribute to childhood development in Brazil and across the world.<sup>46</sup> Initially open only to Brazilian participants, the ELP opened its doors to international participants from its fourth year of delivery.

The programme is organised by the NCPI, a coalition of organisations including Insper,<sup>47</sup> the School of Medicine from the University of Sao Paulo, HCDC and foundations such as FMCSV, BvLF and Porticus. The programme consists of face-to-face and remote sessions, with at least two face-to-face modules. The first module of the course is taught at Harvard University in Cambridge (MA, USA) and the second module at Insper in São Paulo. Between the modules, participants work in small groups to develop their projects that are aimed at promoting child development. NCPI’s website states:

*“The program provides participants with the knowledge and tools needed to design and implement effective public policies and social programmes and has contributed to the creation of at least 28 initiatives, including the Early Childhood Legal Framework.”*<sup>48</sup>

Between 2012 and 2019, nine editions of the programme were held and 509 people took part in the programme.

In 2013, a second cohort of ELP participants continued developing the first draft of the Early Childhood Action Plan that the previous cohort had prepared. Key actors in this process included Mary Young, who facilitated the creation of the programme, as well as Vital Didonet, who was hired as a tutor to the ELP’s Working Group in charge of the Legislative Framework.<sup>49</sup> Didonet had extensive experience as a parliamentary legal advisor and had the ability to consult parliamentarians and stakeholders outside of the ELP.

Osmar Terra<sup>50</sup> played a key role supporting the recruitment of participants from parliament, providing expert review of outputs prepared by participants during the course and requesting the preparation of the proposal to present in parliament (see Section 2.5).<sup>51</sup> Many noted that he was effectively the leader of the process and from the beginning he set up a strong team to work with.<sup>52</sup>

Eduardo Queiroz, the former director president of FMCSV and one of the main promoters of the ELP, describes the process: “*These leaders [attending the ELP] started working on the Legal Framework. The course was repeated over the years and the work on the Legal Framework was developed gradually. The technical facilitator of the working group on the Legal Framework was Vital Didonet. He knew the ways to construct the project with deputies. In addition, Osmar Terra never stopped supporting the project.*”<sup>53</sup>

Throughout the process of developing of the proposal in 2013, various relevant Brazilian actors were consulted. Vital Didonet actively started a debate on the subject to gather broad political support for the proposal.<sup>54</sup>

## 2.5. Key involvement from a well-recognised parliamentarian

Beyond the ELP, interviewed stakeholders noted that the creation of the Legal Framework owes much to the political determination and expertise on early childhood of Osmar Terra,<sup>55</sup> the federal deputy who requested the drafting of and presented the legislative proposal in the Chamber of Deputies.<sup>56</sup> Terra was the leading author of the legislative proposal for the Legal Framework but he “*actively sought to include others in the process*”, something reflected in the legislation having over ten key contributors and authors.<sup>57</sup>

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Also, Terra launched the **Early Childhood Parliamentary Front (the Parliamentary Front)** on 22 March 2011. In Brazil, politicians can create Parliamentary Fronts. These are supra-party institutions created within Chamber of Deputies. These groups aim to influence and raise awareness on policies regarding specific subjects and capture a particular set of interests.<sup>58</sup> A total of 231 out of 513 deputies and 3 out of 81 senators joined the Parliamentary Front.<sup>59</sup> When interviewed, Terra noted his genuine support for transforming ECD policy in Brazil, he wanted to create “*a policy that transcends governments*” and independent of political orientations.<sup>60</sup>

The Parliamentary Front seeks to promote a broad debate on early childhood to deepen the political and social understanding of the subject and incentivise the creation of laws protecting early childhood.<sup>61</sup> To achieve this, the Parliamentary Front organises interactive public hearings as well as international and state seminars. It actively promoted the adoption of the Legal Framework,<sup>62</sup> which is perceived by consulted stakeholders to have played a crucial role for its adoption.<sup>63</sup> Following the Legal Framework’s adoption, the Parliamentary Front continues to promote debates, engage leaders and put forward proposals for norms to ensure the effectiveness and comprehensiveness of child protection, especially in early childhood.<sup>64</sup>

### **3. The legislative journey that resulted in the adoption of the Legal Framework**

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In December 2013, the proposal for the Legal Framework<sup>65</sup> was submitted to the Chamber of Deputies by Osmar Terra together with twelve other deputies that attended the ELP. From this point onwards, it was important to ensure that the proposal would successfully make it through the Chamber of Deputies and the Senate for it to turn into a new law.

#### **3.1. The Chamber of Deputies’ special committee, seminar and debates**

In 2014, after some initial hesitation within the Chamber of Deputies, where the proposal was initially assigned to several committees (see Section 4.3), **an Early Childhood Special Committee<sup>66</sup> within the Chamber was created to assess the Legal Framework and produce a legislative report.** The creation of the committee in the Chamber of Deputies meant that the resulting text would not need to go to plenary and could be forwarded to the Senate to be analysed. This was an important step as it helped streamline the approval process (see Section 4.3 for further details).<sup>67</sup> Once established, the committee’s membership needed to be defined. The Parliamentary Front helped organise this. Ultimately, the committee had 46 members, of which 23 had gone through the ELP.<sup>68</sup>

Throughout 2014 (and since April 2013), **a series of seminars** (international seminars<sup>69</sup> and public hearings) **were organised to discuss the content of the legislative proposal in the Chamber of Deputies.** These debates were organised within the Chamber by the Early Childhood Special Committee and the Parliamentary Front, but they also took place at the state and local level organised by RNPI.<sup>70</sup> The objective of these seminars was to build broad support for the Legal Framework and to enrich the legislative text with stakeholders’ contributions.

The revision of the proposal by the Chamber of Deputies followed the usual legislative process. On 10 December 2014, the Legal Framework was approved by the Early Childhood Special Committee following a six-hour meeting that involved debates and negotiation.<sup>71</sup> Following this, the text could be sent to the Senate for further revision. To the surprise of some,<sup>72</sup> on 22 December one federal deputy tabled an appeal supported by 66 parliamentarians requesting that the Legal Framework needed to be voted in plenary before being forwarded to the Senate, even after it had been approved by the committee. While finally rejected, this appeal extended the processing of the proposal in the Chamber by three months. Nonetheless, the revision within the Chamber was finalised in nine months.<sup>73</sup>

Overall, the Legal Framework proposal was reviewed quickly compared to other legislation, even though this took place towards the end of the legislative period marking the start of re-election campaigns and at the time when Brazil was hosting the World Cup (meaning that attention could have been side-tracked). According to one interviewee, Deputy Maria Aparecida Borghetti played an important role and sought to avoid delays in the process by, for example, personally talking to deputies to avoid meetings being postponed.<sup>74</sup>

### **3.2. Into the Senate – approval in March 2016 following delay**

In early 2015, the Legal Framework was sent to the Senate. Due to increasing opposition to Dilma's government, every legislative proposal that counted on governmental support, including the Legal Framework, was delayed.<sup>75</sup> Despite some setbacks, **the Legal Framework was finally adopted unanimously at the Senate's first plenary session in 2016.** According to an interviewed civil servant, members of the Parliamentary Front were active in trying to secure the approval of the Legal Framework at this stage.<sup>76</sup> Senator José Medeiros was the chair of the Parliamentary Front and had also participated in the ELP. Together with the support of former Federal Deputy Tereza Surita, areas of agreement were found with Senator Romero Jucá who led the approval session in the Senate.<sup>77</sup>

As a result of the adoption in the Senate's plenary session, the proposal could be sent directly for presidential approval and did not need to be referred back to Chamber of Deputies as no amendments were introduced during the Senate's revision. The president officially sanctioned the Legal Framework on 8 March 2016.<sup>78</sup>

## **4. Factors that enabled the adoption of the Legal Framework**

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**A number of factors and actors played an important role in the adoption of the law.** Section 2 outlined the elements that paved the way for drafting the Legal Framework, while Section 3 set out steps that the legal proposal went through before being approved and turned into law. The former Executive Secretariat's coordinator of RNPI (2013–2014) and current director of IFAN<sup>1</sup> pointed out that the adoption of the Legal Framework was enabled by *"...a conjunction of factors. The Legal Framework did not come from the Network alone, neither from the Executive Leadership Programme,*

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<sup>1</sup> Instituto da Infância.

Advocacy efforts in Brazil to extend the recognition of children's rights in early childhood *nor from Osmar Terra. It was a group of factors, a synergy between factors.*"<sup>79</sup> These factors and the relationship between them are discussed in the subsequent sections of this chapter.

#### 4.1. There was a receptive political climate

Interviewees agreed that **the inception and adoption of the Legal Framework were enabled by a favourable political climate** and the fact that ECD is a *"very palatable topic for politicians"*.<sup>80</sup> Prior to the drafting of the Legal Framework in 2013, social policies in general, and early childhood policies in particular, already had strong backing from the executive (who had adopted the National Plan for Early Childhood in 2010) and the Chamber of Deputies (where the Parliamentary Front had been created in 2011). In the words of three different interviewed members of RNPI:

*"It was a golden era for early childhood. Government was very responsive."*<sup>81</sup>

*"The political climate within the government was very positive since Lula. Early childhood was seen as something important. Representatives from the Ministries of Education, Health, Social Development (now called Citizenship) and Women became members of the RNPI, also the Secretariat of Strategic Affairs."*<sup>82</sup>

*"...there was a big association between civil society, the executive government (at federal and state level), and the legislative (at federal level)."*<sup>83</sup>

The favourable political climate and the political support continued between December 2013 and 2016 while the proposal was under discussion. Interviewed stakeholders identified a combination of factors that led to a critical mass of parliamentary support for the proposal. These elements, discussed in the next sections, facilitated the processing of the Legal Framework in the Chamber of Deputies. Apart from this, the political climate in these years (2013–2016) started to change and, as defined by an interviewed researcher, it was a *"period of political effervescence due to the proximity of the [2014] general elections and the impeachment"*.<sup>84</sup>

