



LUND
UNIVERSITY

Children's Rights in Brazilian Schools: A Living Law Informed Ethnography

Alexandre Soares de Carvalho

Lund University
Sociology of Law Department

Master Thesis (SOLM02)
Spring 2023

Word count: 21842



Supervisors: Per Wickenberg
and Rustamjon Urinboyev

Examiner: Peter Scharff Smith

Abstract

Children's rights are a crucial area of research since children are among the most vulnerable groups in every society. The state laws, including the United Nations Convention on the Rights of the Child (CRC), set out the rights of children and prescribes the obligations of governments and adults to ensure their protection, provision for their needs and grant them the right to participate in the decisions which affect their lives. Thus, the aim of this thesis is to explore the implementation of these rights and its relevant themes pointed out by the academic works in the Brazilian educational setting. For this study, I had to conduct a literature review that took into account the international as well as Brazilian literature published in recent years. This was necessary because previous Brazilian studies focused solely on domestic legislation and did not consider the CRC. As a theoretical socio-legal framework I decided to use the living law theory in a bottom-up approach. To achieve the goals, I did ethnography fieldwork in two schools to generate data that would provide me with the necessary experiences to analyse the problem. I present my results in a description in which I promote a dialogue among my findings and the literature, but also a dialogue between law in books and law in action (schools' living law). The thesis concludes that the rights to protection and provision are well established in the school environment. However, participation is a right not granted to students. This thesis aims to contribute to the living law understanding of children rights in education setting, and also to the academic and social debate on how implement the absent rights.

Resumo¹

Os direitos da criança são uma área essencial de pesquisa, uma vez que as crianças estão entre os grupos mais vulneráveis em qualquer sociedade. As leis estatais, incluindo a Convenção das Nações Unidas sobre os Direitos da Criança (CDC), estabelecem os direitos da criança e prescrevem as obrigações dos governos e adultos para garantir sua proteção, suprir a provisão necessária e conceder-lhes o direito de participar em decisões que afetam suas vidas. Assim, o objetivo desta tese é explorar a implementação desses direitos e seus temas relevantes apontados

¹ This version in Portuguese is part of an agreement between the author and the Department of Education of Federal District, Brazil.

pela academia no cenário educacional brasileiro. Para este estudo, tive que realizar uma revisão de literatura que levou em consideração a literatura internacional e a brasileira publicada nos últimos anos. Isso foi necessário porque os estudos brasileiros anteriores focavam apenas na legislação doméstica e não consideravam a CDC. Como arcabouço teórico sócio-jurídico, decidi usar a teoria do *living law* (direito vivo, numa tradução livre) em uma abordagem de baixo para cima (procurando entender o ponto de vista a quem é direcionado a lei; no caso, as crianças). Para atingir os objetivos, fiz um trabalho de campo etnográfico em duas escolas para gerar dados que me proporcionassem as experiências necessárias para analisar o problema. Apresento meus resultados em uma descrição em que promovo um diálogo entre os meus achados e a literatura, mas também um diálogo entre o direito nos livros e o direito em ação (*living law* das escolas). A tese conclui que os direitos de proteção e provisão estão bem estabelecidos no ambiente escolar. No entanto, a participação é um direito não concedido aos estudantes. Esta tese pretende contribuir para a compreensão *living law* da criança em contexto educativo, bem como para o debate acadêmico e social acerca da forma de concretizar os direitos ausentes.

Key words: sociology of law; living law; Children's rights; Convention on the Rights of the Child; school setting; education.

Acknowledgements

I would like to thank the principals of the schools that opened the gates to me and the teachers who welcomed me so well in their workplaces. I thank each child who allowed me to share their learning moments and who taught me so much. I thank the Secretaria de Estado de Educação do Distrito Federal (Department of Education) which provided me with the conditions to carry out this study. I would also like to thank my supervisors, Per and Rustam, for their always accurate guidance, their interest in my work and the kindness of their gestures at every meeting we had. A special recognition to my partner Letícia, who lived this whole journey by my side: whether she was enduring my anxiety attacks, or exchanging ideas about my next steps, or transmitting all her love and confidence to me. An affectionate thank you to Nicole and Vítor Hugo, who inspire me to be a better human being and to wish other children all the affection they deserve. Finally, I thank all my family and friends in the person of my mother, Denise, who prepared me for the school environment with all her sensibility as a retired teacher.

Table of contents

Chapter 1 - Introduction	1
1.1 Aim	2
1.2 Brief background.....	3
1.3 Education in CRC	4
Chapter 2 - Literature review:.....	7
2.1 Working on the Literature Review	7
2.1.1 Database and Keywords.....	7
2.1.2 CRC as not a keyword in the Brazilian context	8
2.2 Literature review divided into its subthemes	11
2.2.1 Subtheme 1: Classroom context	11
2.2.2 Subtheme 2: Children’s participation in the management of schools	13
2.2.3 Subtheme 3: Children’s rights through education.....	14
2.3 Discussion or... how to fill in the Research Gap	16
Chapter 3 – Theoretical Framework	17
3.1 Living Law	17
3.2 Exclusion rule	19
3.3 School as a singular sort of association	20
3.4 Living law as a key to interpret legal pluralism.....	21
3.5 Rationale: why use living law?	21
Chapter 4 – Method: Ethnography	23
4.1 Ethnography and its relevance to my topic	23
4.2 Reflexivity.....	24
4.3 Gatekeeper – getting access	25
4.4 Multiple methods.....	25
4.4.1 Go-along.....	25
4.4.2 Participant observation in relation to students	26
4.5 Entering the fieldwork site.....	27
4.6 Ethnography in socio-legal research.....	29
4.7 Ethical considerations	29
Chapter 5 – Empirical data analysed.....	31
5.1 Conversations with academic works.....	32
Subtheme 1: Classroom context	32

Subtheme 2: Children’s participation in the management of schools	44
Subtheme 3: Children’s rights through education.....	49
5.2 Conversations with CRC	54
5.2.1 Disciplinary rules	54
5.2.2 Protection living rights inside school	61
5.2.3 Provision achieved – with difficulty	67
5.3 Final considerations	72
Chapter 6 – Conclusion	73
References	77

Chapter 1 - Introduction

Children's rights are a crucial area of research since children are among the most vulnerable groups in every society. The United Nations Convention on the Rights of the Child (CRC) is a legally binding international instrument that sets out the rights of children and prescribes the obligations of governments and adults to ensure their protection, provision for their needs and grant them the right to participate in the decisions which affect their lives (Verhellen, 1993, p. 200; Verhellen, 2006, p. 80/81).

