



EUROPE

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

Case study summary

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Learning from the experience of introducing a new legal framework in Brazil

In 2016, a new Legal Framework was introduced that many see as a step change for early childhood and development (ECD) policy in Brazil

Brazilian young people today face better prospects in terms of child poverty, mortality, malnutrition and access to education than at any time in the last twenty years.¹ In the late 1980s and early 1990s, new legislation, such as the Statute on the Child and the Adolescent (ECA), was passed to provide greater backing to children's rights. In 2006, the first federal state level law on ECD was created and through it the Better Early Childhood (Primeira Infância Melhor, PIM) programme. The introduction of PIM facilitated later advocacy efforts to improve ECD in Brazil.²

On 8 March 2016, Law No 13.257, known as the Legal Framework for ECD (the Legal Framework),³ **was sanctioned after its approval in the Chamber of Deputies and the Senate.** The new law modified the existing legislation protecting children. Among other things, it focuses on putting in place public policies as conditions to guarantee children's rights in early childhood, provides protection for children prior to birth through to the age of six (such as health, children's education and family and community coexistence), and

extends the action of the government beyond public childcare institutions to include services delivered in the family home and community settings.⁴

The Legal Framework can be seen as a continuation of a trend of historically progressive childhood legislation.⁵ 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 the previous years.

Much can be learned from the Brazilian experience of introducing a national ECD policy change

The Bernard van Leer Foundation has supported organisations working on ECD in Brazil since 2003. The Foundation has provided support to the National Network of Early Childhood (RNPI), the Early Childhood Parliamentary Front and national, state and municipal programmes, in partnership



Federal deputy and specialist on early childhood Osmar Terra

with other civil society organisations and governmental institutions. RNPI is a cross-sector network of more than 200 member organisations with initiatives to increase awareness on ECD matters in Brazil.

Following the 2016 adoption of the Legal Framework, the Bernard van Leer Foundation was keen to understand if and how the organisations it supported, such as RNPI, the Early Childhood Parliamentary Front as well as other governmental and civil society organisations, had played a role. The Foundation 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

research team collected data from different sources, including an extensive documentary review and interviews with stakeholders representing multiple perspectives and voices. The case study highlights key characteristics perceived to have facilitated and enhanced the adoption of the Legal Framework, focusing particularly on RNPI's work while also recognising that RNPI was one of the many actors that supported the introduction of the Legal Framework, with active roles played by the legislative power, executive power and other civil society organisations.

This summary captures lessons for others aiming to drive policy change and, more specifically, for those working to support ECD.

Key factors that enabled the adoption of the Legal Framework

The case study identified four key factors that facilitated the adoption of the Legal Framework

The legal, cultural and political factors leading up to the Legal Framework being proposed as a draft to parliament in 2013 and later passed as a law in 2016 are highly complex. This case study puts a spotlight on a handful of factors that are relevant in understanding how and why the Legal Framework was passed.



1. There was a receptive political climate, which was further enhanced by an Executive Leadership Programme (ELP)

The inception and adoption of the Legal Framework were enabled by a favourable political climate.⁶ 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 Senate and the Chamber of Deputies. For instance, in 2011 an **Early Childhood Parliamentary Front (the Parliamentary Front)**, a supra-party institution that 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, was created in the Chamber of Deputies.⁷ The Parliamentary Front actively supported the introduction of the Legal Framework by organising ECD related seminars in parliament.⁸ **The Parliamentary Front was important in facilitating the approval of the law as it served as a safe forum for exchanging ideas in the political sphere.**

In 2012, **12 Brazilian deputies who were members of the Parliamentary Front took part in the first edition of the ELP**, along with

participants from the civil service and civil society. The ELP is a programme that seeks to “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.⁹ The programme is organised by the Science for Early Childhood Hub (Núcleo Ciência Pela Infância, NCPI). The Parliamentary Front had close links with the ELP at Harvard, with 37 out of its 224 members having participated in the programme. Not only was the ELP an important forum to support the drafting of the Legal Framework, the ELP also provided the necessary scientific evidence that would ultimately show key decision makers the need to legally protect children and their development in their early years of life.¹⁰ Moreover, when an Early Childhood Special Committee was formed in the Chamber of Deputies to review the Legal Framework draft, 23 out of the 46 deputies in the committee, including the chair, had attended the ELP.¹¹ The creation of this committee accelerated the approval of the Legal Framework in the Chamber of Deputies.¹²