#### 4.2. The ELP helped raise awareness on evidence around ECD among politicians

**The ELP strengthened the idea of the Legal Framework and fostered the use of scientific evidence to increase political buy-in.**<sup>85</sup> Not only was the ELP an important forum to support the drafting of the Legal Framework (as noted in Section 2.4), but interviewees also highlight the role of the ELP in providing the necessary scientific evidence that would ultimately show key decision makers the necessity to legally protect children and their development in their early years of life.<sup>86</sup> According to a lawyer and researcher, the increased knowledge about the importance of ECD led to a *"supra-partisan amalgam"*<sup>87</sup> – a critical mass supportive of the Legal Framework project. This broad consensus around existing scientific evidence also allowed for a swift adoption of the proposal.<sup>88</sup> A member of RNPI and a civil servant both noted that the ELP enabled politics to be put to the side *"for a bit"*<sup>89</sup> while giving precedence to scientific evidence.<sup>90</sup> Maria Aparecida Borghetti, a former federal deputy and former chair of the Early Childhood Special Committee,<sup>91</sup> also pointed out that the ELP *"helped us open our minds and be receptive about the issue"*.<sup>92</sup>

### **4.3. The creation of an Early Childhood Special Committee accelerated the approval of the Legal Framework in the Chamber of Deputies**

Interviewed stakeholders identified **the creation of the Early Childhood Special Committee as a key factor that enabled a smoother and faster processing of the legislative proposal in the Chamber of Deputies.**<sup>93</sup>

Initially, the Legal Framework proposal had been assigned to several committees for review within the Chamber, because it touched upon different topics (such as education, health, social affairs, etc.). This posed a challenge: through this route the proposal would have had to be reviewed by the Education, Health and Social Affairs Parliamentary Committees separately, which would have significantly extended the review period. This increased the risk of not finalising the review process before the end of the 2010–2014 parliamentary term. In addition, considering all the investments made during that term in training decision makers on the importance of ECD, another (perhaps greater) risk was that the proposal could be archived in the next parliamentary legislature, risking that it might not be brought up for parliamentary debate again.<sup>94</sup>

According to the internal rules of the Chamber, if a legislative proposal is assigned to four or more committees, a special committee would need to be set up to deal exclusively with the proposal. Aware of this, those supporting the proposal made a case for the proposal to be assigned to a fourth committee (the Human Rights and Minorities Committee) on the grounds that the Legal Framework was relevant to five or six different topics related to early childhood. Following this, deputies requested that a special committee should be created and were successful.<sup>95</sup>

In addition, the parliamentarians who had participated in the ELP supported the idea of creating the committee.<sup>96</sup> In fact, the programme for the second ELP cohort included nine tasks for parliamentarians, one of which involved creating a special committee. In the words of the RNPI member who led some of the ELP sessions:

*“[... among the nine tasks in the second ELP, one task was] the creation of a special committee. The 2010–2014 term was coming to an end and I talked with parliamentarians and strategically decided when to create the committee. It was strategic to get a special committee set up for the project to be approved within the same year. Strategic thinking was very important”.*<sup>97</sup>

A further enabler in this process was that half of the deputies that became members of the Early Childhood Special Committee had attended the ELP (23 out of 46 deputies), including the nominated Chair Maria Aparecida Borghetti.<sup>98</sup>

The committee chair explained that following the establishment of the Early Childhood Special Committee in the Chamber of Deputies, the review process would have still been too long to pass the proposal to the Senate before the end of the legislative term. However, in coordination with the committee members she took action to accelerate the process:

*“They [the presidency of the Chamber of Deputies, who created the Special Committee] initially gave 11–12 months for the Committee to carry out its work but this couldn’t go further due to the legislative year [coming to an end...]. The Committee had to respect the stages, but it accelerated the process, it managed to get [the Legal Framework] approved in nine months*

Advocacy efforts in Brazil to extend the recognition of children's rights in early childhood [...]. *I would talk with the leaders, senators, and the president of the Chamber of Deputies, and persuade them of the importance of early childhood.*"<sup>99</sup>

After the proposal was submitted to the Chamber and assigned to the Early Childhood Special Committee, additional support for the proposal was achieved through the numerous events organised in the Chamber of Deputies on the topic (for examples, see Section 4.8). As the chair of the Early Childhood Special Committee puts it: *"Support within the Chamber of Deputies grew as the issue was being put in the agenda after the presentation of the legislative proposal. The whole movement grew alongside the debates in parliament."*<sup>100</sup>

As noted above, these events were important to extend the debate on the subject beyond the Chamber of Deputies.

#### **4.4. The existence of the Parliamentary Front further enhanced willingness to pass the Legal Framework**

In parallel to the work of the Early Childhood Special Committee, **the Parliamentary Front was key to consolidate a critical mass of parliamentarians in favour of the Legal Framework** (see also Section 2.5).<sup>101</sup> The members of the Parliamentary Front were supportive of the legislative proposal.<sup>102</sup> Leandre dal Ponte, president of the Parliamentary Front in 2018, commented that:

*"within parliament, there are normally very few dedicated spaces for militants [politicians] to do work on a very concrete topic. Usually, proposals are directed to different committees working on many other topics. But with the Parliamentary Front, parliamentarians had a concrete space to debate."*<sup>103</sup>

The Parliamentary Front also had close links with the ELP at Harvard, with 37 out of its 224 members having participated in the programme. For one of the interviewed researchers (and member of RNPI), the Parliamentary Front was important in enabling the approval of the law as it served as a safe forum for exchanging ideas. In his words: *"...the Front was very important since it also benefited from a pre-polarisation moment [before 2015]. People [from different political parties] would talk normally, which wouldn't have been possible from 2015 onwards."*<sup>104</sup>

In March–April 2015, Osmar Terra proposed the creation of the Mixed Parliamentary Front for Early Childhood (the Mixed Parliamentary Front), which was an evolution from the initial Parliamentary Front. The Mixed Parliamentary Front united both legislative chambers to include federal deputies and senators.<sup>105</sup> Its goal was (and continues to be) to support and stimulate public policies and actions related to early childhood in Brazil, with a special focus on the adoption of the Legal Framework in Senate since the beginning.

#### **4.5. Involving well connected leaders helped to navigate the political sphere smoothly**

As noted in Section 2.4 and 2.5, there were key individuals that helped pave the way for the creation of a Legal Framework draft. Following this initial stage, they continued to be involved throughout the process. Interviewed stakeholders noted that **the continued involvement of Osmar Terra<sup>106</sup> and Vital**

**Didonet<sup>107</sup> throughout the legislative approval process was an important enabler.** Not only were their charismatic personalities an asset, but their well-established networks and knowledge of the legal process were crucial to effectively advise on what steps to take, as well as for gathering additional support. In addition, they complemented each other by having different leadership styles and slightly different, though not opposing, political stances.<sup>108</sup> This further contributed to attracting support from a wider audience.

Carmen Zanotto, another federal deputy member of the Parliamentary Front that co-authored the Legal Framework proposal, argued that Osmar Terra was a key political proponent of the legislation – “*the captain of parliamentarians*” when it came to ECD and the adoption of the law.<sup>109</sup>

In addition, interviewees identified that the involvement of Vital Didonet was an enabling factor. He was an expert on the topic and provided valuable advice, had connections both in the Chamber of Deputies and the Senate, played an important role in the ELP and was connected both to RNPI and FMCSV (through the ELP).<sup>110</sup> These aspects enabled him to have greater influence throughout the process, permeating and influencing the different spheres that would be relevant to the decision to pass the new law. A former coordinator of RNPI’s Executive Secretariat (2013–2014) highlighted the multiple contributions made by Vital Didonet. In her words:

*"Vital and [RNPI] worked [closely together]. [RNPI] was feeding Vital with information to do his work. The right person for this job needs to show leadership at both civil society and legislative levels, and Vital had this. (...) He represented people [civil society organisations] without being formally 'civil society'. (...) This was an important strategic decision."*<sup>111</sup>

#### **4.6. Financial support enabled these activities surrounding the adoption of the Legal Framework**

**Work on the Legal Framework was made possible thanks to the availability of financial support.** On one hand, there was interest in government to improve ECD and hence there were resources allocated to have technical assistance from experts. Financial support for ECD experts was important to make the Legal Framework move forward. On the other hand, the participation from civil society and funding from foundations also played a role. The National Plan for Early Childhood, a strong motivation for the Legal Framework, was created on a voluntary basis, had many actors involved and the financial support that Promundo received to coordinate the process was key.<sup>112</sup> Further, the FMCSV funded Vital Didonet as a consultant to work on ensuring the joint involvement and collaboration of different sectors (e.g. governmental and civil society) in the shaping of the Legal Framework.<sup>113</sup> Promoting collaboration between sectors was an idea strongly supported by the legislative leaders that backed the introduction of the Legal Framework.<sup>114</sup>

Hence, while the involvement of key individuals was important throughout the process, so was the availability of financial support to enable them to dedicate time and invest efforts in the cause. Similarly, the availability of funds for running the ELP was important to strengthen the collection of evidence, knowledge and a strong network of leaders on ECD.