The CRC is the world's most widely accepted United Nations legal text. The only one of the 197 member states that signed but did not ratify the text is the United States of America². The CRC was approved by the UN General Assembly on November 20, 1989³. Less than a year later, Brazil ratified the Convention on September 24, 1990. The text of the Convention would only come into force in Brazil through Decree 99710 of November 21, 1990⁴. It is tedious to know these details about the dates, but in the particular Brazilian case, this is justified because two relevant legal texts on the protection, provision and participation of children were approved and became the norm shortly before the Convention produced legal effects in Brazil.

After the Federal Constitution entered into force in October 1988, giving absolute priority to the child's rights, making the family, society and the State responsible for them, the Parliament approved the Statute of Children and Adolescents (ECA – the Portuguese acronym to be used hereinafter), through Law 8069, on July 13, 1990.

These specific Brazilian laws need to be seen much more as a kind of complement to the general spirit brought by the CRC than a different proposal. In fact, texts

² <https://indicators.ohchr.org/>

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁴ https://www.planalto.gov.br/ccivil_03/decreto/1990-1994/d99710.htm

tend to converge on their most important aspects (Woicolesco, 2014, p. 42 and 44).

Thus, CRC could be expected to have a broad and positive impact on the daily lives of children around the world. However, literature has been showing that the CRC is not a complete reality in the educational setting (Urinboyev, Wickenberg and Leo, 2016; Quennerstedt and Moody, 2020, p. 190).

1.1 Aim

For this study, I aim to investigate how children's rights are being implemented in the Brazilian education setting. By focusing on one country, I conduct a deeper analysis of how the legal norms provided for in the CRC and in the Brazilian legislation are lived, enforced and experienced within a specific context, namely in the school context. The justification for this approach is based on the recognition that local features, such as internal legislation and local practices and norms (both official and unofficial), play a significant role in shaping the observance of children's rights inside the school setting.

Thus, the **aim is** to explore the implementation of CRC and Brazilian legislation on the rights of the child in the school context and explore its relevant themes pointed out by academic works.

To do that, I propose the following overarching **research question** and sub-research questions:

- How are children's rights that manifest themselves in the school context interpreted, understood and implemented in Brazilian schools?
 - Sub-questions:
 - How are children's rights that manifest themselves within classroom and school management being interpreted, understood and implemented?

- How children and educational professionals are being educated about children and other human rights?
- How the Brazilian school reality analyzed under the lens of living law can contribute for the broader socio-legal debates on the worldwide implementation of the UN CRC?

To answer these questions, I used the ethnographic methodology in which I proposed to deeply study the reality of two typical Brazilian public schools. As I did not find any other study with the same proposal, I decided to explore how schools deal with the issue of children's rights in general, without a specific focus. Thus, if on the one hand I ran the risk of being superficial and brief in the thematic analysis, on the other hand I had the opportunity to dialogue both with past academic studies and with legal passages that had not previously been problematized in the school environment.

It is also important here to explain the rights that will be considered in this study. After all, it would be practically impossible for a study to encompass all of the 54 articles of the CRC and also all of the Brazilian legislation referring to children's issues. Therefore, only rights that manifest themselves in the school environment will be taken into account. For example, it is beyond the scope of this work to approach adoption rules or preventive measures against children who commit crimes. On the other hand, it is recognized that not only rights directly related to education affect the school environment. Thus, this study sought to encompass the rights that affect children in the school environment, recognizing that the scope of children's rights does not fit all in the daily life of a school.

1.2 Brief background

The CRC is considered a continuation of the UN Declaration on the Rights of the Child (1959) and also an evolution from the Universal Declaration of Human Rights (UDHR) of 1948 in terms of widening and deepening the rights of the child

(Lindkvist, 2019, p. 220). The difference is that a convention approved by the vast majority of UN member states becomes legally binding. That is, the country that ratified the text accepts to be inspected and even be punished in case of non-compliance with some implementation rules (Verhellen, 1993, p. 200). There are three main types of rights that children can place themselves as claim-holders for: protection, provision and participation, as detailed by Wickenberg, Rasmusson and Leo (2019, 2021):

- Participation: The child's right to participate, e.g. in providing information and expressing his or her views, as well as participating in decisions in matters that affect the child. (Articles 12-17)
- Protection: The child's right to be protected from physical or mental violence, injury or abuse, neglect or negligent treatment, and all forms of exploitation. (Articles 19, 20, 32-36)
- Provision: The child's right to get their basic needs fulfilled, e.g. access to food, healthcare, education and social welfare. (Articles 6, 24, 26, 27:1, 28-29, 31) (Wickenberg, Rasmusson and Leo, 2019, p. 138; 2021, p.15)

It is important to note that perhaps more than any other institution, schools need to respect and comply with children's rights, as, in addition to being generally the first extrafamilial social contact, it is the place where the children spend a considerable amount of time for their still incipient lives (Urinboyev, Wickenberg and Leo, 2016, p. 523).

1.3 Education in CRC

To live in a society and *become* a full citizen, the child passes through some educational process. The content of CRC acknowledges that, and we can detect 20 times in which the word education appears in the text. However, it is not only then that it is possible to realize the potential of the legal text affecting the relations of

children in their school setting. Just a few years after the CRC was approved by the UN, Eugeen Verhellen wrote a seminal journal article about the implementation of Children's Rights in the educational setting (Verhellen, 1993). And I use his insights as the basis of this study. For him, the CRC may be divided into three tracks in this theme: the rights **to** education, the rights **in** education and the rights **through** education.

