

Issues of young people with disabilities: crossovers with Youth Statute

Paulo Cesar Soares de Oliveira^I 

Divino de Jesus da Silva Rodrigues^{II} 

Maria Zeneide Carneiro Magalhães de Almeida^{III} 

ABSTRACT

The issues of young people and people with disabilities stand out in the agendas of social inclusion in contemporaneity, which completes a cycle of laws that guarantee generational rights and inclusion in Brazil. It is in this socio-political situation that, in 2013, the Youth Statute was structured and approved with Law n. 12,852 and, in 2015, Law n. 13,146, which instituted the Statute of Persons with Disabilities. Given the legal amount and social movements, these have been subjects of academic research. This bibliographical work aimed to raise a discussion on how the issues of young people with disabilities are treated in the Youth Statute. The results show that the theme of youth and young people with disabilities in Brazil is intertwined with struggles for rights and that they equally emerge in search of their centrality in the country's social process.

KEYWORDS

Youth Statute; Status of Persons with Disabilities; social rights.

^ISuperintendência do Ensino Fundamental, Goiânia, GO, Brazil.

^{II}Pontifícia Universidade Católica de Goiás, Goiânia, GO, Brazil.

QUESTÕES DOS/AS JOVENS COM DEFICIÊNCIA: ENTRECruzAMENTOS COM O ESTATUTO DA JUVENTUDE

RESUMO

As questões dos/as jovens e da pessoa com deficiência destacam-se nas pautas de inclusão social nesta contemporaneidade, que completam um ciclo de leis que garantem direitos geracionais e de inclusão no Brasil. É nesta conjuntura sociopolítica que, em 2013, o Estatuto da Juventude foi estruturado e aprovado com a Lei nº 12.852 e, em 2015, foi aprovada a Lei nº 13.146, que instituiu o Estatuto da Pessoa com Deficiência. Diante do montante legal e dos movimentos sociais, esses têm sido temas de pesquisas acadêmicas. Este trabalho, de caráter bibliográfico, objetivou levantar uma discussão sobre como as questões dos/as jovens com deficiência são tratadas no Estatuto da Juventude. Os resultados demonstram que a temática da juventude e dos/as jovens com deficiência no Brasil são entrecruzadas por lutas de direitos e que despontam igualmente em busca de sua centralidade no processo social do país.

PALAVRAS-CHAVE

Estatuto da Juventude; Estatuto da Pessoa com Deficiência; direitos sociais.

CUESTIONES DE LOS JÓVENES CON DISCAPACIDAD: ENTRE CRUCES CON EL ESTATUTO DE LA JUVENTUD

RESUMEN

Los temas de las mujeres jóvenes y las personas con discapacidad se destacan en los lineamientos de inclusión social en esta contemporaneidad, que completan un ciclo de leyes que garantizan los derechos generacionales y la inclusión en Brasil. Es en este contexto sociopolítico que, en 2013, se estructuró y aprobó el Estatuto de la Juventud con la Ley N° 12.852 y en 2015 se aprobó la Ley N° 13.146, que instituyó el Estatuto de las Personas con Discapacidad. Dada la cantidad legal y los movimientos sociales, estos han sido temas de investigación académica. Este trabajo bibliográfico tiene como objetivo plantear una discusión sobre cómo se abordan los problemas de las mujeres jóvenes con discapacidad en el Estatuto de la Juventud. Los resultados indican que el tema de la juventud y los jóvenes con discapacidad en Brasil están atravesados por luchas por los derechos y que también emergen en busca de su centralidad en el proceso social del país.

PALABRAS CLAVE

Estatuto de la Juventud; Estatuto de las Personas con Discapacidad; derechos sociales.

INTRODUCTION

The themes of young people and people with disabilities stand out in the social inclusion guidelines in recent decades in Brazil. But these themes went through periods of oblivion and decentralization, both by social movements and public policies. Like every process of struggle for rights in modern capitalist societies, this movement does not happen in a linear and progressive way. On the contrary, as is characteristic of historical processes, they are full of advances, setbacks, ruptures, and tensions. Together with the demands and aspirations of parts of society are philosophical, ideological, cultural, economic, and political issues. This process of inclusion of minority groups and subjects can go through centuries or decades of struggles for rights, legitimacy, space, and citizenship. “The pedagogy of exclusion has remote origins, consistent with the way in which the conditions of existence of humanity are being constructed at a given historical moment” (Brasil, 2006, p. 306, our translation).

In this direction, Aranha (2004) warns us of the non-linearity of the theme “disability” throughout history. Still, one must be careful and aware that these movements are procedural and dependent on socio-historical-cultural issues, in addition to being subordinated to political and economic demands. With this clarity, this study sought to understand how the theme “disability” is presented and circumscribed in the Youth Statute of 2013.

Thus, one can be aware of the apparent occasionality and unintentionality with which the topic of people with disabilities has been included in the public policy agendas of several countries, thus gaining acceptance and prominence on the global stage. From the second half of the 20th century onward, issues regarding people with disabilities have increasingly gained the status of relevant topics and, through legislative means, have been legitimized and empowered (Mendes, 2006).

In Brazil, this social category achieved greater visibility between the 1980s and 1990s, through academic research and group efforts silenced by centuries of exclusion. According to Lanna Júnior (2010, p. 18, our translation): “[...] the Political Movement of People with Disabilities narrates the trajectory of this political movement that, like others, was formed in the context of Brazilian redemocratization after the military dictatorship regime”. After the 1988 constitution, the first federal government programs for the disabled population emerged as the subject of special attention.