#### **4.7. The media presence of RNPI and its member organisations played a role in creating awareness**

**The important role of RNPI, civil society organisations and public leaders more broadly in the adoption of the law was highlighted** by representatives from these organisations<sup>115</sup> and by politicians who acknowledged RNPI's role in creating support and raising awareness about the Legal Framework at the national and local level. There is a shared understanding among parliamentarians that FMCSV played a key role in the legislative process – FMCSV is seen as a prominent organisation within RNPI.<sup>116</sup> The former coordinator of RNPI's Executive Secretariat (2013–2014) highlighted the role of RNPI and argued that:

*"...if the project had been created in the legislative without the antecedent of civil society's involvement (the existence of RNPI, the National Plan for Early Childhood, mobilisation of civil society, etc.), the Legal Framework would not have been approved, or it would have been approved with less support".<sup>117</sup>*

There is also broad consensus among parliamentarians that civil society organisations are playing a crucial role in the implementation of the Legal Framework.<sup>118</sup>

While some interviewees considered that the media did not play a significant role in fostering the adoption of the Legal Framework,<sup>119</sup> they did note that members of RNPI helped to put the issue in the media. Before the introduction of the Legal Framework, there was only "brown press" on ECD – "sensationalist tabloids were the only ones covering early childhood".<sup>120</sup> The federal deputy that launched the Parliamentary Front acknowledged that the "press doesn't prioritise the topic although it was sympathetic to it [ECD, the Legal Framework] when events [were] done".<sup>121</sup> Another deputy, a member of the Parliamentary Front, argued that "the parliament played a more important role to disseminate information on the topic of ECD than the media".<sup>122</sup> However, a former coordinator of RNPI's Executive Secretariat (2011–2012) commented that when or if the media picked up the topic, that was thanks to the advocacy of RNPI.<sup>123</sup>

**RNPI's member organisations such as ANDI,<sup>2</sup> Alana, CECIP<sup>3</sup>, IFAN and FMCSV, among others, engaged in activities to increase the profile of the issue in the media.** According to Ivania Ghesti, a civil servant specialising in psychosocial intervention models in child and youth justice, RNPI's member organisations undertook specific activities to increase media coverage of the issue: "ANDI (...) and CECIP, put the topic in the media. Also, FMCSV had initiatives to train journalists who would then pick up the topic."<sup>124</sup>

The creation of the movie *The Beginning of Life*, led by Alana and FMCSV in collaboration with other organisations, was a key project that caught media attention according to two interviewed stakeholders (see Box 3).<sup>125</sup> The former executive director from FMCSV played an important role in leading the communication strategy for the movie, targeting the press and ensuring the message reached politicians.<sup>126</sup> In addition to this, FMCSV invited journalists to join the ELP and established collaborations with the International Centre for Journalists and the Children Investment Fund to start

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<sup>2</sup> Agência de Notícias dos Direitos da Infância.

<sup>3</sup> Centro de Criação de Imagem Popular.

a one-year fellowship programme for journalists. These activities helped put the issue in the public agenda as participating journalists were asked to write about early childhood.<sup>127</sup>

### Box 3. Documentary *The Beginning of Life*

*The Beginning of Life (O Começo da Vida)* documentary explores how a better world can be created by investing in ECD.<sup>128</sup> The documentary was released in 2016. It was directed by Estela Renner, co-funded by the Alana institute, FMCSV and BvLF,<sup>129</sup> and supported by UNICEF, who was invited as a strategic partner.<sup>130</sup>

In the documentary, early childhood experts are interviewed about the impact of a child's environment on children's first few years of development. Additionally, the documentary shows parents and children from Brazil, Canada, the United States, Italy, China, France, Argentina, India and Kenya who talk about their relationship with their baby.<sup>131</sup>

The documentary had a wide outreach. **Eight million people have watched it** and it became the most-viewed documentary in Brazil in 2016.<sup>132</sup> In 2017, UNICEF adopted the documentary for its global ECD campaign. Clips of the movie have been used in trainings on ECD around the world. Currently, the documentary can be watched on Netflix in over 190 countries.



## 4.8. RNPI adapted to the context and worked collaboratively with other stakeholders

**RNPI's activities were complementary to those being carried out by other stakeholders.** A former coordinator of the Network's Executive Secretariat (2013–2014) stressed that *"the role of RNPI was complementary to the efforts undertaken by politicians and Vital Didonet, [and that] it added strength to the final text"*.<sup>133</sup> A former member of RNPI noted that throughout the legislative process *"there was a big conjunction of interests from the RNPI and the Parliamentary Front"*<sup>134</sup> as well as the government.

Of special relevance were the **seminars organised by RNPI in 2014**. These took place in parallel to those organised by the Chamber of Deputies' Parliamentary Front (see Box 4 for examples of the seminars).<sup>135</sup> The network organised these events in several states (Bahia, Ceará, Pernambuco and others) to inform the decision making process at the national level, while also bringing the Legal Framework proposal closer to the local level,<sup>136</sup> with the ultimate goal of increasing the support for the new legislation across the country. These seminars were part of what an interviewee described as a *"truly participatory process"*<sup>137</sup> where RNPI would draw on the members of its local and state networks and invite a broad number of actors, including public authorities, to give their opinion on the text of the proposal. More specifically, these seminars served as a forum to exchange ideas around how the proposal could be improved and eventually produced a record of the support for the legislative change:

*"...the seminars started creating mobilisation and ideas. [The actors involved] would discuss the legislative proposal that was already on the table. RNPI would take notes of these debates and the new ideas that came up. Then the rapporteur would bring all these notes together. Little by little they created a unified file that counted with the unanimous support of all those*

Advocacy efforts in Brazil to extend the recognition of children's rights in early childhood who had participated in the seminars. This local articulation was key for the adoption of the law."<sup>138</sup>

#### **Box 4. Examples of seminars organised by the Parliamentary Front and the Senate and supported by RNPI**

The Parliamentary Front and the Senate's Valorisation Committee for Early Childhood and Culture of Peace, supported by RNPI, organised events throughout Brazil to increase political support for the Legal Framework. These events included international and regional seminars, for example:

##### ***First international seminar of the Early Childhood Parliamentary Front, April 2013***<sup>139</sup>

The aim of the seminar was to discuss the need for new legislation that would guarantee comprehensive care for children up to the age of six in Brazil and South America. The participants of the event included representatives from the Senate, parliamentarians from nine political parties of the Chamber of Deputies, government ministers, government officials and representatives from civil society and businesses, including from Argentina, Canada, the United States, the Netherlands, Mexico and Peru. At the end of the event, the Parliamentary Front agreed that they would review existing best practices.



##### ***VII Week of Valorisation of Early Childhood and Culture of Peace, November 2014***

This was a week-long seminar organised by the Brazilian Senate. Discussions focused on neuroscience in relation to education including how educational activities are evolving, what kind of challenges practitioners encounter, for example autism, and the latest discoveries in the field

##### ***Fourth International Seminar on the Legal Framework for Early Childhood, July 2016***<sup>140</sup>

This seminar was organised by the Parliamentary Front. Participants in the seminar included the president of the Senate's Valorisation Committee for Early Childhood and Culture of Peace, the president of the Mixed Parliamentary Front for Education, the Brazilian minister of state for Social and Agrarian Development and the World Bank representative in Brazil.



The above are examples of seminars that took place at a period when interviewees considered that these events had the most influence in building political support for the Legal Framework. Between 2015 and 2019, various other seminars continued to be organised by the Early Childhood Parliamentary Front and the Commission for the Enhancement of Early Childhood supported RNPI members. In 2019, public hearings were held by the Joint Commission on Plans, Public Budgets and Inspection about financing and return on investments in activities related to ECD.

**RNPI decided to partner with the Mixed Parliamentary Front to jointly pursue shared objectives in 2015. Their objectives included supporting the adoption of the Legal Framework and working towards its effective implementation.<sup>141</sup> RNPI encouraged stakeholders at the state level to provide their views on the Legal Framework and in collaboration debated several topics that finally permeated to the final text of the law.<sup>142</sup> For example, two of the topics that were included in the Legal Framework that RNPI discussed with its members and politicians were:**

- The obligation to conduct a risk assessment for particularly vulnerable children under 18 months (for example, children that had experienced a difficult birth or who had birth defects).<sup>143</sup>
- The importance of the family context and the right of the child to have a family.

The FMCSV director of institutional relations explained that the initial text of the Legal Framework was *“conceived in simple terms [and] then it was complemented and enhanced through the contributions of civil society organisations and other institutions. It was enriched.”*<sup>144</sup>

Finally, RNPI closely collaborated with local members. **RNPI was capable of mobilising its members when needed and of capitalising on the different expertise each brought.**<sup>145</sup> When the legislative proposal was appealed at the Chamber of Deputies (see Section 3.1) on 22 December 2014 by 66 deputies, RNPI mobilised its member organisations that had a local presence to reach out to politicians to seek their support for the proposal. They called parliamentarians during the 2014–2015 Christmas holiday to convince them of the need to withdraw their vote to hold the proposal. It took RNPI one month of intensively reaching out to parliamentarians. Ultimately through this work, 39 deputies withdrew their signatures (the minimum number of signatures for the appeal to go through was 33).<sup>146</sup> When the legislative year resumed after the holidays, the president of the Chamber of Deputies refused to accept the withdrawal of the appeal arguing that support had been built during the holidays. To counter this, the federal deputy that presented the legislative proposal requested that the appeal should be voted in the first session of the Chamber of Deputies. RNPI and the Parliamentary Front started talking to and mobilising the members of the Chamber and the appeal was finally rejected unanimously. These events exemplify RNPI’s ability to mobilise its constituents (see also Section 4.7) to secure support for the legislative approval.

## **5. Challenges that were overcome to achieve the adoption of the Legal Framework**

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Interviewed stakeholders identified a number of barriers that almost jeopardised the adoption of the Legal Framework. These are discussed in the following sections.

### **5.1. Time pressure and lack of awareness about early childhood issues were challenges to the adoption of the Legal Framework**

Interviewed federal deputies identified two main obstacles for securing the approval of the Legal Framework: time pressure due to the end of the Chamber of Deputies’ legislative term and the fact that many deputies were not sensitised on the issue of early childhood, meaning that awareness-raising efforts were needed (through the ELP, the Parliamentary Front, and a number of regional and international seminars, etc.).<sup>147</sup> These challenges seem to have permeated the whole legislative process, especially in the Chamber of Deputies but less so in the Senate.<sup>148</sup>

The lack of awareness of the importance of early childhood likely triggered the last-minute appeal in the Chamber of Deputies that almost prevented the legislative proposal being forwarded to the Senate. In addition, there were voices within the Chamber of Deputies, the Senate and even within RNPI that questioned the need of a new legislation when the ECA already existed. For example, within CONANDA there was a consensus on the objectives of the law, but some of its members questioned why a separate law for children up to the age of six would be needed alongside the ECA.<sup>149</sup> Some CONANDA members, including some politicians, were concerned that a new legislation focusing only

Advocacy efforts in Brazil to extend the recognition of children’s rights in early childhood on early years would destabilise and detract power from the ECA.<sup>150</sup> As a result, internal negotiations within RNPI took place to reach an agreement among all members. RNPI arrived at the strategic decision that the Legal Framework would focus on ECD because this was a less controversial topic than legislation on adolescents.<sup>151</sup> However, the idea was that the Legal Framework would support rights of children and adolescents, including teenage mothers, through championing early years rights.