It seems that there is not much to write about the rights of children to get an education. They are indisputable rights. Even almost 30 years ago, these rights were well established, at least in the North-western countries. In the Brazilian context, it is not that different (Pellanda and Cara, 2021). Since the Federal Constitution, the public sector has been working to guarantee a free spot for each child, and these efforts are being well accomplished.

On the other hand, rights in education and through education were not so consolidated worldwide until the approval of the CRC. Hence the choice to observe in loco these themes. For the literature review chapter and to organize it better, I have subdivided the rights **in** and **through** education into three new main topics as done by Urinboyev, Wickenberg and Leo (2016):

- (1) Classroom context (children's rights observance in the classroom, i.e. teacher-pupil relations).
- (2) School management (children's participation rights in the management of schools).
- (3) Child human rights education in schools (the enforcement of children's rights in schools by educating both teachers and children about CRC). (Urinboyev, Wickenberg and Leo, p.525)

The first two address rights in education. Regarding the "Classroom context", references were sought that observed how children's rights are experienced in schools. Questions such as whether the material conditions of study (provision), the safety of the school environment (protection), and whether the child's voice (pupil's voice - participation) were being considered, among others, served as a parameter

for the selection of these studies. Regarding “School management”, this focus on the participation rights of the child in management affairs. The third and final topic, the right through education *Child human rights education in schools*, is handled with how human rights in general and the specifics of children are being studied and lived in schools. That means, for example, if there is a subject or some specific pedagogical project aimed at broadening the understanding of these rights and what effects this understanding brings to the day-to-day activities of schools.

It should be noted that all these mentioned themes had to be adapted to the Brazilian case since not only the CRC but also the Federal Constitution and the ECA must be taken into account.

Chapter 2 - Literature review:

In this chapter, I present how the issue of children's rights in schools has been studied internationally and specifically in the Brazilian context. To introduce the subject, I explain the keywords for the searches carried out. Then, I justify how local Brazilian specificities make it unfeasible to use the Convention on the Rights of the Child (CRC) as a research keyword in academic databases. Afterwards, I present how both international and Brazilian literature work with the sub-themes proposals of law **in** and **through** education. Finally, I make a brief discussion about the main findings and gaps in the field.

2.1 Working on the Literature Review

This literature review proposes to do it in the traditional format, summarizing and evaluating previous literature. As Banakar pointed out, the literature review is a critical component of research and “it helps us to gain an overview of the previous relevant studies, which are either on the topic of our research or closely related to it either empirically or theoretically” (Banakar, 2019, p. 9).

Thus, in order to have an understanding of the theme, I had to do a search considering both “international” and “Brazilian” literature in different moments. The result of this review favours the choice of methodology for this thesis and enables comparison with other previous studies.

2.1.1 Database and Keywords

I decided to search only the EBSCO database, provided by LUBSearch, the Lund University Library's search engine. The choice was due to the fact that advanced searches can also be carried out in abstracts, something that no other tool has provided.

For the international search, I used the following words: child rights, children rights, UN child rights convention, CRC, rights-based approach, education, pupil voice, classroom, teacher.

For the Brazilian search, I used, both in English and Portuguese, the following words: child rights, children rights, UN child rights convention, CRC, rights-based approach, Child and Adolescent Statute, Brazilian Federal Constitution, education, pupil voice, classroom, teacher.

Also, I checked the references from the selected articles in order to find more relevant studies.

An interesting finding of this review was that I realized that the term CRC or UN Convention on the Rights of the Child was not relevant to find Brazilian studies. For this reason, I decided to include the next subsection in order to better explain this result.

2.1.2 CRC as not a keyword in the Brazilian context

In a first brief analysis between the Convention and the more general legislation in force in Brazil, no differences were found. Perhaps for this reason, the difficulty expressed by Rosemberg and Mariano (2010) in finding debates about the realization of the rights provided for in the CRC. In their study, the authors noted the lack of discussion about the Convention on the Rights of the Child in Brazil, both in academic and media circles. Regarding media coverage, a review conducted by one of the largest Brazilian newspapers (Folha de S. Paulo) between 1985 and 2006 found only two articles discussing the Convention, one of which was written by a French sociologist, Alain Touraine. On the academic side, the authors conducted systematic research in two of the largest databases commonly used by Brazilians (SciELO and CAPES) and found only 28 master's theses and seven doctoral theses related to the Convention under the subject heading "International Convention on the Rights of the Child" produced between 1989 and 2009.

Moreover, they highlighted the limited range of topics addressed, with international adoption (25.7%) and deprivation of liberty (17.1%) being the most prevalent themes (Rosemberg and Mariano 2010, p. 715). That is, themes that are not directly related to the school environment.

Públio and Marson (2016) seem to consider that the texts complement each other. For the authors, the determinations of the Convention were integrated into the Federal Constitution and the ECA (Públio and Marson, 2016, p.236). Paiva *et al.* (2016) agree with the thesis:

The Statute of Children and Adolescents (ECA), especially based on the International United Nations Convention on the Rights of the Child (1989) process, represented a significant improvement over the protection of fundamental rights of children and adolescents, and created paradigmatic changes by charging adolescents in conflict with the law through socio-educational measures. (Paiva *et al.*, 2016, p.328, translated by me)

This legislation confluence of Brazilian civil society's understanding in line with the international discussions of the time seems to result from both an exogenous and an endogenous movement. On the one hand, discussions about the Convention that would be signed began in 1978 (Rosemberg and Mariano, 2010, p.705). On the other hand, the 1980s were animated with social movements in Brazil as the end of the dictatorial period (1964-1985) was near. Street children organized themselves into the “Movimento Nacional dos Meninos e Meninas de Rua⁵” and pressured the rest of society and Parliament to have a treatment for integral protection of children, with the opposite direction to the then treatment of social containment, where poor children were seen as a social danger (Paiva *et al.*, 2016, p. 330).