This process was strengthened by more comprehensive laws and decrees such as Accessibility Law No. 10.098 of December 31st, 2000 (Brasil, 2000). But the range of rights for people with disabilities continued to need specific legislative reinforcements. At present, there is some legislative support for people with disabilities, among which the Statute of Persons with Disabilities stands out (Brasil, 2015). The legislative focus has been prominent in the context of education, health, sports, accessibility, and the job market.

In the face of the legal amount and social movements, the subject of people with disabilities has aroused the interest of several studies, as explained by Mendes (2006, p. 395, our translation), when stating that in an “[...] inclusive society, [the

theme] becomes a process of fundamental importance for the development and maintenance of the democratic state [...]”. The paradigm of inclusion becomes indispensable today.

Likewise, in a socio-historical-cultural procedural way, the struggles and achievements of youth in Brazil, in the Ibero-American States and in the world transit through, with human rights and human dignity as founding and essential concepts. In this context, more and more diverse social groups demand their broad applicability and have become anchors and fundamental rights to the participatory exercise of citizenship and social inclusion.

For Castro and Macedo (2019, p. 1223, our translation), discussions about young people have gained relevance as a social category distinct from adolescence from the 1990s onward, through “[...] intense research in the academic world and with the emergence of the first programs of the federal government to characterize the young population as subject to special attention”.

In this way, one is aware that, in the field of public policies, the fight for rights is always an arena in which rights need to be redefined. To redefine them, it is necessary to dispute power, which makes the existence of the categorized and distinct subject necessary. In Brazil, these rights have been ensured by distributing subjects by age group and guaranteeing them in the form of statutes.

In this context, the statutes that support specific age groups of the country’s population with Law No. 8.069, of July 13th, 1990, being constituted, which provides for the Child and Adolescent Statute (*Estatuto da Criança e do Adolescente* — ECA), and Federal Law No. 10.741, of October 1st, 2003, which establishes the Elder Statute (Brasil, 1990; 2003).

These two statutes supported and organized the generational rights of both ends of the Brazilian population. Young people still did not have a statute that organized their rights in a generational way to the various laws that were approved on this topic.

Thus, in 2013, after several laws on the subject, youths began to be organized in the form of statutes. Castro and Macedo (2019, p. 1225, our translation) explain that “[...] the theme thus gained political density, and, in this sense, a field of public policy dispute is designed with the configuration of youth identity categories”. It is in this socio-political context that the Youth Statute was structured and approved with Law No. 12.852 of August 5th, 2013 (Brasil, 2013).

It was following this desire to establish a legal framework and aiming at well-defined public policies that, on July 6th, 2015, Law No. 13.146 was approved, which established the Persons with Disabilities Act (Brasil, 2015). This is not an age group in society, but a part of it that fights for space and social legitimacy.

In this sense, it is emphasized that the objective of this study was not to cross-reference the two statutes, but to reflect on the public policies for young people with disabilities presented in the Youth Statute. That is, to analyze the questions that are posed with regard to young people with disabilities in the Youth Statute. The Persons with Disabilities Act, in this study, would endorse the first statute’s analysis and scrutiny only as a conceptual source. Moreover, it would not fit in the narrow synthesis proposed in this paper to deepen the Persons with Disabilities

Act, since the study starts from the understanding that the categories and concepts presented in the Statutes are not contradictory, but complementary. The set of laws, decrees, and statutes approved in the proposed period of the research are added together, forming an inclusive project of citizenship and national public policies that aim to signal the focus of public policies of the political-historical period to which they are circumscribed.

YOUTH STATUTE

The Youth Statute determines the rights of young people, presenting the principles and guidelines of public policies aimed at this segment of society, in addition to establishing the National Youth System (*Sistema Nacional de Juventude* — SINAJUVE). It is organized into two titles, the first dealing with the principles and guidelines of public youth policies, and the second establishing the SINAJUVE.

The first title is organized into eleven sections of rights for young people, which are the focus of reflection in this study, in which quotes are located on the theme of young people with disabilities and also on topics related to people with disabilities and their inclusion.

The 11 sections on rights for youth contemplated in the Statute are: right to citizenship, social and political participation and youth representation; right to education; right to professional training, work, and income; right to diversity and equality; right to health; right to culture; right to communication and freedom of expression; right to sport and leisure; right to territory and mobility; right to sustainability and the environment; right to public security and access to justice (Brasil, 2013).

It is important to emphasize that the Carta Magna of 1988 had already specified the rights of adolescents, as well as of intercrossed youths, in art. 227¹ by stating that: “It is the duty of the family, society and the State to assure children, adolescents and young people, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom, and family and community coexistence” (Brasil, 1988, n.p., our translation). Also according to art. 227, it is a duty “[...] to protect them from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression” (Brasil, 1988, n.p., our translation).