2. Knowledgeable and well-connected leaders played a key role

Apart from gaining the support of politicians, it was also important that there were **knowledgeable leaders that guided the process.** For example, Osmar Terra, a federal deputy and specialist on early childhood, proposed the idea of starting the ELP and introduced the Legal Framework proposal to government. Moreover, he established the Parliamentary Front. Similarly, Vital Didonet, an expert in ECD with substantial knowledge about the

Brazilian legislative system engaged with civil society and political actors throughout the process. Their charismatic personalities as well as 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 support.** In addition, they complemented each other by having different leadership styles and slightly different though not opposing political stances.¹³ 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.



3. Civil society organisations continuously advocated for the issue giving strength and continuity to the project

RNPI member organisations led various awareness raising activities targeting the political and social spheres. **RNPI supported 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. 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.

RNPI's member organisations engaged in activities to increase the profile of the issue in the media. For example, the movie *The Beginning of Life*, led by Alana and the Maria Cecilia Souto Vidigal Foundation (FMCSV) in collaboration with other organisations such as UNICEF and the Bernard van Leer Foundation, was a key project that caught media attention. These activities helped put the issue on the public agenda.¹⁴

A key learning identified by interviewees was the importance of having a strong and cohesive civil society that continuously advocated for the Legal Framework, brought the message to the broader public and had a holistic vision throughout the process.¹⁵ Their advocacy gave strength and continuity to the project.¹⁶ Apart from this, having strong scientific arguments was identified as important for civil society to convince policymakers and secure their support.¹⁷ In this regard, securing the right allies was also identified as an important factor to sustain having influence despite opposing voices when advocating for new legislation.¹⁸



4. 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 the one hand, there was interest and political will in government to improve ECD and hence there were resources allocated to have technical assistance from ECD experts. This was important to make the Legal Framework move forward. On the other hand, the participation from civil society was facilitated by funding received from partners such as foundations. This enabled key individuals 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.

There were challenges in achieving the adoption of the Legal Framework

Interviewed stakeholders identified several barriers that could have jeopardised the adoption of the Legal Framework.



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

Two main identified obstacles for securing the approval of the Legal Framework were **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.¹⁹

In addition, there were voices within the Chamber of Deputies, the Senate and even within RNPI that questioned the need for a new legislation when the ECA already existed.²⁰ It was decided that the Legal Framework would focus on ECD, because it was recognised that the protection and development of children up to the age of six had not been the main focus of existing policies.²¹



Some parts of the Legal Framework caused concern to business

Some **parliamentarians from the Chamber of Deputies representing special interest groups²² known as "bancadas"** opposed **topics such as parental leave or controlling advertisements targeted towards children.** In response to this resistance, some of the proposed provisions laid out in the Legal Framework draft had to be adjusted: the paternal leave provision was watered down and a ban on advertisements was dropped. Nonetheless, despite these negotiations, the

Legal Framework increased paternity leave by 15 days in addition to the existing 5 days available for those working in companies that join the Citizen Company programme.



Once the Legal Framework was sent to the Senate, it was first assigned to a Special Committee that opposed its approval

The Legal Framework proposal was assigned for review to a special committee, which had been created to act as a "watchdog" of government, as confidence in government was plummeting. This special committee was critical of any proposal that had governmental support and consequently opposed the Legal Framework. With the support of 51 senators, Senator José Medeiros, who had been to the ELP and who was a member of the Parliamentary Front, put forward an appeal asking for the Legal Framework to be voted in plenary.²³ He **based his arguments on scientific evidence to gain traction and as a strategy to overcome the political polarisation experienced at the time.**²⁴ The Legal Framework was finally voted as the first agenda item of the first 2016 plenary session, receiving an unanimous vote of the Senate approving it.