⁵ In a free translation: National Movement of Street Boys and Girls

It should also be noted that the Brazilian delegations were strongly involved in the construction of the text in all sessions held for this purpose since 1981 and influenced, among other issues, the rules regarding international adoption (Rosemberg and Mariano, 2010, p.709). Thus, in relation to the CRC text, the debates on decolonization do not seem to make sense for the Brazilian reality, both due to the intense action and the almost immediate assimilation of the text through an even more detailed law (ECA). In fact, doing this literature review, I looked for studies that compared CRC with ECA and found none. Indeed, the similarity of the texts discourages this type of study, as it leads to quick and obvious conclusions. However, this thesis would be incomplete if no examples were given. Thus, I decided to bring the right to participation, one of the most studied and least implemented, as you will see throughout this work, provided for in the two normative orders:

CRC: Article 12

1. States Parties shall assure to the child who is capable of forming his or her own **views the right to express those views freely in all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child.

ECA: Article 16

Art. 16. The right to freedom comprises the following aspects: I - go, come and be in public places and community spaces, subject to legal restrictions; **II - opinion and expression**; III - belief and religious worship; IV - play, practice sports and have fun; **V - participate in family and community life**, without discrimination; **VI - participate in political life**, as provided by law; VII - seek refuge, help and guidance.

(emphasis added)

As can be noticed, although written differently, both laws leave no room for doubt about the right of children to actively participate in decisions that affect their destinies. In this sense, in the next subsections, I will present the right of children in and through education in the Brazilian context, comparing it with international findings.

2.2 Literature review divided into its subthemes

From now on, I will present what I found in each subtopic that interests this thesis both in the “Brazilian” and the “international” searches. In this section, I will present the main findings in each of the three proposed subthemes and in this order: children's rights **in** an education setting; 1 — classroom context, 2 - children's participation in the management of schools; and children's right **through** education; 3 — how human rights in general and of children are being taught and learned (for pupils and professionals).

2.2.1 Subtheme 1: Classroom context

This was by far the most discussed topic in the studies found for this review. As found in other international studies, as in Carter and Osler (2000) and Quennerstedt (2011), the authoritarian style of a pedagogy hinders the recognition, on the part of teachers, that children are also holders of rights. In one of the empirical studies, and in one of the few times when the teaching of children's rights is directly addressed at school, a pedagogic coordinator, in an interview, stated:

Our school, being on the periphery, the first thing we did was to make a study of the ECA among our teachers, then we started talking to the children and reading some parts, the duties, the rights **because they think they have only rights, they don't know about the**

duties, and we've already shown them that they have rights, but they have a lot of duties, and I think all schools should do the same. I don't know if they're all ready. (translated and highlighted by me)
(Lopes *et al.*, 2012, p.225)

Perhaps worse than demanding that children fulfil their duties before guaranteeing them the rights provided, a reality pointed out by Dias and Neto (2018 and 2019) was the fact that Brazilian teachers do not even perceive immigrant students, like the Bolivians in Sao Paulo, who pass as “invisible” for them.

Some studies that take into account the Brazilian context have focused on propositions to increase the role of the pupil's voice, as in Marchiori (2012), Machado and Leon (2019), Silva and dos Reis (2018), Pereira Oliveira *et al.* (2006), Pereira and Lorencin (2021). These authors recognized that the teacher needs to listen to the student and give him/her a voice in order to reach a child with a greater sense of citizenship. This is in line with international studies, such as Covell *et al.* (2008) and Weshah *et al.* (2012), whose articles deal with the implementation of (different) pedagogical programs in England and Jordan, respectively. As an example of this, Covell *et al.* (2008) conducted a program that recognized that even very young children should be treated as rights-bearing citizens. They concluded that when children are aware of their rights and these rights are respected in the school environment, "then they are much more likely to think and behave as rights-respecting citizens" (Covell *et al.*, 2008, p. 337).

Another topic was the critical view of how school institutions deal with suspected domestic violence. Studies have shown that teachers, in general, prefer not to report cases to responsible institutions, which further weakens children in one of their most basic rights, that of being protected (Almeida *et al.*, 2006; Vasgotello *et al.*, 2006; Bazon and Faleiros, 2013). In this case, studies beyond Brazil were not found. When dealing with violence, the focus of the international academic community

was violence as a problem inside schools (Mepham, 2010; Öhman and Quennerstedt, 2017).

Finally, a last topic that has been addressed in several studies deals with one of the basic freedoms proposed in the CRC. Article 14, which provides for the right to freedom of thought, conscience and religion, has been systematically disrespected in Brazilian public schools (in the cities where there are religious classes), which forces teaching with a Christian matrix (Catholic or Evangelical), ignoring other minority religions, especially those of Afro-Brazilians and indigenous origin (Cunha and Barbosa, 2011; Lui, 2015; Façanha and Stephanini, 2021). Mawhinney also identifies this sort of issue in Ireland, where the ownership and operation of the majority of primary schools are held by the Catholic and Protestant Churches (Mawhinney, 2015, p. 291).

In a summary of this topic, it is interesting to note here that Brazilian studies expand the school towards society instead of containing all the focus on what happens inside the school environment. Examples of this are the number of studies that focused on the relationship between domestic violence and the reaction of education professionals and also the religious issue. In international studies that dealt with the same theme, the main focus was on how greater child participation generates more effective learning, as seen in Harcourt and Mazzoni (2012) and Flutter (2007).

2.2.2 Subtheme 2: Children's participation in the management of schools

Brazilian studies highlight the constitutional clause of public and democratic management, at least in public schools. However, they are also unanimous in pointing out that the neoliberal reform initiated in the 1990s made this principle of democratic management produce a business logic in which the principal/headmaster is seen as a manager and the school community as a kind of administrative council. In this model, the distribution of the school's financial

resources is more important than the effective participation of the community involved. Also, the discussion of topics of a pedagogical nature does not appear in these councils. It is noteworthy that none of the texts was exclusively concerned with the participation of children but with a more general criticism of the low level of participation of the school community as a whole, including teachers, other professionals, parents and students (Fernandes and Ramos, 2010; Neto and Castro, 2011; Conti *et al.*, 2013; Batista, 2014, 2018).