In this sense, it is noteworthy that in Law No. 8069, of July 13th, 1990, which addresses the ECA (Brasil, 1990), the rights aimed at young people and adolescents intersect inevitably. However, the ECA specifically deals with the rights of adolescents and children. According to Castro and Macedo (2019, p. 1219, our translation), this achievement was due to the fact that the: “[...] growing movement

1 It is important to remember that until 2010 the word “youth” did not appear in Brazil’s Carta Magna. It was only with Constitutional Amendment 65 of July 13th, 2010, which “[...] changes the name of Chapter VII of Title VIII of the Federal Constitution and modifies art. 227 [...]”, and inserts the youth theme in the legislative field, that the constitutionality of the Statute found support, in 2013 (Brasil, 2010, n.p., our translation).

in defense of the rights of children and adolescents and CF/88 contributed to base the elaboration of (ECA), approved in 1990. ECA was a milestone in strengthening such a vision of this segment in Brazilian legislation and society”.

The concepts that prevailed both in the Constitution back then and in the ECA are “children and youth”, “adolescence”, “adolescent”, “child”, and “childhood”. In the ECA, the word “youth” also appears a few times. As an example, in the sole paragraph of art. 4, the word appears when establishing guarantees of protection and relief and assistance in public services and in the execution of social policies. But it seems that the word “youth” in this and other contexts of the ECA is still presented much more as a synonym for teenager than in association with the concept supported by the 2013 Statute.

Thus, in the 1990s, the priority was children and adolescents. There was still no visibility for the youth category, which did not have the relevance it currently has. Regarding the ECA as a legal milestone for recognizing the right to fully experience childhood and adolescence, Castro and Macedo (2019, p. 1222, our translation) point out that:

the ECA is the result of a struggle for Brazilian society’s own understanding of the child and adolescent population. At first, these two are clearly perceived from a social and economic point of view, where the visibility of State policies and actions were aimed at poor children treated as those subject to intervention for containment and repression. From CF/88 and the ECA, the social perception of childhood and adolescence assumes another configuration, in line with the parameters of international organizations. Children and adolescents are treated as subjects of rights even though the social and economic inequalities they experience are protected. Thus, such inequalities, as well as the social markers that reinforce and reproduce this condition of non-access to services and rights, become the target of a policy of reparation and no longer punishment. It is a process of recognition of the right to fully experience childhood and adolescence.

It is in this perspective that the theme of youth enters the national scene in the 21st century. With regard to such a theme, the sociocultural demands impacted the updating of the concepts of children, adolescence, and youth. This was due to the redefinition of their meanings and also to the expansion of their age range.

From the 2000s onward, the debate on youth and their rights as a specific population experiences a great impulse, at the same time that its conceptual paradigm changes. Thus, the category of youth subject to rights is forged, which supplants, in the public policy debate, old categories such as youth at risk (*ibi-dem*, p. 1222, our translation).

In this direction, Castro and Macedo (2019, p. 1225, our translation) point out that “[...] from 2005 to 2015, Brazil experienced a decade of public youth policies. [...] but which also spread to initiatives in the states and municipalities”.

For these demands and social struggles to materialize in public policies, it was necessary to change conceptual perspectives on how to deal with these issues. In this direction, the involvement of young people in this process of legitimizing centrality and spaces was fundamental, and boosted the political and legislative spheres in the new millennium.

This mobilization by youth resulted in re-signifying the displacement of the youth theme both in the conceptual and age paradigm of its classification. Castro and Macedo (2019, p. 1223, our translation) signal one of the reasons for the conceptual change in this theme:

This change imprints, firstly, an important symbolism for the public debate, proposing a different reading of the binomial youth-violence, which contributes to rectify the image of dangerous youth. But the repercussions are deeper and significantly change the direction of a public policy for youth.

The age classification and delimitation of the concept of youth in the Statute had alterations and resignifications. The age character that defined youth until then was redefined and extended in its temporality. The concept of adolescent between 12 and 18 years old established in the ECA is now allied to a broader category, youth. Such expansion initially occurs based on the new conceptions released by the United Nations (UN) in 1996, which started to define young people as a segment of the population characterized as aged between 15 and 24 years.

Thus, the previously strictly biological perspective of human development and the previous definitions that were based on defining and delimiting the phase and age between childhood and adulthood gave way to a conception that also considers the cultural and social aspects of the subject, not only the biological development of the individual.

The use of the 15 to 29 age range of Brazilian youth has its milestone in the official documents established through the National Youth Secretariat, created by Law No. 11.129, of June 30th, 2005 (Brasil, 2005), which among the various defenses of Brazilian youth warns the government that this population segment in the country has the highest unemployment, incarceration, homicide rates, and deficits in education.

In this direction, Beto Cury (s.d., n.p., our translation), the then national youth secretary, points out that data “[...] reveal that Brazil has 50 million young people between 15 and 29 years old, of which 4.5 million are out of school, without elementary education, and unemployed”.

It is important to note that this age group classification, “[...] based on minimum and maximum age limits, is widely discussed, many authors will demonstrate that the homogeneous age range hides differences and inequalities, vary historically and socially [...]” (Castro and Macedo, 2019, p. 1222, our translation).

Thus, the age group established by the Youth Statute adopted the minimum age suggested by the UN of 15 years but also indicates extension of the final age to 29 years. In this way, it appears that the question of the age range begins with an emphasis on social, cultural and economic issues, in addition to just biology. As stated by Rodrigues and Sousa (2016, p. 245):

In this way, it is apprehended that the human subject is not determined only by constituents of biological maturation processes, but that this development is historically intertwined by biological, cultural, and social conditions. Thus, it is understood that the process of human development takes place in practices and social relations, where it is constituted and constituent of this process.