## 5.2. Some parts of the Legal Framework caused concern to business

RNPI identified various topics that its member organisations considered important to include in the Legal Framework proposal. Elements such as prenatal support and follow-up for children and their mothers, extended maternity and paternity leave, the availability of human milk banks and advertisements targeting children were identified as aspects needing improvement within Brazilian legislation.<sup>152</sup>

However, some **parliamentarians from the Chamber of Deputies representing special interest groups<sup>153</sup> known as “bancadas” opposed topics such as parental leave or controlling advertisements targeted towards children.** Parliamentarians aligned with groups such as the National Industry Confederation opposed the proposal to increase the parental leave allowance. Likewise, parliamentarians from the Evangelist bancada opposed extending paternity leave arguing that this would be passing the responsibility of child rearing to the government.<sup>154</sup>

In response to this resistance, an extension from 5 to 30 days of paternal leave provision presented in the proposal had to be watered down; following negotiations, a middle ground was found and eventually the Legal Framework increased paternity leave by 15 days for those working in companies that join the Citizen Company programme.<sup>155</sup> This resulted in a total of 20 days paternity leave allowance, including the 5 days already available.

In addition, some food companies opposed a ban on advertisements targeting children, which the proposal aimed to introduce and which was strongly advocated for by Alana, one of the members of RNPI.<sup>156</sup> According to one of the interviewed researchers who was present in the voting session of the Chamber’s Early Childhood Special Committee, a parliamentarian of the bancada defending the industry’s interests openly said that if some parliamentarians *“kept trying to leave the ban in the text, we [other parliamentarians] won’t approve the law at all”*.<sup>157</sup> Some lobbyists representing food companies were present during the voting session to argue against this ban. Following final negotiations, this issue was dropped from the text of the Legal Framework.

Despite this resistance, the Legal Framework was successful in including many of the key measures in the original proposal:

- A recommendation that localities develop early childhood municipal plans.
- Access for women to health and family planning guidance and access to health services for prenatal, perinatal and postnatal check-ups.
- An increase in paternity leave from 5 to 20 days.
- The addition of 60 more days maternity leave, leading to a possible duration of 180 days maternity leave if companies adhere to the Citizen Company programme.<sup>158</sup>

### **5.3. Once the Legal Framework was sent to the Senate, it was first assigned to another special committee that opposed its approval**

Similar to the process in the Chamber of Deputies, legislative proposals are also allocated to a committee in the Senate for their review. At the time when the Legal Framework was passed to the Senate for inspection, a special committee had been created as a response to the political climate in the country to act as a “watchdog” of government, as confidence in government was plummeting. In this context, the Legal Framework proposal was assigned to the Senate’s special committee in 2015.

The Senate’s special committee was critical of any proposal that had governmental support and consequently opposed the Legal Framework. The Brazilian political climate was undergoing considerable turmoil. In the views of a member of RNPI:

*“[It is important to understand that] within the Senate in 2015, they started to be resistant to Dilma’s government. Everything that had the support of the government was difficult to pass in the Senate. In the Senate, there was a new special committee created to assess everything that had to do with [the national interest]. The project of the Legal Framework was sent to this commission, but this special committee didn’t care about early childhood.”<sup>159</sup>*

To address this barrier, RNPI and the members of the Parliamentary Front met with the Senate’s president to ask for the Legal Framework to be sent to other committees within the Senate. This request was accepted by the then President of the Senate Renan Calheiros, but it took several months to materialise. Consequently, Senator José Medeiros, who had been to the ELP and who was a member of the Mixed Parliamentary Front managed, with the support of 51 senators, to put forward an appeal asking for the Legal Framework to be voted in plenary.<sup>160</sup> He based his arguments on scientific evidence to gain traction and as a strategy to overcome the political polarisation experienced at the time.<sup>161</sup> A former director of FMCSV also considered the role of Senator Romero Jucá, who led the approval session in the Senate, important in enabling the approval of the proposal.<sup>162</sup> The Legal Framework was finally voted as the first agenda item of the first 2016 plenary session, receiving the unanimous vote of the Senate. Figure 2 shows the group of senators following the approval of the legislative proposal at the Senate, with Senator Romero Jucá in the middle.

**Figure 2. Approval of the Legal Framework in the Senate on 3 February 2016**



Source: Moreira Mariz/Agência Senado.

## **6. The implementation journey of the Legal Framework continues**

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Following the approval by the Chamber of Deputies and the Senate, the Legal Framework was sanctioned on 8 March 2016. The new law provides a regulatory framework with principles and guidelines to formulate and implement policies that safeguard the development of young children. The Legal Framework highlights the importance of cross-sector collaboration to achieve this.

The enactment of the Legal Framework marked the start of a new phase in the work of the stakeholders supporting this legislative change: its implementation. This chapter starts with explaining the changing political context (Section 6.1) and how it affected implementation efforts and activities (Sections 6.2 and 6.3). Lessons learned from the process are described in the last section (Section 6.4).

### **6.1. The post-2016 political and economic context presents barriers to the implementation of the Legal Framework**

A few months after the adoption of the Legal Framework, **Brazil entered a delicate and polarised political situation**. On 31 August 2016, President Dilma Rousseff's term came to an end following an impeachment process and Vice-President Michel Temer, from the Brazilian Democratic Movement Party (MDB), assumed the presidency and completed the executive term until 2018.

Temer's term reflected mixed fortunes for ECD policies. On one hand, the budget for the Brasil Carinhoso programme was cut.<sup>163</sup> This was an early childhood programme funded through Bolsa Família, a social welfare programme based on direct cash transfers<sup>164</sup> that had been launched during Dilma's presidency. On the other hand, the Minister of Social and Agrarian Development managed to use the platform of Bolsa Família to launch a new programme on ECD called Criança Feliz (see Box 5).

### Box 5. Criança Feliz

Criança Feliz (Happy Child) is an ECD programme that aims to strengthen family parenting skills. The programme was introduced on 5 October 2016 by the Brazilian Ministry of Social Development with support of national and international partners including BvLF and UNICEF.<sup>165</sup>

The programme involves home visits from trained social workers to families with social vulnerabilities. Pregnant women are visited monthly, families with children up to the age of six weekly, and families with children aged three to six with disabilities twice a month. The home visitors make use of the UNICEF/WHO Care for Child Development programme. They help parents to interact and play with their children to build learning and loving relationships. Additionally, the programme has intersectoral initiatives to strengthen regional policies, including education, health, social assistance, human rights and culture.

Although the programme is coordinated by the National Secretariat of Early Childhood Care (SNAPI), it is implemented by states and municipalities. The federal, state and municipal government each have an intersectoral steering committee, a technical group and a coordinating body. By January 2018, out of the 5,570 municipalities in Brazil, 2,614 joined Criança Feliz. By November 2020, 2,928 joined Criança Feliz.

In the 2018 election, Jair Bolsonaro won Brazil's presidency and started a new political period.<sup>166</sup> Political attention was focused on tackling corruption<sup>167</sup> and responding to the declining economic situation in the country. Funding cuts were introduced to some of the key ECD programmes.<sup>168</sup> RNPI members considered that this posed a risk that could stall the progress that had been made in previous years in the field of ECD.<sup>169</sup>

Various interviewees remarked on a reduced interest in and support for ECD policies among federal-level decision makers in this less stable economic climate.<sup>170</sup> One federal deputy noted that there currently is *"a lack of political will"*.<sup>171</sup> This resonated with the views of the former coordinator of RNPI's Executive Secretariat (2011–2012) who argued that *"day after day it becomes harder to get policies approved at the federal level"*.<sup>172</sup> A researcher and former member of RNPI stated that *"Brazil stalled politically and [it is very difficult to introduce change] also at state level"*.<sup>173</sup> A lawyer and researcher member of Alana who played an important role in working towards the Legal Framework's implementation commented: *"It is very difficult to create cohesive, integrated policies, which is the only way to take care of early childhood."*<sup>174</sup>

The shift in political priorities and the worsening economic situation of the country made securing financial resources for the implementation of public policies more difficult. Scarce resources and the need to implement a dedicated budget for ECD have been identified by members of RNPI and politicians as one of the main hurdles to the effective implementation of the Legal Framework.<sup>175</sup> The reduced availability of funding was further limited by a 20-year public spending ceiling introduced by President Michel Temer in December 2016 a few months after entering into office to address the economic downturn affecting the country.<sup>176</sup>

In addition to changing political priorities and scarce resources, some interviewees felt that another risk to the implementation of ECD policies is that not all politicians and policymakers<sup>177</sup> see ECD as a cross-cutting, cross-sector issue and that, despite recent improvements (see Section 6.2), there continues to be a lack of knowledge within the judiciary about the Legal Framework and its implications for ECD.<sup>178</sup> However, civil society in collaboration with other stakeholders continues to work to tackle this barriers and ensure the successful implementation of the Legal Framework.