The absence of children in the debate on “democratic” management is even more evident in the study by Ferreira (2006), which focuses only on the teacher, the role of making it happen ‘through decision-making, that educational policies are materialized in the sense of training of true citizenship’ (Ferreira, 2006, p. 1349). For her, the children seem to be only as a complementary piece of the whole.

Children's rights regarding school management also face resistance around the world. Wyse (2001), researching the UK, admits that even schools that allow the participation of children in management do so in a limited way, concluding that it is not possible to change this practice while the focus is on the product (academic results), more than in processes (construction of a democratic environment). In this vein, I believe that the Brazilian case seems even more emblematic because the law already provides for children's participation, which apparently does not occur in practice. For a civil law system, where much of life is codified, the gap between the law in books and the law in action is even more evident.

2.2.3 Subtheme 3: Children's rights through education

Subtheme 3 investigates the practice of children's rights in educational institutions through education. Academic works identify this type of education in law as a way to promote a better learning environment as a whole and the formation of citizens better prepared to participate actively in democratic life. In this vein, a study highlighting that children should have democratic experiences in the school environment was carried out by Lopes *et al.* (2009) when discussing violence in

schools. For the authors, part of the solution to the problem of violence would be solved with the incorporation of democratic notions and attitudes in which the pupil's voice should be truly considered.

Da Silva Junior and Guimaraes (2013), Façanha and Stephanini (2021), Lui (2015), analysing the intolerant way in which religious education is being offered in Brazil, emphasize that human rights education could contribute to an environment of a positive space for greater tolerance, mutual respect and to improve social relations.

On the other hand, Caetano and Pinto (2018) and Guerreiro (2021) suggested a pedagogical proposal whose core would be education in human rights. In the studies, there is an agreement with the fact that education about rights helps to promote a sense of greater citizenship and motivation to participate in democratic life. However, it is noteworthy that none of the proposals has been empirically tested. In a similar vein, da Silva Junior and Guimaraes (2013) argue that the discipline of history should strive towards fostering a democratic and participatory culture, with the aim of preparing young students for social engagement and intervention (Silva Junior and Guimaraes 2013, p. 215).

Finally, the empirical study carried out by Lopes *et al.* (2012) highlights that the lack of knowledge of child protection laws affects the school community as a whole, harming the most vulnerable young people even more: "The fact that these adolescents are unaware of their rights leads to the aforementioned exaggerated and incongruous punishments" (Lopes *et al.* 2012, p. 226).

Unfortunately, no Brazilian studies were found that investigated in practice how children's learning about human rights affects their daily lives in schools, as done in the Canadian studies led by Covell and Howe (1999, 2001). This point, which deserves the attention of the academic community, should start by asking whether this apparent lack of interest is due to the absence of this practice in schools (children's rights education) or whether the Brazilian academic community has not yet been interested in this type of study.

2.3 Discussion or... how to fill in the Research Gap

This brief literature review demonstrated that children's rights provided for in the CRC and in Brazilian internal laws are far from being a reality in schools. It is also interesting to note that there was no problem of questioning the rules of the laws, in the sense of proposing reforms or the inadequacy of one or more clauses. It seems that the problem would not be in creating new and different binding norms; rather, the issue lies in their practical application. In this way, what seems to be understudied is how the daily life of schools is perceived from the perspective of their internal rules. Through a theoretical framework grounded in the writings of Eugen Ehrlich, I carry out an ethnographic work, observing the daily life of two different schools to discuss how the *living law* (informal norms and practices) of these schools dialogues with the rules of children's rights. I did not find any study with this proposal in the literature review, identifying a gap there, which I aim to contribute to the literature.

Chapter 3 – Theoretical Framework

There are two basic types of methodology in socio-legal studies that differ in their approach, depending on the theory chosen to analyse the phenomenon. The first is a top-down approach, that is, the legislative and the judicial system's standpoint is used as the main data support. And a bottom-up, that is, people who are experiencing the effects of a given set of rules on a day-to-day basis is taken into consideration for the data collection (Banakar, 2015, p. 41).

For my study, where I intend to observe the lifeworld through an ethnographic approach, the concept of living law, a socio-legal framework developed by Eugen Ehrlich, is the one that best fits this type of bottom-up approach.

In this chapter, I will first present Eugen Ehrlich's living law theory. Then, I will present some useful concepts that stem from it. Finally, I will provide a discussion to justify the choice of the concept of living as a theoretical framework.

3.1 Living Law

Eugen Ehrlich was an eminent legal scholar born in 1862 in the Austro-Hungarian Empire, more precisely in Bukowina, south-eastern Europe, today in Ukraine (Hertogh, 2009, p. 10). He is widely regarded as one of the 'founding fathers' of the sociology of law, having contributed significantly to the field through his theories and concepts (Papendorf, Machura and Hellum, 2014, p. 1). Ehrlich was exposed to diverse cultures and languages throughout his life, owing to the various ethnic groups living in Czernowitz, the capital of Bukowina. There, he "could observe 'nine tribes: Armenians, Germans, Jews, Rumanians, Russians (Lipowanians), Ruthenians, Slovaks (often taken for Poles), Hungarians, Gypsies' living side-by-side" (Banakar, 2012, p. 20). After receiving his law training at the University of Vienna, he worked as a docent there for a period before returning to his hometown. In 1898, he became a professor of Roman law at the university, and

later, in 1906, he was appointed the dean. After Romania incorporated the territory of Bukovina, Ehrlich was forced to move to Vienna and died there in 1922. The living conditions of his last years are not known (Eppinger, 2009, p. 22, 46). All this exposure to different cultures inspired him to develop his theory of living law, which has since become a classic contribution to the field.

With this background, Ehrlich became a lawman. Upon returning to his hometown, he began to reflect on the efforts that politicians and jurists from Vienna, then the capital of the Austro-Hungarian empire, were made to regulate the lives of the different societies that lived under the jurisdiction of the central power (Banakar, 2015, p. 137).