In this direction, we agree with Castro and Macedo (2019, p. 1222, our translation), who state that:

[...] both the ECA and the Statute carry the effort to recognize the cultural and social diversity of these populations. If the age range establishes the limits of who will have access to these rights, the definition of the child, adolescent, and youth categories, established in these legal frameworks, goes far beyond this mechanical cut. Furthermore, both express a process of recognition of social inequalities that make these categories more heterogeneous than homogeneous.

By following the minimum age suggested by the UN of 15 years for the onset of youth, a legislative duplicity on the same age was created in Brazil. The ECA characterizes as a child the person aged up to 12 years old, and an adolescent as that between 12 and 18 years old (Brasil, 1990), so subjects aged 15 to 18 are doubly qualified in both Statutes. However, this duplicity is clarified by the Youth Statute, which determines in art. 1, paragraph 2, that: “To adolescents aged between 15 (fifteen) and 18 (eighteen) years, Law No. 8.069 of July 13th, 1990 (ECA) applies, as does, exceptionally, this statute, when it does not conflict with the norms of integral protection of the adolescent” (Brasil, 2013, n.p., our translation).

Subjects in this age group are supported by both the ECA and Youth Statute, which are considered by Brazilian law in the defense of the rights of adolescents and young people.

In this way, the complex sociocultural and legislative movement that took place in the first decades of the 21st century allowed for a more complex definition of the concept of youth. Its resignification in contemporary times allowed youth, in the 2013 Statute, to start at 15 years old and extend to 29 years old.

DISABILITY

We are aware that the recent history of Brazil has been a fruitful period for the inclusion of people with disabilities. This period is marked by the approval of several laws and the adoption of public policies that intended to support and structure the inclusion of people with disabilities. However, this period of changes and the centrality of people with disabilities needs to be studied with care not to silence centuries of struggles and debates of subjects and groups that have been part of this historical process.

For Pesavento (2005, p. 21, our translation), it is necessary to seek the “[...] matrices that generate social conduct and practices, endowed with integrative and cohesive force, as well as explanatory of the real [...]”. This is because it is the subjects

and social groups that “[...] give meaning to the world through the representations they construct about reality”.

In this direction, Lanna Júnior (2010, p. 14, our translation) states that: “[...] society creates barriers in relation to attitudes (fear, lack of knowledge, lack of expectations, stigma, prejudice), the environment (physical inaccessibility), and institutions (discrimination of a legal nature) that prevent people from fully participating”.

Discrimination/prejudice arises when certain physical, religious, and other conditions differ from normal social standards, as “[...] an attribute or behavior can be a reason for inclusion and appreciation or exclusion and social rejection, depending on its historicity and social context” (Kelman, 2010, p. 25, our translation).

Understanding how this process occurs and how these tensions materialized in historical milestones and facts are vital for us to understand the present time. The concept of “disability” and the relationship with society change in time and space.

Throughout Human History, the vision and understanding that different societies had about disability have become more diverse. The way of thinking and consequently the way of acting in relation to disability as a phenomenon and the person with special educational needs as a being have changed over time and under social and historical conditions. (Aranha, 2004, p. 5, our translation)

In ancient times, the possibility of including people affected by disability was very remote. Apart from some very specific societies and peoples, these people were generally discarded, exiled, and even sacrificed.

From the Middle Ages onwards, this relationship began to change. According to Strobel (2008), from this period, two main particularities began to captivate the attention of those who were dedicated to caring for people with disabilities: there were those who wanted to “cure” them and those who wanted to “save their soul”. At that time, the philosophical and methodological process of inclusion of people with disabilities in the western world was guided by two “points of view”: the clinical and the religious. “Individuals with disabilities, seen as ‘ill’ and incapable, have always been at a greater disadvantage, occupying, in the collective imagination, the position of targets of popular charity and social assistance, and not of subjects with social rights [...] (Brasil, 2001, p. 19, our translation).

This focus lasted until modern times and still finds space in contemporary times. Jannuzzi (2004) describes that attention to people with disabilities in Brazil began in the City Councils, which represented the local power of the villages in the Brazilian colonial period. These chambers emerged as a result of the Portuguese crown’s need to control and organize the cities and towns that were being developed in Brazil. The main objective was to vacate public spaces and make invisible the people who, at the time, were considered a social burden, useless and worthless.

In this period of Brazilian history, the model that stood out was that of religious associations and confraternities. These were governed by religious principles and functioned for this purpose, they were maintained by pious people and linked to religion. These institutions were committed to carrying out charitable and assistance practices, such as congregations, confraternities, and brotherhoods

supporting the “disabled”, “crippled”, and “defective”. “In the charitable model, inaugurated with the strengthening of Christianity throughout the Middle Ages, disability was considered a deficit and people with disabilities were worthy of pity for being victims of their own disability” (Lanna Júnior, 2010, p. 14, our translation).

The advent of modernity and revolutions affected the way of seeing and thinking about “disability”. Now the religious view of care began to share space with illuminist ideas and reason. Thus, care based on science and medicine was inaugurated.

In this new clinical perspective, being “disabled” meant being a faulty, deficient, non-standard subject, and this was related to abnormalities in the body, limbs, senses, and brain. Such deformities would consequently affect people’s cognitive, emotional, psychological, and social development. Therefore, they needed to be treated and reoriented.