## 6.2. The National Pact for Early Childhood was created to involve the judiciary in implementation of the Legal Framework

Members of RNPI, including Alana and FMCSV, identified that **involving and working with the judiciary would be fundamental for the effective implementation of ECD**. Firstly, this is because the judiciary has the power to define when there has been a breach in the law,<sup>179</sup> so, as the former executive director president of FMCSV explained, it continues to be *“very important to work with the judiciary since they will ultimately decide on the rights of children”*.<sup>180</sup> The federal deputy who launched the Parliamentary Front also explained that the judiciary *“puts pressure on public managers to ensure quality”* of the implementation of ECD policies.<sup>181</sup>

Secondly, working with judges was seen as key to join efforts across the executive, judiciary and civil society.<sup>182</sup> The former chair of the Early Childhood Special Committee in the Chamber of Deputies and the current president of the Parliamentary Front both explained how they see the involvement of the judiciary as a logical step after the topic of ECD has permeated the executive and legislative powers, especially because the latter may have little influence when it comes to implementing the Legal Framework.<sup>183</sup>

The idea of engaging with the justice system was also part of the discussions among participants at the ELP, and was an idea supported by member organisations of RNPI and ultimately promoted by the Federal Court of Justice. An action plan was drafted by ELP participants with the goal of creating a guarantee mechanism for the rights of children in early years. The plan included a training programme on the System for Rights Guarantee (Sistema de Garantia de Direitos)<sup>184</sup> to raise awareness among the judiciary. According to an interviewed civil servant: *“a Survey carried out by a judge who participated in this ELP identified that two years after the enactment of the Legal Framework, 85 per cent of Brazilian judges did not implement the Legal Framework and 40 per cent of them did not even know about its existence”*.<sup>185</sup>

On 18 September 2018, a seminar took place at the Ministry of Justice titled *“Justice Begins in Childhood: the Era of Positive Rights”* (Justiça Começa na Infância: a Era dos Direitos Positivos).<sup>186</sup> The event was supported by the Ministry of Justice, UNICEF and other foundations and was attended by a large number of public and private organisations, including representatives from some of the main authorities of the Brazilian justice system. The aim of the seminar was to discuss the role that the justice system could play in the effective implementation of the Legal Framework, and how their contributions could be integrated with those of other public institutions and private organisations.<sup>187</sup> Among other subjects, the idea of training relevant actors in the judiciary was brought up by ELP participants and discussed. Several organisations who were members of RNPI supported the seminar and the Alana Institute led the initiative.

The following year, on 25 June 2019, **the National Pact for Early Childhood was created by a number of public institutions**, including the National Council of Justice (CNJ), the Parliamentary Front and several ministries including the Ministries of Citizenship, Health, Justice and Public Security, and Women, Family and Human Rights. By 2020, over 100 civil society organisations had joined the pact.<sup>188</sup> An interviewed RNPI member noted that Ivania Ghesti, a civil servant, was a key player that led the process and made the pact possible.<sup>189</sup> She also led the international seminars organised in the

Chamber of Deputies (Section 4.8) and was asked to assist the Parliamentary Front from December 2013 to July 2016.

The pact was coordinated by the CNJ through the programme “Justice Begins in Childhood: Strengthening the Justice System’s Action in Promoting Rights for Integral Human Development”.<sup>190</sup> This programme was proposed by Minister Dias Toffoli and his Special Secretary for Programs, Research and Strategic Management, Judge Richard Pae Kim. The latter, who attended the ELP in 2019, noted that it was important to involve the judiciary to help with the implementation of the Legal Framework. He described: *“The judiciary got involved [in the issue of early childhood development] not because the Legal Framework foresees it, but because it was not really being implemented. The judiciary [decided] they would create this pact to ensure the integral application of the Legal Framework. The Justice Ministry gathered many actors to sensitise them and engage them in the pact. The aim is for it to be a national initiative, not only from the judiciary.”*<sup>191</sup>

In addition, the pact sets out concrete steps that need to be implemented. Four steps were outlined by the national coordinator of the programme:

- 1) Produce a “national diagnosis” of how the Legal Framework is being implemented in 120 judiciary areas.
- 2) Train 23,500 legal operators (including judges) and technical staff working on all areas of early childhood and care on the importance of ECD and the rights encompassed in the Legal Framework.
- 3) Organise regional seminars to increase awareness on the subject and exchange ideas.
- 4) Work on the identification and dissemination of good practices, creating a recognition award with four categories: justice system, civil society, government and private sector.<sup>192</sup>

As of September 2020, the new president of the CNJ, Minister Luiz Fux, continued to carry out the programme together with the CNJ team and signatory partners of the pact. RNPI joined the pact and actively collaborates with the judiciary to support the implementation of the Legal Framework. As explained by one of the interviewed RNPI members:

*“...the pact is open in order to include as many actors as possible. RNPI entered it because the aim is to have a truly national pact, not only of the judiciary. One of the key topics is the implementation of the Legal Framework.”*<sup>193</sup>

### **6.3. RNPI continues to support the improvement of ECD policies across Brazil**

While the political climate has posed barriers, RNPI member organisations, and civil society organisations more widely, continue to engage in advocacy activities to support the improvement of ECD policies across Brazil and implement the Legal Framework.<sup>194</sup>

RNPI continues to work actively to ensure the application of the Legal Framework at the local level by supporting the creation of Municipal Plans for Early Childhood.<sup>195</sup> Some examples of this work include:

- In the 2016 local elections, **RNPI launched the campaign Children are Priority** (Criança É Prioridade) through which they sought to engage candidates and get their promise to protect children in the early years if elected. Thanks to its large number of member organisations,

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RNPI could draw from its multi-membership to engage candidates from different parties in all states across the country where the network is present. RNPI gave candidates guidelines on the different issues that should be introduced in order to have a comprehensive set of policies on early childhood, including paternity leave.<sup>196</sup>

- In March 2017, a new **Guide for the Elaboration of Municipal Plans for Early Childhood** was released by RNPI. Public administrators and decision makers at the local level elaborate these plans together to ensure cross-sector collaboration.<sup>197</sup>
- Since 2017, RNPI provides an **online course on how to the create municipal plans**. The course is given for free and as of mid-2020, 480 public administrators have participated in it.<sup>198</sup>

Interviewees also reported how RNPI is working to maintain links at the governmental level to ensure national-level impact, for example:

- In coordination with the **Mixed Parliamentary Front**, RNPI, led by Vital Didonet and in collaboration with Federal Deputy Leandre Dal Ponte, continues to work within the governmental space, providing information on early childhood topics to parliamentarians.<sup>199</sup>
- **Mobilisation of journalists:** RNPI has created “oficinas para jornalistas” where they invite journalists to join capacity-building sessions focused on ECD issues as well as on improving journalistic skills. They give a “*journalism and communication course*” in Brazilian universities within which the early childhood social agenda is highlighted.<sup>200</sup> For example, during the sessions they analyse how the media is covering the topic. This allows them to see where gaps exist.
- One of the main initiatives currently being carried out by RNPI is the **Observatory on the Legal Framework for Early Childhood**, which started being developed in 2019 and was launched in October 2020 (see Box 6). It is an online tool designed to provide inputs for the process of policy creation and implementation in the field of ECD.

## Box 6. The Observatory on the Legal Framework for Early Childhood

With the financial support of BvLF, the Observatory on the Legal Framework for Early Childhood was established. The observatory is structured around three focus areas:

- 1) Indicators on health, education and social assistance: RNPI gathered experts in health, education and social assistance from ministries, academia and civil society organisations to work on a proposal for indicators to monitor the impact of the Legal Framework. The initial goal is to develop ten indicators per area that will be directly linked to the goals of the Legal Framework. Part of these indicators will be extracted from “federal databases”, while others will be devised by ECD experts. Existing federal bases do not focus on early childhood, which is why the observatory was created. Data for the indicators are collected at municipal, state and federal levels. The observatory works with a technical committee that includes experts from RNPI, UNICEF, FMCSV, IBGE<sup>4</sup>, ministry representatives and civil society organisations. Each of Brazil’s 5,570 municipalities will be able to extract a summary of the early childhood situation in their and other municipalities.
- 2) Planos Municipais e Estaduais da PI: Since municipalities received the guidelines (not mandatory) of the Legal Framework, they have started creating their municipal plans. The broader adoption is slowly taking place: as of mid-2020, less than 5 per cent of the municipalities (out of 5,570 municipalities) created a plan. The observatory aims to help the development of these municipal plans; it is currently analysing the first 100 plans with the goal of capturing what has been included and what other municipalities can learn from these plans. Each municipality has access to the analysis and the online course. The observatory is also developing specific support for the development of state plans (Planos Estaduais).
- 3) Repository of information on early childhood: The repository is used to generate information on early childhood and is available to the general public. The observatory gathers information on Brazilian ECD, some of which has already been published by the NCPI. However, the repository and the NCPI are distinctive. RNPI’s organisations create outputs such as booklets on topics including gender and sexual reproduction, which is not comprised by the NCPI. The creation of these materials gives visibility to the network’s organisations. The FMCSV supports the repository and ensures that the repository has an added value to what the NCPI does.

Source: Member of RNPI<sup>201</sup>; BvLF consultation<sup>202</sup>; Rede Nacional Primeira Infância (RNPI). 2021. ‘Plano Municipal pela Primeira Infância.’ [Primeirainfancia.org.br](http://primeirainfancia.org.br). As of 4 April 2021: <http://primeirainfancia.org.br/pmpi/>

As outlined in this section, there are various initiatives and activities taking place to ensure the effective implementation of the Legal Framework. Nonetheless, work is still needed to overcome existing barriers both at the local and central government levels. Section 6.4 outlines elements interviewees identified as crucial for future work to implement the Legal Framework.

### 6.4. Interviewees identified additional measures that are needed to maximise the impact of the Legal Framework

A combination of national- and local-level measures were identified by interviewees as important means to maximise the impact of the Legal Framework.

In terms of **national-level measures** introduced as a response to the Legal Framework, interviewees identified the following:

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<sup>4</sup> Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística).

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- One of the goals of new national-level measures should be to **incentivise the development of state policies (Politica de Estado) that are implemented regardless of the government's political orientation.**<sup>203</sup> A state policy should foster national coordination and help ensure that there are integrated policies on ECD in place.<sup>204</sup>
- A **dedicated budget** at the national and local level is needed to support the implementation of the Legal Framework.<sup>205</sup> In their opinion, the Legal Framework should be *“understood as an investment, not as useless spending”*,<sup>206</sup> because it is not just an investment in children but ultimately in the whole of society.<sup>207</sup> **Making financial resources available for municipalities to implement changes will be crucial.** This is of relevance given that implementation of the Legal Framework falls under the responsibility of local-level authorities. The fact that the Legal Framework does not foresee a plan for local-level funding is one of its main limitations that hinder the potential for change that the new regulation can bring about.
- It will be important to **focus on cross-sector policies for ECD.**<sup>208</sup> For example, one interviewee suggested bringing together national education and health budgets for ECD policies.<sup>209</sup>
- Due to competing government priorities, there is a need for constant advocacy for the Legal Framework and the issue of ECD.<sup>210</sup> Hence, **raising awareness on the importance of ECD** should not only be done at the government level, but also **among society.**

Apart from national-level measures interviewees noted that, future work on the implementation of the Legal Framework should also focus on the **local level** and consequently implementation.<sup>211</sup> Stakeholders identified a lack of political will at the local level as a key barrier to the implementation of the Legal Framework. To address this, emphasising the importance of the Legal Framework to election candidates at the local (and national level) and motivating them to make compromises to enable implementation of the Legal Framework are possible steps to mitigate this barrier.<sup>212</sup> In short, *“advocacy at the national level has to be accompanied with advocacy at the local level”*.<sup>213</sup>

## 7. Lessons learned and looking ahead

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The approval of the Legal Framework was the result of the work of a diversity of stakeholders representing different sectors as well as different levels of government. It was also the result of a combination of interconnected factors prior and during the approval process that acted as enablers for its introduction. While progress on aspects related to ECD have taken place in Brazil since the 1990s, the Legal Framework was an innovative legislation in the Brazilian context that consolidated this progress: it highlights the fact that ECD is a cross-sector issue that requires coordinated action across different areas such as education, health, culture, human rights, social assistance and employment, and across different levels of government (national, state and local).