After that experience and reflection, he concluded that even without strictly following the laws of the empire, those communities had their own means of resolving conflicts within and between them. He also noted that people lived under rules, written or otherwise, not necessarily coincident with state law. Weighing all these facts, he realized that the study of the science of the law was too self-centred. For Ehrlich, it made no sense to try to understand the functioning of law based only on statutes and juristic law⁶, that is, on the laws themselves (*Gsetze*) and legal norms for decision-making (*Entscheidungsnormen*), respectively (Banakar, 2013, p. 18). By doing so, the science around law tried to 'contaminate' itself as little as possible with the life of society. At this point, Ehrlich criticizes the schools of law for not training judges capable of judging according to the rules lived within that society. According to him, the fact that universities were founded and maintained by the State meant that the reception of Roman law remained confined within their walls, and the study of law ended up focusing primarily on training future judges. As a result, the legal field became centred solely on the performance and duties of a judge (Ehrlich and Ziegert, 2001, p. 7).

Interpreting Ehrlich's work, Monica Eppinger argues that judges should do ethnographic work, observing the society in which they live so that their judgments

⁶ Thereby, Eugen Ehrlich divided his concept of "State Law" (Banakar, 2013, p.18)

become more appropriate to the cases that they should appreciate (Eppinger, 2009, p. 41). After all, the job of the judge is not the same as that of a legislator. The judge decided based on the rules settled down. She/he shouldn't force to control people with rules they don't recognize. That was Ehrlich's idea to improve the judgment system.

In addition to perceiving the different living laws of the different 'tribes' that live in their region, Ehrlich deepened this idea by describing that each association lives according to its own rules and "state law could be effective only if it was in line with the inner order of those associations it was to regulate." (Banakar, 2013, p. 17).

Banakar pointed out that Ehrlich's recognition of a difference between state-established law and customary norms used by the general public to resolve conflicts and structure relationships led him to develop a sociolegal theory that better reflects the normative fabric of society. Thus, each association has a regulatory system that reveals how people actually organize their interpersonal relationships and activities over time, not how they are expected to do so (Banakar, 2015, p. 52/53). By association Ehrlich means the state, the nation, the political parties, the family, a group of factory workers, the religious communions and so on (Ehrlich and Ziegert, 2001, p. 26). Thus, an elementary school must also be considered an association for this study. That is, each school creates, and lives (judges) also based on its internal hierarchies and forms of coexistence created and solidified over time.

3.2 Exclusion rule

A kind of follow-up to living law is Ehrlich's explanation of what I have named the "exclusion rule". According to him, when referring to coercion, state law is usually the last instance to be applied in society to those who deviate from the norms. The reasoning is that associations usually have their own judgments about the actions of individuals linked to them. For example, in the case of a clan, if a certain person

presents obstinate resistance towards the established rules, the group does not seek the judiciary to resolve the issue, even if it is illegal under state law. Ehrlich argues that exclusion from the community is the maximum punishment that an association usually has. Those excluded would be the true recipients of the coercive force of the State and would be thrown “by their own luck” without the protection of their former association partners (Ehrlich and Ziegert, 2001, p. 73-74)

Nowadays, an example would be a person who is addicted to drugs and gradually sees her/his family ties broken until be excluded from the group. The clan or family would hardly call for state coercion in such a case. But, once abandoned, this individual becomes an excluded person and, therefore, an easier and more direct target for law enforcement agents.

In a school, the situation is not very different. From what I could observe, students who misbehave end up being sent to the principal to solve the problem. The first punishment is to stop participating, even for a while, in the classroom space. If the student continues to infringe the school's regulations and procedures, he may eventually be asked to withdraw or even expelled from the school: exclusion from the community works as the most drastic punishment here too. They are rare, and only in very serious cases does the school summon the State security forces into its facilities. In most cases, the solution occurs intramural.

3.3 School as a singular sort of association

Ehrlich classifies associations into two main types: genetic and voluntary. Genetic would be part of an unconscious drive that makes people gather in families, clans, and tribes. Voluntary or late associations, on the other hand, would be conscious, that is, someone becomes a member, and the others accept him because of the desire to join and receive (Ehrlich and Ziegert, 2001, p. 28). The school could not be classified as either genetic or voluntary. Generally, children cannot say whether or not they go to a certain school. The school, especially the public one, can hardly

refuse to accept a proper enrolment. This creates a differentiated sort of bond that, in some way, interferes with the rules that are established over time in these environments. In chapter 5 I will explore this further.

3.4 Living law as a key to interpret legal pluralism

The literature recognizes that Ehrlich was one of the first to develop a pluralistic theory of law (Hertogh, 2009, p.8; Treviño, 2013, p. 36; Banakar, 2015, p. 137). Legal pluralism occurs when multiple rules coexist. In other words, legal pluralism focuses on the presence and interaction of several different systems of regulations that shape individuals' social conduct (Urinboyev and Svensson, 2013) (Urinboyev, Wickenberg and Leo, 2016).

Thus, both the CRC and Brazilian laws should be considered as one more normative code among others that influence conduct within the school environment. Even at school, it is possible to perceive a certain difference between what happens and what can happen inside the classroom or outside. For example, the rule of silence prevails in the classrooms. However, this same rule is not applicable during the break when the children are in the courtyard. In this way, the concept of a 'living law' theory serves as a valuable framework for examining the diversity of normative systems present within the school to understand how the relationship between them operates.

3.5 Rationale: why use living law?

From the standpoint of the judicial authorities, the national laws and the treaties signed and ratified by a country conform the society's rules of conduct. In theory, everyone is obliged to follow these laws, regardless of whether they know about them or not. And also, regardless of how they interpret it. For law enforcement agents, only the interpretation given by the judiciary authorities is valid. In the

lifeworld, however, this is not the case, as pointed out by Ehrlich. According to him, a juristic science that views law as a standard of behaviour could not logically establish a principle that individuals are obligated to comply with the law even if they are unaware of it, since it is impossible to adhere to a standard that one is not aware of (Ehrlich and Ziegert, 2001, p. 12). A school has its own rules, created and solidified by years of practices. This set of rules sometimes coincides with state law, sometimes goes against it, and other times ignores it. For this reason, I decided to investigate what are the rules that students, teachers and others involved in the school community usually follow in their daily lives. I believe that these observations, seen through the lens of the theory of living law, will help shed light on the debate about the implementation (or not) of children's rights in the school environment.