Positivism and the affirmation of medical knowledge at the end of the 19th century enabled the emergence of a model in which people with disabilities came to be understood as having organic problems that needed to be cured. In the medical model, people with disabilities are “patients” — they would be treated as clients whose individual problems were understood according to the category of disability to which they belonged. Every therapeutic effort was made to improve their conditions in order to meet the demands of society. (Lanna Júnior, 2010, p. 14, our translation)

Their deformities aroused dedication and effort on the part of science, mainly medicine. Studies of human anatomy played an important role in the development of medicine, which led the medical community to always classify the body from the binomial “normal” and “disabled” (Strobel, 2008), as such a body needs to be shaped, repaired and adapted to fit as best as possible the established ideal model.

As defined by Kelman (2010, p. 27, our translation), scientific and medical advances were unique ways of “[...] medical practices to classify deviations from normality. This conception underlies the ideology of a corrective pedagogy or the hegemony of the disability model in Special Education”.

The philosophical and methodological model of care adopted at the time by the State and science was segregationist. This positivist model was based on selecting, classifying, organizing, and grouping people with similar disabilities. The coexistence of young people “with disabilities” was now possible with their peers, but it was only acceptable within the walls of public or religious institutions, far from the gaze of so-called “normal” society. The objective was much more to clean public spaces of “abnormalities” and hide them from social interaction than to guarantee rights and citizenship.

Rational and clinical care for people with disabilities in Brazil gained attention in the second half of the 19th century, with the structuring of Brazil as a modern nation in the imperial period. The process of laic and scientific structuring and intervention began, in fact, with the official actions of D. Pedro II, in the 1850s. The segregationist project model that was carried out in the United States and Europe was copied by the Brazilian court in the Imperial period.

According to Jannuzzi (2004), the first public institutions to house and educate children and young people with disabilities in Brazil would also serve as an asylum for these students. There was only one option for people with disabilities in this period who were looking for some social insertion: to move permanently into these establishments.

In accordance with this philosophy of segregationist care, in the 1880s, Emperor D. Pedro II founded the first institutions in the form of asylums for “disabled” young people, as pointed out by Lanna Júnior (2010, p. 20, our translation):

Decree No. 82, of July 18th, 1841, determined the founding of the first hospital “privately intended for the treatment of the insane”, Hospício Dom Pedro II, linked to the Holy House of Mercy, installed in Rio de Janeiro. The establishment began to function effectively on December 9th, 1852. In 1854, the Imperial Institute of Blind Boys was founded and, in 1856, the Imperial Institute of the Deaf-Mute.

The stigma that these people were unfit and incapable for the world of work and social life meant that most had lower professional qualifications and limited social skills.

Thus, under the “guardianship of the State, science, medicine, and the school”, people with disabilities began to receive care based on studies and methodologies. But the place that modern nations dedicated to these people was still far from inclusive and it would still take an intense struggle for citizenship and respect for human rights.

Oppression against people with disabilities manifested itself both in relation to the restriction of their civil rights and, specifically, to that imposed by the guardianship of the family and institutions. There was little or no room for them to participate in decisions on matters that concerned them. (*ibidem*, p. 12)

New medical and technological discoveries made this thought dominate for several centuries. The medicalist bias became crystallized in memory and in the collective imagination in such a way that, to this day, it is still not possible to think of public policy except through welfare means and treatments with adaptive interventions on the “disabled” body.

With the philosophical and methodological predominance of a view focused on the disease and not on the subject, for a long time there was neglect of the other demands² of people with disabilities. This reality lasted throughout the 20th century;

2 Alongside to the few actions of the State, the civil society organized during the 20th century its own initiatives such as: the Pestalozzi Societies, the Associations from Parents and Friends of the Exceptional (APAE) focused on helping people with intellectual disabilities (educational, medical, psychological and family support services); and the rehabilitation centers, such as the Associação Brasileira Beneficente de Reabilitação (ABBR) and so the Associação de Assistência à Criança Defectuosa (AACD), aimed primarily at victims of the polio epidemic (Lanna Júnior, 2010).

only in the late 1980s and 1990s did important conceptual changes begin to emerge. “Before the 1970s, actions aimed at people with disabilities focused on education and charitable and welfare works” (Lanna Júnior, 2010, p. 12, our translation).

Although initiatives aimed at people with disabilities emerged throughout the 20th century, it was from the end of the 1970s onward that the movement of people with disabilities emerged, given that, for the first time, they themselves were the protagonists in their struggles and sought to be agents of their own story. (*ibidem*, p. 12, our translation)

The first two decades of the 21st century were certainly fruitful in terms of rights for people with disabilities — times of paradigm shifts and a redefinition of the concept of disability. It was also the moment to leave the anonymity and marginalization of discussions and to conquer spaces and visibility. “The social model defended by the Movement of People with Disabilities is the great advance of the last decades. In it, the interaction between disability and the way society is organized is what conditions people’s functionality, difficulties, limitations, and exclusion” (*ibidem*, p. 14, our translation).

However, the spaces occupied by these subjects are not restricted to consolidation in an inclusive legislation. As pointed out by Shiroma, Moraes and Evangelista (2011, p. 73, our translation), the issue goes beyond the legal field:

[...] [it] is broader than the proposed legislation to organize the area. It is also carried out through educational planning and the financing of government programs, in its three spheres, as well as through a series of non-governmental actions that spread informally through the media. It takes place beyond these spaces, through the dissemination of its ideas in official and unofficial publications.

The concept of disability had to distance itself from the obligation of the disabled person to be “normal”, defended for centuries under the medical bias, and to approach practices that respect differences and not just normality and predetermined stereotypes. These are standards that generated and still generate so much prejudice and stigmas in the imaginary about people with disabilities.