In summary, the following elements were identified throughout this case study as facilitators to the introduction of the Legal Framework:

- **A supportive political climate that was further enhanced by the ELP:** Between 2003 and 2015 the political climate within the executive was receptive to social policies, something that was further enhanced by the work of various organisations, individuals and scientific evidence. The

ELP helped magnify the support of deputies and senators for the Legal Framework. In fact, training decision makers was fundamental.<sup>214</sup> This was part of the unique selling point and success of the ELP, alongside the fact that it rooted arguments in scientific evidence.

- **The key role played by knowledgeable and well-connected political leaders:** Through the ELP, various political and governmental thought leaders were trained and actively supported the Legal Framework proposal. Furthermore, apart from gaining the support of politicians, it was also important that there were knowledgeable leaders that guided the process such as: Osmar Terra, a federal deputy and specialist on early childhood that proposed the idea of the ELP, who introduced the Legal Framework proposal to government and established the Mixed Parliamentary Front; and Vital Didonet, an expert in ECD with substantial knowledge about the Brazilian legislative system, who engaged with civil society and political actors. In combination, they helped mobilise a greater number of supporters within the political sphere and civil society and engaged in dialogue with the international community. They also guided decision making to ensure strategic action throughout the process.
- **The key advocacy and awareness raising role played civil society organisations.** RNPI member organisations led various awareness raising activities targeting the political and social spheres. During setbacks in the approval process, RNPI was able to be reactive by mobilising its large number of members (e.g. to reach out to politicians) and change prospects in favour of the legislative approval. Further, RNPI organised national- and local-level seminars to increase awareness on the need for ECD policies across the country. This was done in close collaboration with governmental institutions such as the Parliamentary Front. Individual member organisations also actively worked towards raising awareness on the issue among society through having media presence. Therefore, it will continue to be important to have a strong and cohesive civil society that continuously advocates for the particular issue in order to give strength and continuity to the project.<sup>215</sup> Working in partnership,<sup>216</sup> adopting a holistic vision on the matter,<sup>217</sup> bringing the message to the broader public<sup>218</sup> and having core funding to engage in different activities<sup>219</sup> are key. Apart from this, having strong scientific arguments continues to be important for civil society to convince policymakers and secure their support.<sup>220</sup> In this regard and as noted above, securing the right allies is also important to sustain having influence despite opposing voices.<sup>221</sup>

Following the adoption of the Legal Framework, the work of civil society organisations continues in order to ensure its effective implementation. Changes in the political context have made the work of RNPI ever more important to ensure that the relevance of ECD policies to improve the well-being of Brazilian young children is not lost. Apart from this, it will be paramount to ensure that public funds are allocated to the local level to enable municipalities to implement changes guided by the Legal Framework. Without this key piece of the puzzle (local-level funding), the potential transformative impact that the Legal Framework brings is significantly limited. Without it, there is a risk of failing to sustain changes achieved to date. Therefore, it will be necessary to devise innovative ways in which municipalities can receive continued funding to introduce and maintain changes to ensure the integral protection of children.

The successful introduction of the Legal Framework was a joint concerted effort supported by individuals, institutions and organisations within the political and societal spheres. To ensure

Advocacy efforts in Brazil to extend the recognition of children's rights in early childhood meaningful transformation, there is the continual need for work to ensure that the Legal Framework is translated into actionable national and local policies. Although the existing Legal Framework extends the recognition of children's rights in Brazil, there is still room for improvement and more work is needed not only within the level of implementation of the Legal Framework, but also at the legislative level to seek changes that will further protect children rights.

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- <sup>18</sup> Member of RNPI 7; Researcher; Researcher/Lawyer.
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<sup>25</sup> Member of RNPI 4; Member of RNPI 5, Member of RNPI 2; Member of RNPI 6; Member of RNPI 1.

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<sup>34</sup> Member of RNPI 1.

<sup>35</sup> The new chapters touch upon: 1) The sustainable development goals and how to meet them by 2030; 2) "Justice and children" outlines violations of children rights within the justice system and how to prevent them; 3) "Children and culture" makes suggestions on working with arts and culture professionals to strengthen children development; 4) "Businesses and early childhood" touches upon the important role that enterprises have on enabling responsible and engaged parenthood, and outlines the benefits to employers from enabling employees (mothers and fathers) engage in parenthood; and 5) "The right to beauty" on the right of all children, regardless of socioeconomic status, to experience beautiful surroundings.

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<sup>38</sup> Member of RNPI 1; Member of RNPI 4.

<sup>39</sup> According to an interviewed civil servant, RNPI's work was inspired by previous work by CODIPI and existing programmes such as PIM. The Brazil government also had a tradition of introducing plans (e.g. on Family and Community Living (2006) and education) which served as a reference to RNPI's actions.

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<sup>50</sup> Osmar Terra was also involved in the creation of the Better Early Childhood (Primeira Infância Melhor, PIM) programme, Happy Childhood (Criança Feliz) programme and the Committee for Integral Development of Early Childhood (CODIPI), and was the founder of the Early Childhood Parliamentary Front and the Red Hemisphere of Parliamentarians.

<sup>51</sup> RNPI collaborator.

<sup>52</sup> Civil Servant; BvLF Brazil country officer, post-validation workshop consultation.

<sup>53</sup> RNPI collaborator.

<sup>54</sup> Member of RNPI 1; Civil servant.

<sup>55</sup> Politician 1; Politician 2; Civil servant; RNPI collaborator.

<sup>56</sup> Civil servant.

<sup>57</sup> Authors of Law 6.998/2013: Osmar Terra; Nelson Marchezan Junior; Eleuses Paiva; Raul Henry; Rosane Ferreira; Rubens Bueno; Geraldo Resende; Gabriel Chalita; Jandira Feghali; Mandetta; Darcísio Perondi; Eduardo Barbosa; Carmen Zanotto. Camara dos deputados (n.d) PL PL 6998/2013 Autores. As of 3 April 2021: [https://www.camara.leg.br/proposicoesWeb/prop\\_autores;jsessionid=node01oef3fwlscw5h1319z6g4tu5lz1795948.node0?idProposicao=604836](https://www.camara.leg.br/proposicoesWeb/prop_autores;jsessionid=node01oef3fwlscw5h1319z6g4tu5lz1795948.node0?idProposicao=604836)

<sup>58</sup> Mendes, Alessandra Dias, & Adriano Codato. (2019) 'The effectiveness of the parliamentary front on sport in the Brazilian National Congress between the World Cup and the Olympic Games.' *Revista Brasileira de Ciência Política* 29: 121–54. <https://doi.org/10.1590/0103-335220192904>

<sup>59</sup> Camera.leg.br. As of 3 April: <https://www.camara.leg.br/internet/deputado/frenteDetalle.asp?id=410>

<sup>60</sup> Politician 3.

<sup>61</sup> Câmara dos Deputados. (2021) 'Frentes Parlamentares.' Camera.leg.br. As of 3 April 2021: <https://www.camara.leg.br/noticias/211445-frente-parlamentar-da-primeira-infancia-sera-lancada-hoje/>

<sup>62</sup> Rede Nacional Primeira Infância (RNPI). (2011) 'Entrevista com Deputado Osmar Terra sobre a Primeira Infância.' *Primeirainfancia.org.br*. As of 3 April 2021:

<http://primeirainfancia.org.br/entrevista-com-deputado-osmar-terra-sobre-a-primeira-infancia/>

<sup>63</sup> BvLF Brazil country officer, validation workshop consultation.

<sup>64</sup> BvLF Brazil country officer, validation workshop consultation.

<sup>65</sup> Identified as PL (law project) 6.998/2013.

<sup>66</sup> According to the interviewed civil servant, the agreement to create the special committee was arrived at the "International Seminar on the Legal Framework for Early Childhood" held on 16–18 April 2013.

<sup>67</sup> Politician 1; Politician 2; Member of RNPI 1.

<sup>68</sup> Civil servant.

<sup>69</sup> Construção do Marco Legal para as políticas públicas sobre a primeira infância. (2013) As of 3 April 2021: [http://iin.oea.org/pdf-iin/RH/2Reuniones\\_Red/4II\\_REUNION\\_RESUMO\\_EXECUTIVO\\_RELATORIO\\_FINAL\\_Brasilia\\_2013.pdf](http://iin.oea.org/pdf-iin/RH/2Reuniones_Red/4II_REUNION_RESUMO_EXECUTIVO_RELATORIO_FINAL_Brasilia_2013.pdf)

<sup>70</sup> Rede Nacional Primeira Infância (RNPI). (2014) Marco Legal para a primeira infância é consenso entre debatedores. *Primeirainfancia.org.br*. As of 3 April 2021: <http://primeirainfancia.org.br/marco-legal-para-a-primeira-infancia-e-consenso-entre-debatedores/>

<sup>71</sup> Civil servant.

<sup>72</sup> Member of RNPI 2.

<sup>73</sup> Politician 1.

<sup>74</sup> Civil servant.

<sup>75</sup> Member of RNPI 1.