Furthermore, the ethnographic method, which will be better detailed in the next chapter of this study, is one of the most suitable for the proposed task. This is the view I also borrow from Eppinger (2009). According to her, through ethnography, it is possible to generate hypotheses that can be tested through local observation, as well as to question hypotheses that are disconnected from the observed experiences. Interpreting Ehrlich, she argued that this approach to studying human experience can inform a more comprehensive science of law that offers broader insights into human social organization. Thus, this commitment to ethnography as a means of cross-cultural learning and understanding affirms the potential for individuals and societies to learn from one another. "With ethnography as a tool, one is uniquely equipped to advocate for the species" (Eppinger, 2009, p. 46).

Chapter 4 – Method: Ethnography

This section presents the research design of this thesis project. It describes methods of data collection, as well as considerations on methodology and its limitations and ethical considerations.

4.1 Ethnography and its relevance to my topic

There is no wrong or right when we think about how to collect and analyse data. To answer the research questions, one should try to find the most suitable methodology, asking, “what is my research about?” (Mason, 2018, p. 22).

As presented in the introduction section, my goal is to study the implementation of children's rights in the school environment. To do so, I want to go beyond simply checking whether any international and state law standards are being met. What I intend with this work is to describe what are, in fact, the rules experienced by children in a school environment. Only after completing this task, it will be possible to carry out a dialogue between the living law of schools and what has been idealized as the most updated in state of the art on children's rights. In order to achieve this goal, I decided that ethnography would be the best fit for the journey. In an ethnographic work, the researcher tries to understand the social world of the people she/he is studying by watching, experiencing, absorbing, and inquiring. According to O'Reilly (2012), this is the best way to learn in detail about complex social phenomena (O'Reilly, 2012, p. 1). Also, it allows a perspective that enables the observation of discrepancies between people's words and actions. This seems to be especially important when the subject is children's rights.

Carrying out ethnographic research includes multiple ways of generating data, and this work was no different. During the fieldwork, I had to guarantee my access through presentations to the principals (headmistresses), informal conversations with teachers and students, participation in classrooms and observation of two

public schools' routines on different days. In the next subsection, I will present part of my reflection on the performed work.

4.2 Reflexivity

The research methodology for ethnography differs from other approaches in several ways. In a reflection made by Flood (2005), he pointed out that ethnography is characterized by tentativeness, multi-dimensionality, openness, and discursiveness. According to him, the process starts with a mindset of learning and inquiry, acknowledging that our knowledge is limited, rather than assuming that we have a predetermined understanding of the topic (Flood, 2005, p. 1).

I have a law degree and work at the Education Department of the Federal District. Although my job as a civil servant is in Brasilia, the capital of Brazil, the department where I work only has jurisdiction over the public schools in the region. Most of my department colleagues are teachers. There, I'm a law analyst. Thus, it is necessary to underline that there is an estrangement on both sides. As above mentioned, I must admit that I know very little about everyday school life. This means that I need to learn and update myself on even the most basic issues, such as whether or not students need to use a planner. On the positive side, the fact that everything is very new to me guarantees me a sensitive look at the characteristics of the school before they become commonplace (Emerson, Fretz and Shaw, 2011, p. 24).

On the other hand, I am also strange to the stakeholders at the school. A middle-aged man who is not a teacher causes curiosity in students and some apprehension in teachers and the board management. The children who approached me in the classroom asked my opinion about their school or if I didn't get tired of taking notes so much. The teachers admitted to feeling tense with my presence, as if they were being evaluated at that moment. The principals tried to present the school in the

best possible light. I tried to minimize these limitations using the go-along and participant observations method, which will be further explored below.

4.3 Gatekeeper – getting access

Gaining access to schools was not a trivial task. First, I tried the official route, through the Educational Department itself. I received a formal response demanding several acts that would practically make the research unfeasible for the period they themselves give to grant access or not. Given this, I needed to activate my personal contacts network to get direct access to the boards of the observed schools. Even so, I had to schedule a meeting with each one of them to explain my project and how my presence would be in the school environment. After these meetings with the gatekeepers, I obtained their verbal consents and was able to start working.

The public school, despite being regulated by a democratic management law, still centralizes a lot of the decisions to the principals and their surrounding staff. So much so that, once authorized by management, none of the teachers refused to welcome me into their classrooms. Gradually I realized that each environment, each schedule, and each school event would require a different approach from me. In the next subsection, I will explore some of these multiple approaches.

4.4 Multiple methods

4.4.1 Go-along

During my process of research design, I decided to spend around one month in two schools talking, observing, and interviewing the most diverse actors in their 'natural' environments. In this vein, I used the "go-along" method, described and defended by Kusenbach, defined as follows:

When conducting go-alongs, fieldworkers accompany individual informants on their 'natural' outings, and – through asking questions, listening and observing – actively explore their subjects' stream of experiences and practices as they move through, and interact with, their physical and social environment. (Kusenbach, 2003, p. 463)

This method allowed me to capture the main impressions of the teachers in practically real-time. When classes were over, I had access to them and asked questions that were relevant to the topic. Another space that allowed me to “go-along” was to share breaks from work in the teachers' lounge. There I was in an environment where I found the staff more relaxed and calmer to expose themselves freely. My meetings with the principals also followed this pattern. I only found them within the school facilities. They would talk to me as they worked on their daily routine, giving an order here, printing a document there, or answering a phone call.

4.4.2 Participant observation in relation to students

Kusenbach argues that ethnography can be divided into the following methods: interviewing, go-along and participant observation. For her, participant observation would be the natural observation of social events (Kusenbach, 2003, p. 459). Regarding the children, I found some practical and ethical limits to maintaining a much more distant approach than I had with adults. In the ethical challenges section, I will develop this theme further. Here I will point out the practical limits that did not harm the generation of data.