What is fundamental, in paradigmatic and strategic terms, is to register that the fight for the rights of people with disabilities has been shifted from the field of social assistance to the field of Human Rights. This change in the conception of Brazilian state policy has taken place over the last thirty years. The movement was successful in placing its demands in the field of Human Rights and including them in the rights of all, without distinction. (Lanna Júnior, 2010, p. 14, our translation)

For Kelman (2010), these contradictions need to be resized, because “as human development is marked by differences, we need to understand them so that everyone can develop. And this is the message we want to convey: “[...] the substratum of inclusion is differences” (Kelman, 2010, p. 25, our translation).

“The motto ‘Nothing About Us Without Us’, an expression spread internationally, faithfully synthesizes the history of the movement [...]” (Lanna Júnior, 2010, p. 12, our translation).

From this perspective, when talking about respect for differences, the diversity of the “expression of human life” is considered, as people present physical, mental or psychosocial variations in their behaviors, abilities, and attributes. “The movement that emerged in the late 1970s sought to reconfigure forces in the public arena, in which people with disabilities emerged as political agents” (*ibidem*, p. 13, our translation).

Thus, “[...] the paradigm of inclusion becomes globalized and, at the end of the 20th century, becomes a watchword in virtually all human sciences” (Mendes, 2006, p. 395, our translation).

THE DISABILITY THEME PRESENTED IN THE YOUTH STATUTE

In the eleven sections of rights for youth included in the Statute, the words, entries, and categories related to the theme “disability” appear in the following provision: the category “young people with disabilities” is mentioned eight times in the document; the words “accessibility” and “adaptations”, five times; the words “assistive technology”, “disability”, “identity”, “diversity”, “access”, “coping”, and “vulnerability”, twice each; and the words “discrimination”, “inclusion”, “training of professionals for inclusion”, “multidisciplinary perspective for inclusion”, “specialized educational services”, “young people with deafness”, “peculiar condition”, “equity”, “parasports” and “equal opportunities and conditions”, are mentioned only once each. The only section that makes no direct mention of the inclusion of people with disabilities is the tenth, which deals with the right to sustainability and the environment.

Below are some explicit examples of the importance of this theme in the Youth Statute. In the section on the right to education, in item 3, “[...] young people with deafness are assured the use and teaching of the Brazilian Sign Language (*Língua Brasileira de Sinais* — LIBRAS) at all stages and educational modalities” (Brasil, 2013, n.p., our translation). In item 4,

Young people with disabilities are ensured inclusion in regular education at all levels and educational modalities, including specialized educational services, with the observance of accessibility to buildings, transport, spaces, furniture, equipment, systems and means of communication, and are ensured assistive technology resources and necessary adaptations for each person (*ibidem*, , n.p., our translation).

Article 10 states that it is “[...] the duty of the State to ensure that young people with disabilities receive free specialized educational services, preferably in the regular education network” (*ibidem*, n.p.).

In the section on the right to diversity and equality, in art. 17, it is guaranteed that “[...] young people have the right to diversity and to equal rights and opportu-

nities and will not be discriminated against on grounds of [...] disability”. And art. 18 proclaims the “[...] training of primary and secondary school teachers for the application of national curriculum guidelines with regard to tackling all forms of discrimination” (*ibidem*, n.p.) and the inclusion of topics related to disability.

In the section on the right to health, art. 20 guarantees the training of health professionals, “[...] from a multidisciplinary perspective, to deal with issues related to the sexual and reproductive health of young people, including those with disabilities, and the abuse of alcohol, tobacco, and other drugs by young people” (*ibidem*, n.p.).

In the section on the right to culture, art. 22 states that it is incumbent upon the government to “[...] ensure accessibility and reasonable accommodations for young people with disabilities [...]” (*ibidem*, n.p.). In the section on the right to communication and freedom of expression, art. 27 points out that it is the responsibility of the public authorities to “[...] promote youth communication networks and platforms, considering accessibility for young people with disabilities [...], to ensure accessibility to communication through assistive technologies and reasonable adaptations for young people with disabilities” (*ibidem*, n.p.).

The section on the right to sport and leisure, in addition to ensuring that the peculiar condition of each person is considered in his/her development with criteria that prioritize and promote equity, also valorizes educational para-sports. The section on the right to territory and mobility ensures that “[...] young people with disabilities are be guaranteed accessibility and the necessary adaptations” (*ibidem*, n.p.).

The section on the right to public safety and access to justice promotes the “[...] effective access of young people with disabilities to justice on an equal basis with other people, including through the provision of procedural adaptations appropriate to their age” (*ibidem*, n.p.).

According to the quantitative analysis of the words that have some relation to the theme of disability, the Youth Statute describes the guarantees that are given of the rights of young people with disabilities, whereas the word “disability” appears 13 times in the ECA. One can see the effort of the Youth Statute to cover the many spheres of the youthful life of people with disabilities. The legal provisions of the Youth Statute were the result of processes that guided the continuous struggle for public policies aimed specifically at young people with disabilities.

FINAL CONSIDERATIONS

The trajectory addressed here of themes related to young people with disabilities reveals the existence of a process with similarities, differences and complementarities in relation to a State policy that took place in the first decades of the new millennium.