<sup>76</sup> Civil servant.

<sup>77</sup> Civil servant; RNPI collaborator.

<sup>78</sup> According to one interviewee, Deputy Maria Aparecida Borghetti requested President Dilma to approve the legislation on this date to honour Women's Day (Civil servant).

<sup>79</sup> Member of RNPI 8.

<sup>80</sup> Researcher/lawyer.

<sup>81</sup> Member of RNPI 7/researcher.

<sup>82</sup> Member of RNPI 1.

<sup>83</sup> Member of RNPI 8.

<sup>84</sup> Researcher.

<sup>85</sup> Politician 3; Politician 2; Civil servant; Politician 1; Politician 4; Researcher; Researcher/lawyer; Member of RNPI 6; RNPI collaborator; Member of RNPI 8.

<sup>86</sup> Member of RNPI 7; Politician 4; Member of RNPI 8.

<sup>87</sup> Researcher/lawyer.

<sup>88</sup> Politician 3; Researcher/lawyer.

<sup>89</sup> Member of RNPI 7/Researcher.

<sup>90</sup> Civil servant.

<sup>91</sup> Also former Vice-Governor of Paraná State and Worldwide Special Envoy for Families of the World Family Organization.

<sup>92</sup> Politician 1.

<sup>93</sup> Politician 2; Member of RNPI 1.

- <sup>94</sup> Member of RNPI 1.
- <sup>95</sup> Member of RNPI 1.
- <sup>96</sup> Member of RNPI 1.
- <sup>97</sup> Member of RNPI 1.
- <sup>98</sup> Civil servant.
- <sup>99</sup> Politician 1.
- <sup>100</sup> Politician 1.
- <sup>101</sup> Politician 4; Politician 2.
- <sup>102</sup> Member of RNPI 2; Member of RNPI 1.
- <sup>103</sup> Politician 4.
- <sup>104</sup> Member of RNPI 7/researcher.
- <sup>105</sup> Terra, Osmar. (2015) Requer a criação institucional, no âmbito da Câmara dos Deputados, da Frente Parlamentar Mista da Primeira Infância. Camera.leg.br. As of 3 April 2021: [https://www.camara.leg.br/internet/deputado/Frente\\_Parlamentar/53508-integra.pdf](https://www.camara.leg.br/internet/deputado/Frente_Parlamentar/53508-integra.pdf)
- <sup>106</sup> Civil servant; Researcher; Member of RNPI 8; Politician 2.
- <sup>107</sup> Politician 2; Civil servant; Politician 3; Member of RNPI 5; Member of RNPI 8; Member of RNPI 2.
- <sup>108</sup> BvLF ex-Brazil country officer and BvLF Brazil country officer, validation workshop consultation.
- <sup>109</sup> Politician 2.
- <sup>110</sup> Member of RNPI 8; Member of RNPI 2.
- <sup>111</sup> Member of RNPI 8.
- <sup>112</sup> BvLF Brazil country officer, validation workshop consultation.
- <sup>113</sup> BvLF Brazil country officer, post-validation workshop consultation.
- <sup>114</sup> Civil servant; BvLF Brazil country officer, post-validation workshop consultation.
- <sup>115</sup> Member of RNPI 8; Member of RNPI 5.
- <sup>116</sup> Politician 2; Politician 1; Politician 3; Member of RNPI 6.
- <sup>117</sup> Member of RNPI 8.
- <sup>118</sup> Politician 2; Politician 1; Politician 3; Member of RNPI 6.
- <sup>119</sup> Member of RNPI 6; Member of RNPI 8; Member of RNPI 3; Member of RNPI 7; Politician 4; Politician 2; Politician 3.
- <sup>120</sup> Member of RNPI 6.
- <sup>121</sup> Politician 3.
- <sup>122</sup> Politician 2.
- <sup>123</sup> Member of RNPI 5; Civil servant.
- <sup>124</sup> Civil servant.
- <sup>125</sup> Researcher/lawyer; RNPI collaborator.
- <sup>126</sup> Researcher/lawyer; Researcher.
- <sup>127</sup> RNPI collaborator.
- <sup>128</sup> Maria Cecilia Souto Vidigal. (n.d.) O Começo da Vida. Fmcsv.org.br. As of 3 April 2021: <https://www.fmcsv.org.br/pt-BR/impacto/o-comeco-da-vida/>
- <sup>129</sup> Bernard van Leer Foundation. (2020) The Beginning of Life documentary. Bernardvanleer.org. As of September 4, 2020: <https://bernardvanleer.org/cases/beginning-life-documentary/>
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- <sup>131</sup> Deruy, Emily. (2016) The Complex Lives of Babies. *The Atlantic*, 20 June. As of 3 April 2021: <https://www.theatlantic.com/education/archive/2016/06/the-complex-lives-of-babies/487679/>
- <sup>132</sup> Maria Farinha Filmes. (2019) The film that became a global movement reaching more than 9 million people. Mff.com.br. As of 3 April 2021: <https://mff.com.br/en/films/the-beggining-of-life/>
- <sup>133</sup> Member of RNPI 8.
- <sup>134</sup> Member of RNPI 6.
- <sup>135</sup> Member of RNPI 1; Member of RNPI 2; Member of RNPI 8.
- <sup>136</sup> Please note that Brazil is composed of 26 states and a federal district.
- <sup>137</sup> Member of RNPI 1.

<sup>138</sup> Member of RNPI 1.

<sup>139</sup> First International Seminar of the Parliamentarian Front for Early Childhood. (2013) Human Capital and Economic Opportunity Global Working Group. As of 3 April 2021: <https://hceconomics.uchicago.edu/events/first-international-seminar-parliamentarian-front-early-childhood> Photos: Geraldo Magela/Senado Agency.

<sup>140</sup> Seminário Internacional do Marco Legal da Primeira Infância. (2021) Senado.leg.br. As of 3 April 2021: <https://www12.senado.leg.br/institucional/procuradoria/marco-legal-primeira-infancia>

<sup>141</sup> Terra, Osmar. (2015) Requer a criação institucional, no âmbito da Câmara dos Deputados, da Frente Parlamentar Mista da Primeira Infância. Camera.leg.br. As of 3 April 2021: [https://www.camara.leg.br/internet/deputado/Frente\\_Parlamentar/53508-integra.pdf](https://www.camara.leg.br/internet/deputado/Frente_Parlamentar/53508-integra.pdf)

<sup>142</sup> Member of RNPI 1; Member of RNPI 3.

<sup>143</sup> Member of RNPI 1.

<sup>144</sup> Member of RNPI 3.

<sup>145</sup> Member of RNPI 1; Member of RNPI 8; Member of RNPI 4.

<sup>146</sup> Member of RNPI 1.

<sup>147</sup> Politician 3; Politician 4; Politician 1.

<sup>148</sup> Politician 3; Politician 4; Politician 1.

<sup>149</sup> Researcher/lawyer.

<sup>150</sup> Member of RNPI 1.

<sup>151</sup> BvLF ex-Brazil country officer and BvLF Brazil country officer, validation workshop consultation.

<sup>152</sup> Researcher/lawyer.

<sup>153</sup> Civil servant; Member of RNPI 7; Member of RNPI 5; Member of RNPI 8; Member of RNPI 3; Member of RNPI 2.

<sup>154</sup> BvLF ex-Brazil country officer, validation workshop consultation.

<sup>155</sup> Member of RNPI 2; Soares, E. (2016) Brazil: National Integrated Policy for Early Childhood Approved. Library of Congress. As of 3 April 2021: <https://www.loc.gov/law/foreign-news/article/brazil-national-integrated-policy-for-early-childhood-approved/>

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<sup>157</sup> Researcher/lawyer.

<sup>158</sup> Los países que más vacaciones dan a las embarazadas en América Latina. (2018) Mundo.sputniknews.com. As of 3 April 2021:

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<sup>159</sup> Member of RNPI 1.

<sup>160</sup> Member of RNPI 1.

<sup>161</sup> BvLF ex-Brazil country officer, validation workshop consultation.

<sup>162</sup> RNPI collaborator.

<sup>163</sup> FNDE. (2017) Brasil Carinhoso. Fnde.gov.br. As of 3 April 2021: <https://www.fnde.gov.br/programas/brasil-carinhoso>

<sup>164</sup> Bolsa Família is a social welfare programme through which poor Brazilian families receive financial support. To receive the direct cash transfers, families need to ensure that their children are vaccinated and that they attend school. For further information visit: <https://www.fnde.gov.br/programas/brasil-carinhoso>

<sup>165</sup> Girade, H.A. (2018) 'Criança Feliz': A programme to break the cycle of poverty and reduce the inequality in Brazil. Bernardvanleer.org. As of 3 April 2021 : <https://bernardvanleer.org/ecm-article/2018/crianc%CC%A7a-feliz-a-programme-to-break-the-cycle-of-poverty-and-reduce-the-inequality-in-brazil/>

<sup>166</sup> Member of RNPI 2; Member of RNPI 8; Member of RNPI 4.

<sup>167</sup> Bartilotti Picanço, L., M. Nozela Prado & A. Alle. (2018) Anti-Corruption Efforts - Brazil 2018 Understanding the Issues. Wilson Center. As of 3 April 2021: <https://www.wilsoncenter.org/article/anti-corruption-efforts-brazil-2018-understanding-the-issues>

<sup>168</sup> FGV Social Centro de Políticas Sociais. (2020) Cuts in the Bolsa Família Program and the Escalation of Extreme Poverty in Brazil. Cpsfgv.br. As of 3 April 2021: <https://cps.fgv.br/en/featured/cuts-bolsa-familia-program-and-escalation-extreme-poverty-brazil>

<sup>169</sup> Member of RNPI 2; Member of RNPI 8; Member of RNPI 4.

<sup>170</sup> Member of RNPI 1; Member of RNPI 5; Member of RNPI 2.