Work to ensure the effective implementation of the Legal Framework continues

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. **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,²⁵ for example through its Guide for the Elaboration of Municipal Plans for Early Childhood²⁶ and a free online course on how to create municipal plans.²⁷ At the national level, one of the main initiatives currently being carried out by RNPI is the Observatory on the Legal Framework for Early Childhood, an online tool designed to provide inputs for the process of policy creation and implementation in the field of ECD.²⁸ In 2020, RNPI revised the National Plan for Early Childhood to incorporate five new chapters²⁹ on current topics captured in the Legal Framework³⁰ and its term was extended until 2030 to align it with the timescales of the Sustainable Development Goals.³¹

Members of RNPI identified that **involving and working with the judiciary would be fundamental for the effective implementation of ECD**, because the judiciary has the power to define when there has been a breach in the law³² and working with judges is key to join efforts across the executive, judiciary and civil society.³³ 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. In 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. The pact sets out concrete steps to implement the Legal Framework.³⁴ By 2020, over 100 civil society organisations had joined the pact.³⁵ RNPI joined the National Pact and actively collaborates with the judiciary to support the implementation of the Legal Framework.



Vital Didonet, expert in early childhood development

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 limited and 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.

Notes

- 1 Poverty and Equity Data Portal: Brazil. (2021) Worldbank.org. As of 26 April 2021: <http://povertydata.worldbank.org/poverty/country/BRA>; Brazil. (2021) Childmortality.org. As of 26 April 2021: <https://childmortality.org/data/Brazil>; Franca, Elisabeth Barboza, et al. (2017) 'Principais causas da mortalidade na infância no Brasil, em 1990 e 2015: estimativas do estudo de Carga Global de Doença.' *Rev. bras. Epidemiol* 20(1): 46–60. <http://dx.doi.org/10.1590/1980-5497201700050005>; Kinyoki, D.K., A.E. Osgood-Zimmerman, B.V. Pickering, et al. (2020) Mapping child growth failure across low- and middle-income countries. *Nature* 577: 231–4. <https://doi.org/10.1038/s41586-019-1878-8>; Poirier, M. (2005) The State of Brazil's Children 2006. Brasília: United Nations Children's Fund (UNICEF). As of 26 April 2021: https://www.unicef.org/Brazil_SitAn_2006.pdf; Access. (2021) Education-progress.org. As of 26 April 2021: <https://www.education-progress.org/en/articles/access/>
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- 6 Researcher/lawyer.
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- 8 Member of RNPI 2; Member of RNPI 1.
- 9 Núcleo Ciência Pela Infância (NCPI). (2018) Executive Leadership. Ncpi.org.br. As of 26 April 2021: <https://ncpi.org.br/en-us/workstreams/executive-leadership/>
- 10 Politician 3; Politician 2; Civil servant; Politician 1; Politician 4; Researcher; Researcher/lawyer; Member of RNPI 6; Member of RNPI 7; RNPI collaborator; Member of RNPI 8.
- 11 Civil servant.
- 12 Politician 1.
- 13 BvLF ex-Brazil country officer, BvLF Brazil country officer, validation workshop consultation.
- 14 RNPI collaborator.
- 15 Member of RNPI 1; Member of RNPI 2; Member of RNPI 8; Member of RNPI 7; RNPI collaborator.
- 16 Member of RNPI 1; Member of RNPI 2; Member of RNPI 8; Member of RNPI 7; RNPI collaborator.
- 17 Member of RNPI 6; Politician 3; Member of RNPI 8.
- 18 Member of RNPI 8; Member of RNPI 5; RNPI collaborator.
- 19 Politician 3; Politician 4; Politician 1.
- 20 Researcher/lawyer.
- 21 Member of RNPI 4; Member of RNPI 5, Member of RNPI 2; Member of RNPI 6; Member of RNPI 1.
- 22 Civil servant; Member of RNPI 7; Member of RNPI 5; Member of RNPI 8; Member of RNPI 3; Member of RNPI 2.
- 23 Member of RNPI 1
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- 29 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.
- 30 Rede Nacional Primeira Infância (RNPI). (2020) RNPI apresenta a nova versão do Plano Nacional pela Primeira Infância. [Primeirainfancia.org.br](http://primeirainfancia.org.br). As of 26 April 2021: <http://primeirainfancia.org.br/rmpi-apresenta-a-nova-versao-do-plano-nacional-pela-primeira-infancia-2/>
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- 32 Politician 3; Politician 4; RNPI collaborator; Civil servant; Researcher/lawyer; Judge; Member of RNPI 3.
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- 34 Pacto Nacional Pela Primeira Infância. (2021) Conselho Nacional de Justiça. As of 26 April 2021: <https://www.cnj.jus.br/programas-e-acoas/pacto-nacional-pela-primeira-infancia/>
- 35 102 organisations as at 2020; Civil servant.

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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