This historical clipping of the insertion of people with disabilities in Brazil made it clear that the recent concern with this theme from the perspective of inclusion is a constitutive part of a national policy of even greater scope and still in progress.

However, with the recent changes in the orientation of public policies in our country, it will remain for future research in the area to find out how much progress is being made in this direction. The temporal cut of the bibliographic research showed that there is still a lack of *stricto sensu* studies and academic works that intertwine these two themes as proposed here.

With this bibliographical research, it is concluded that the theme of the youth of people with disabilities in Brazil is intertwined with the history of other rights minority groups which also emerge in search of their centrality in the social process of the country.

They are movements of individuals, but also of municipal, federal and global organizations, forming a socio-historical web of intertwining struggles and actions focused on youth and people with disabilities. This web still needs to be unveiled through new and profound historiographical research.

This whole process is permeated by struggles, comings and goings, changes, advances, and setbacks. Certainly, when trying to intertwine these two themes, it is clear that they reflect the reality of many other themes that coexist with some type of exclusion and are in search of their centrality in the democratic process of law. And which are also the historical fruits of a socio-political-cultural trajectory impacted by market economic issues and a penalizing and welfare State, which according to Costa, Rodrigues and Arpini (2021, p. 308, our translation):

[...] reveal the contradictions established by this neoliberal system, which governs the State, marked by the concentrated power of income, by the exploitation of workers who are increasingly impoverished and indebted, and by social policies which do not alter the structures of class division to maintain the established society order.

They directly affect young people with or without disabilities, poor and black, demarcating “[...] a profound social inequality that generates social injustices, exclusions and the marginalization of poverty, which needs to be contained and controlled” (Rodrigues and Sousa, 2017, p. 196).

Despite the apparent advances, mainly in the legal scope, in reality these people are not allowed to be anything more or less than such circumstances grant them. Thus, we agree with Foucault (2014, p. 270), when he states that: “[...] it would be hypocritical or naive to believe that the law is made for everyone in the name of everyone; it is more prudent to recognize that it is made by some and applies to others”. However, we are aware that the statutes are tools to guarantee the rights of organized civil society in the fight for the rights of all young people who are marginalized in this country.

REFERENCES

ARANHA, M. S. F. **Educação Inclusiva: a escola**. Brasília: Ministério da Educação; Secretaria da Educação Especial, 2004.

BRASIL. **Constituição da República Federativa do Brasil de 1988**. Brasília: Presidência da República; Casa Civil; Subchefia para Assuntos Jurídicos, 1988. Available at: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on: Jun. 20, 2021.

BRASIL. **Lei nº 8.069, de 13 de julho de 1990**. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. Brasília: Presidência da República; Casa Civil, 1990. Available at: http://www.planalto.gov.br/ccivil_03/leis/18069.htm. Accessed on: Jun. 20, 2021.

BRASIL. **Lei nº 10.098, de 19 de dezembro de 2000**. Estabelece normas gerais e critérios básicos para a promoção da acessibilidade. Brasília: Diário Oficial da União, 20 dez. 2000. Available at: http://www.planalto.gov.br/ccivil_03/leis/110098.htm. Accessed on: Jun. 22, 2021.

BRASIL. Ministério da Educação. **Diretrizes nacionais para a educação especial na educação básica**. Brasília: MEC; SEESP, 2001. Available at: <http://portal.mec.gov.br/seesp/arquivos/pdf/diretrizes.pdf>. Accessed on: Oct. 10, 2021.

BRASIL. **Lei nº 10.741, de 1º de outubro de 2003**. Dispõe sobre o Estatuto do Idoso e dá outras providências. Brasília: Presidência da República; Casa Civil, 2003. Available at: http://www.planalto.gov.br/ccivil_03/leis/2003/110.741.htm. Accessed on: Jun. 25, 2021.

BRASIL. **Lei nº 11.129, de 30 de junho de 2005**. Institui o Programa Nacional de Inclusão de Jovens - ProJovem; cria o Conselho Nacional da Juventude - CNJ e a Secretaria Nacional de Juventude; altera as Leis nºs 10.683, de 28 de maio de 2003, e 10.429, de 24 de abril de 2002; e dá outras providências. Brasília: Câmara dos Deputados; Centro de Documentação e Informação, 2005. Available at: <https://www2.camara.leg.br/legin/fed/lei/2005/lei-11129-30-junho-2005-537682-norma-actualizada-pl.html>. Accessed on: Jun. 25, 2021.

BRASIL. **Direito à educação**: subsídios para a gestão dos sistemas educacionais: orientações gerais e marcos legais. Organização: Ricardo Lovatto Blattes. 2. ed. Brasília: MEC; SEESP, 2006.

BRASIL. **Emenda Constitucional nº 65, de 13 de julho de 2010**. Altera a denominação do Capítulo VII do Título VIII da Constituição Federal e modifica o seu art. 227, para cuidar dos interesses da juventude. Brasília: Presidência da República; Casa Civil; Subchefia para Assuntos Jurídicos, 2010. Available at: http://www.planalto.gov.br/ccivil_03/Constituicao/Emendas/Emc/emc65.htm. Accessed on: Jun. 25, 2021.

BRASIL. **Lei nº 12.852 de 5 de agosto de 2013**. Institui o Estatuto da Juventude e dispõe sobre os direitos dos jovens, os princípios e diretrizes das políticas públicas de juventude e o Sistema Nacional de Juventude - SINAJUVE. Brasília: Presidência da República; Casa Civil; Subchefia para Assuntos Jurídicos, 2013. Available at: http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Lei/L12852.htm. Accessed on: Jun. 25, 2021.