- <sup>171</sup> Politician 1.
- <sup>172</sup> Member of RNPI 5.
- <sup>173</sup> Member of RNPI 7.
- <sup>174</sup> Researcher/lawyer.
- <sup>175</sup> Politician 2; Politician 3; Member of RNPI 6; Member of RNPI 3; Member of RNPI 8; Member of RNPI 4; Member of RNPI 2; Member of RNPI 1.
- <sup>176</sup> Member of RNPI 4; Member of RNPI 2; Member of RNPI 1; RNPI collaborator.
- <sup>177</sup> Politician 2; Civil servant; Member of RNPI 4; Member of RNPI 3.
- <sup>178</sup> Judge.
- <sup>179</sup> Politician 3; Politician 4; RNPI collaborator; Civil servant; Researcher/lawyer; Judge; Member of RNPI 3.
- <sup>180</sup> RNPI collaborator.
- <sup>181</sup> Politician 3.
- <sup>182</sup> BvLF Brazil country officer, validation workshop consultation.
- <sup>183</sup> Politician 1; Politician 4.
- <sup>184</sup> Civil servant.
- <sup>185</sup> Civil servant.
- <sup>186</sup> Ministério da Justiça. (2018) MJ recebe o seminário “Justiça começa na infância: a Era dos Direitos positivos”. Justica.gov.br. As of 3 April 2021: <https://www.justica.gov.br/news/collective-nitf-content-1537294727.35>
- <sup>187</sup> Researcher/lawyer; Civil servant; Ministério da Justiça. (2018) MJ recebe o seminário “Justiça começa na infância: a Era dos Direitos positivos”. Justica.gov.br. As of 3 April 2021: <https://www.justica.gov.br/news/collective-nitf-content-1537294727.35>
- <sup>188</sup> 102 organisations as at 2020; Civil servant.
- <sup>189</sup> Member of RNPI 1; Servidora do TJDFT é homenageada por contribuição ao Marco Legal da Primeira Infância. (2018) Tjdfjtjust.br. As of 3 April 2021: <https://www.tjdfjt.jus.br/informacoes/infancia-e-juventude/noticias-e-destaques/2018/maio/servidora-e-homenageada-na-camara-dos-deputados-por-contribuicao-ao-marco-legal-da-primeira-infancia>
- <sup>190</sup> Title in Portuguese: Justiça começa na Infância: Fortalecendo a atuação do Sistema de Justiça na promoção de direitos para o desenvolvimento humano integral.
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- <sup>192</sup> Pacto Nacional Pela Primeira Infância. (2021) Conselho Nacional de Justiça. As of 3 April 2021: <https://www.cnj.jus.br/programas-e-acoas/pacto-nacional-pela-primeira-infancia/>
- <sup>193</sup> Member of RNPI 1.
- <sup>194</sup> Member of RNPI 5.
- <sup>195</sup> Member of RNPI 4.
- <sup>196</sup> Rede Nacional Primeira Infância (RNPI). (2021) Criança é prioridade! Primeirainfancia.org.br. As of 3 April 2021: <http://primeirainfancia.org.br/campanha-eleicoes-2016/>
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- <sup>198</sup> Centro de Criação de Imagem Popular (CECPI). (2020) PMPi – Curso online sobre planos municipais pela primeira infância. Cecip.org.br. As of 3 April 2021: <http://www.cecip.org.br/site/pmpi-curso-online-sobre-planos-municipais-pela-primeira-infancia/>
- <sup>199</sup> Member of RNPI 6; Member of RNPI 4.
- <sup>200</sup> Member of RNPI 4.
- <sup>201</sup> Member of RNPI 4.
- <sup>202</sup> BvLF Brazil country officer, validation workshop consultation.
- <sup>203</sup> Politician 2; Politician 4; Civil servant; Researcher/lawyer.
- <sup>204</sup> Civil servant.
- <sup>205</sup> Politician 2; Politician 4; Politician 3; Member of RNPI 8.
- <sup>206</sup> Politician 2.
- <sup>207</sup> Researcher/lawyer.
- <sup>208</sup> Politician 2; Civil servant; Politician 3
- <sup>209</sup> Politician 3.
- <sup>210</sup> RNPI collaborator; Member of RNPI 7; Member of RNPI 5.
- <sup>211</sup> Member of RNPI 5.

<sup>212</sup> Politician 2.

<sup>213</sup> Member of RNPI 5.

<sup>214</sup> Miriam Praguira (Member of RNPI).

<sup>215</sup> Member of RNPI 1; Member of RNPI 2; Member of RNPI 8; Member of RNPI 7.

<sup>216</sup> RNPI collaborator.

<sup>217</sup> Member of RNPI 1.

<sup>218</sup> RNPI collaborator

<sup>219</sup> BvLF ex-Brazil country officer and BvLF Brazil country officer, validation workshop consultation.

<sup>220</sup> Member of RNPI 6; Politician 3; Member of RNPI 8.

<sup>221</sup> Member of RNPI 8; Member of RNPI 5; RNPI collaborator.

## Annex A. Methodology

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The findings in this case study should be read with appropriate recognition of the complex nature of policymaking, and with the understanding that the support of BvLF to stakeholders in Brazil was but one of a number of ways that stakeholders worked towards the Legal Framework for Early Childhood. Additionally, this case study reports on *how stakeholders perceived* the ways in which events and debates contributed to the introduction of the Legal Framework.

The research team is able to report on the extent to which there was consensus or disagreement about the perceived contribution of the different debates, events and organisations, but this case study is not focused on establishing a causal connection between the Foundation's support of organisations and the development of the Legal Framework. This would be more of an evaluative approach that engages a different study design and was out of the scope of the current case study.

This case study is part of a larger piece of work. The research team and BvLF selected five case studies to meet the research objective of ensuring that lessons on "what works" in operating at scale were systematically captured, assessed and made available for other governments, practitioners and foundations to use. During the inception phase, the research team and BvLF developed a shared understanding of the research objective, selected the case studies and developed a plan for the case studies.

The methodology plan of this case study consisted of a scoping phase followed by data collection, data analysis (of documentary review and interview data), write-up, content validation and finalisation phases.

The scoping phase aimed to determine the timeframe of the case study, provide an initial understanding to the research team of RNPI's and other stakeholder's work, and help identify key informants. It involved:

- An initial consultation with BvLF staff to introduce the research team to the project and determine the timeframe to be captured in the case study.
- The review of 37 documents about the Legal Framework provided by the Foundation. Documents that covered various aspects of the work to introduce the Legal Framework were considered most informative and selected by the research team. These included BvLF strategy documents, RNPI's progress report, NCPI evaluation documents and the Legal Framework. The documents were systematically reviewed and information recorded using an analysis protocol organised around the project aims. Findings from the documentary review informed the interview protocols.
- A second consultation with the BvLF country representatives to identify categories of stakeholders and select key informants from identified stakeholder categories for interviews.

Categories of key informants were selected based on the criteria of relevance and their ability to verify facts. As such, members of RNPI were selected as best placed to describe the work towards the Legal Framework, while politicians and civil servants were selected to give the perspective of others working on the Legal Framework. The agreed external stakeholder categories are listed in Table A.

**Table A. Overview of stakeholder categories and number of interviews by interviewee type**

Stakeholder category	Number of interviews and stakeholder type
National Network of Early Childhood (RNPI)	8 members (including a member of RNPI/researcher)
Other organisations/individuals supporting the Legal Framework	1 RNPI collaborator
Researchers/academics/research institutions	2 researchers (including a researcher/lawyer)
Politicians/policymakers/political parties	4 politicians
Government	1 civil servant
Legislative power	1 judge

The data collection phase involved conducting semi-structured interviews between May and June 2020 with key informants from all categories (as shown in Table A). All participants were provided with a Participant Information Sheet describing the project, a Privacy Notice, and an Interview Briefing Note explaining the topics to be covered in the interview. All interviews were conducted remotely using Microsoft Teams or Zoom. The interviews were considered the best tool to elicit an in-depth understanding of the local context and capture perceptions of different aspects that led to the introduction of the Legal Framework. Interviews were recorded after obtaining consent from participants, and notes were taken and elaborated on following the interviews using the recordings. Given the scope of the case study, the number of semi-structured interviews was kept to a maximum of 17.

Points made by RNPI members should be read with an appreciation that there is a risk of bias in their responses, as it is in their interests to be painted in a good light. The nature of the semi-structured face-to-face interviews with researchers, politicians and civil servants was intended to alleviate some of this; however, potential biases should be considered when interpreting data obtained from partnership respondents.

At the analysis phase, interviews were analysed to identify emerging themes from the data using an adapted version of the protocol for the documentary review. In addition, a follow-up review of the same documents and some new documents provided by BvLF was conducted after the interviews to corroborate information. All data was then thematically analysed to develop cross-cutting themes, which were used to organise the current report's structure during the write-up phase.

Following this, the validation phase took place. A draft of the case study was shared with BvLF to corroborate facts. During a consultation workshop, revisions were agreed. Following this, the case study was finalised.

Throughout this report, points made by more than one interviewee are recorded clearly through references in endnotes. Therefore, looking at the endnotes establishes whether the views were shared across different stakeholder groups, since the reference will show if points were made by various interviewees.

### **The 2019–2020 case studies and the Bernard van Leer Foundation’s focus on early childhood education**

The Bernard van Leer Foundation has long focused on enhancing opportunities for children growing up in socially and economically disadvantaged circumstances, with a view to developing their innate potential (Bernard van Leer Foundation, 1999). The Foundation has contributed to a substantial body of work that emphasises the importance of early childhood (Van Gendt, 1998). More recently, it has turned its attention to how best to deliver early childhood services and the best policies in this field. Current knowledge on this topic is explored in its regular journals (e.g. Bernard van Leer Foundation, 2018a). As part of its approach to enhance opportunities for children, the Foundation seeks to intervene at a greater scale, e.g. through funding projects with national reach instead of smaller-scale interventions. In 2018, it published its 2016–2020 Transition to Scale strategy (Bernard van Leer Foundation, 2018b), and in 2019 commissioned Harvard University, Princeton University and RAND Europe to deliver a set of case studies to document learning about implementing ECD programmes at scale.

The objective of these case studies is to ensure that lessons on “what works” in operating at scale were systematically captured, assessed and made available for other governments, practitioners and foundations to use. The Foundation was particularly interested in learning about the critical conditions for achieving sustainable impact at scale in ECD.

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