BRASIL. **Lei nº 13.146, de 6 de julho de 2015**. Institui a Lei Brasileira de Inclusão da Pessoa com Deficiência (Estatuto da Pessoa com Deficiência). Brasília: Presidência da República; Secretaria Geral; Subchefia para Assuntos Jurídicos, 2015. Available at: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/113146.htm. Accessed on: Jun. 25, 2021.

CASTRO, E. G.; MACEDO, S. C. Estatuto da Criança e Adolescente e Estatuto da Juventude: interfaces, complementariedade, desafios e diferenças. **Revista Direito e**

- Práxis**, Rio de Janeiro, v. 10, n. 2, p. 1214-1238, 2019. <https://doi.org/10.1590/2179-8966/2019/40670>
- COSTA, A. F. S.; RODRIGUES, D. J. S.; ARPINI, D. M. Juventudes e Políticas Públicas. In: MOREIRA, M. I. C.; SOUSA, S. M. G. (org.). **Psicologia Socio-Histórica: bases epistemológicas, categorias fundamentais e intervenções psicossociais**. Goiânia: Ed. da PUC Goiás, 2022. p. 325-355.
- CURY, B. **Artigo do secretário nacional de Juventude, Beto Cury, analisa o desemprego e as demandas de trabalho entre os jovens**. s.d. Available at: <http://sga.sites.uff.br/wp-content/uploads/sites/296/2018/01/artigo-do-secretario-nacional-de-juventude-12062008.htm>. Accessed on: Oct. 10, 2021.
- FOUCAULT, M. **Vigiar e punir: nascimento da prisão**. 42. ed. Petrópolis: Vozes, 2014.
- JANNUZZI, G. S. M. **A educação do deficiente no Brasil: dos primórdios ao início do século XXI**. Campinas, SP: Autores Associados, 2004.
- KELMAN, C. A.; SOUSA, M. A. Sociedade, educação e cultura. In: MACIEL, D. A.; BARBATO, S. (org.). **Desenvolvimento humano, educação e inclusão escolar**. Brasília: Editora UnB, 2010. p. 11-50.
- LANNA JÚNIOR, M. C. M. **História do Movimento Político das Pessoas com Deficiência no Brasil**. Brasília: Secretaria de Direitos Humanos; Secretaria Nacional de Promoção dos Direitos da Pessoa com Deficiência, 2010.
- MENDES, E. G. A radicalização do debate sobre inclusão escolar no Brasil. **Revista Brasileira de Educação**, Rio de Janeiro, v. 11, n. 33, p. 387-405, dez. 2006. <https://doi.org/10.1590/S1413-24782006000300002>
- PESAVENTO, S. J. **História e história cultural**. 2. ed. Belo Horizonte: Autêntica, 2005.
- RODRIGUES, D. J. S.; SOUSA, S. M. G. A Vitimização Homicida da Juventude no Brasil. In: MACHADO, O. L. (org.). **Juventudes e sociedade no Brasil: estudos transdisciplinares**. v. 3. Frutal: Prospectiva, 2016. p. 234-274.
- RODRIGUES, D. J. S.; SOUSA, S. M. G. Violência Policial: sentidos e significados atribuídos por jovens da cidade de Goiânia. **Psicologia em Estudo**, Maringá, v. 22, n. 2, p. 187-198, 2017. <https://doi.org/10.4025/psicoestud.v22i2.31670>
- SHIROMA, E. O.; MORAES, M. C. M.; EVANGELISTA, O. **Política Educacional**. 4. ed. Rio de Janeiro: Lamparina, 2011.
- STROBEL, K. L. **Surdos: vestígios culturais não registrados na História**. 2008. 176 f. Thesis (Doctorate in Education) — Universidade Federal de Santa Catarina, Florianópolis, 2008.

ABOUT THE AUTHORS

PAULO CESAR SOARES DE OLIVEIRA has a doctorate in Education from the Pontifícia Universidade Católica de Goiás (PUC-Goiás). He is a professor at the Superintendência do Ensino Fundamental (SEDUCE-GO).

E-mail: libras.paulo@hotmail.com

DIVINO DE JESUS DA SILVA RODRIGUES has a doctorate in Psychology from the Pontifícia Universidade Católica de Goiás (PUC-Goiás). He is a professor at the same institution.

E-mail: psico.divino@gmail.com

MARIA ZENEIDE CARNEIRO MAGALHÃES DE ALMEIDA has a doctorate in History from the Universidade de Brasília (UnB). She is a professor at the Pontifícia Universidade Católica de Goiás (PUC-Goiás).

E-mail: zeneide.cma@gmail.com

Conflicts of interest: The authors declare they don't have any commercial or associative interest that represents conflict of interests in relation to the manuscript.

Funding: The study didn't receive funding.

Authors' contribution: Writing – Original Draft: Oliveira, P.C. S. Writing – Review & Editing; Investigation: Oliveira, P.C. S.; Rodrigues, D. J. S. Methodology: Oliveira, P.C. S.; Rodrigues, D. J. S.; Almeida, M. Z. C. M. Conceptualization: Rodrigues, D. J. S. Formal Analysis; Supervision: Rodrigues, D. J. S.; Almeida, M. Z. C. M.

Received on November 17, 2021
Approved on November 21, 2022