My aim in this research was to understand what and how the living law of children's rights in schools was. In this way, I needed tools that would allow me to capture the rights and also the duties that students experience. Interviewing them systematically would be tricky. I was a non-teaching adult in “their” space. It would take time to gain their trust and, therefore access. Forcing them through a top-down agreement between me and the principal, where the children would be obliged to interact with

me, would go against the ethical sense of this research. Therefore, trying to stay in the shadows and intervening as little as possible in their routine allowed me to identify the day-to-day norms without the distortion that my eventually more active presence would cause in the school routine.

4.5 Entering the fieldwork site

Ethnography is, in essence, an irreplicable method by its nature: usually, we have one observant in a given context. However, that does not mean this method is unreliable. Its forces come from the accurate description that gives the sense of honesty and authenticity to the study, added with my reflexivity on those. Because of that, I decided to provide some personal details and present the numbers of my data.

I note that as a lawyer, I'm a complete strange to the school setting at all. As already explored neither the staff nor the students recognize me as one of them. Thus, this provides me an outside perspective there. However, I need to add that this feature also places me as a different in the theme's. Most of the authors I read for the literature review have an education or sociology degree. Also more relevant is the fact that most have training and experience as teachers. For sure, some information will escape from my eyes, trained more to get rules than pedagogical strategies, behaviours, or management acts. On the other hand, I may grasp different aspects disregarded from the mainstream literature and that is a possible explanation to the highlights I will expose in the second part of this chapter.

Now, I move on to present more objective information from the generated data. I was in contact with two schools in Brasilia, the capital of Brazil, in just over two months. These two schools belong to the Federal District, an entity that houses the capital of Brazil, Brasília and is located in the center-west of the country. I decided to research public schools, since they represent just over 80% of national enrollments in elementary schools when compared to private schools. One of the

schools had classes from grade 1 to grade 5 (children aged 6-10 on average) and the other had classes from grade 6 to grade 9 (children aged 11-15 on average). Using the ethnographic method allows a deep dive to capture similar situations and generate a thick narrative description. However, it is possible that other regions of Brazil, a continental country, present different realities.

My first contact was via telephone with the principal of one of the schools on 01/12/2023, and the last one when I visited the other school in this study on 03/20/2023. By giving them my personal guarantee that I would anonymize all data collected and generated, I decided to change the names of my notes and not add any of the pictures I took there.

I went to the schools 9 times. For most of them, I was there to be in classrooms, attending regular classes. But I also went to introduce myself to each principal and attend a parents' meeting. I spent around 45 hours inside the school's facilities. From this, I attended 11 different classes from grade 1 to grade 9, except for grade 2 classes. So, on average, I could watch students in a range from 6 to 15 years old. I had the opportunity to follow lessons of Math, Sciences, Portuguese, History, and Geography. Also, I could participate in a Human Rights activity given by one of the principals when she was substituting a teacher with sick leave.

When I had my meetings with the principals to introduce myself, I did not write any jottings or record in real-time. It would not be polite from my side if I had done that. Therefore, I decided to focus entirely on listening to what they had to say while I was with them. Thus, just after these meetings, I started to type on my phone the main dialogues I remembered and my impressions. In a different vein, when I was in the classrooms, I decided not to use my cell phone to take notes or to record because the students do not have this sort of permission. So, to be less disruptive and strange to them, I decided to write jottings in a notebook. Just like them. I noted 48 pages in this notebook. When I transcribed and translated (in two distinct processes) these notes into more intelligible digital files, I got 61 pages of word processing software. In the next section, I will make sense of these data, dialoguing

with the literature and the legal texts through the lenses of the theoretical framework.

4.6 Ethnography in socio-legal research

Like Flood (2005), I believe that ethnography can be used successfully in this socio-legal study. Unlike other methods, ethnography is focused on interpretation rather than causality, and it places a strong emphasis on historical and temporal contexts. Flood argues that to study complex relationships, such as those between lawyers and clients or doctors and patients, direct observation is essential for gaining a nuanced understanding of these interactions. For him, traditional research methods, such as surveys or recollections, may not provide the same level of depth. “If we want to know how organisations attempt to create a culture and establish their niche, we need narrative because these things are contested, ambiguous and inchoate” (Flood, 2005, p.15).

The relationship between education professionals (principals, teachers and other staff) and their students is complex. On the one hand, everyone is, at least in theory, looking for the same result – the best academic performance. On the other hand, these actors are in constant conflict over which processes to use. Children's rights, while almost universally accepted, have a very different reality in the lifeworld compared to state law. In the next chapter, I will analyse the results of the generated data, but I can advance now that what teachers and principals say about rights is not always connected with student school life. In the following subsection, I will explore the ethical issues I had to consider.

4.7 Ethical considerations

My first ethical concern and promise to the participants with whom I had the opportunity to talk and expose the research project were to guarantee that all data

would be anonymous. Either I did not identify who the person was speaking, or I changed the real names to invented ones. That is, through my study, no one would be able to identify which schools I went to and which people I had contact with. This is one of the main ethical worries of any sociological research that works with potentially sensitive data, and that may cause eventual harm to the participants if leaked (Emerson, Fretz and Shaw, 2011, p. 226).

I need to guarantee the anonymity of my participants first because the only authorization I had to access the school and its environments and activities was from the board management. The other participants did not have any power to decide whether they could be observed or not. Second, because I could not violate the children's right to privacy and image under the cover of doing academic work. Research with children and adolescents is very sensitive in this regard. Any authorization for participation and disclosure of personal data would require both the consent of the parents and the children themselves.

However, anonymity cannot be an excuse for defrauding data. An ethical matter that should guide all ethnographic work is the reliability of the used data. In fact, in a work like this, when all data is anonymized, one of the concerns of those who read it is to be sure that I have not fabricated any quotes or data (Israel, 2015, p. 3). In order to try to reduce distrust to the minimum possible level, I presented my data in the most reliable way with the lifeworld that I had access to. To accomplish the task, an accurate description can prevent the ethnographer from losing the trust of his readers (Emerson, Fretz and Shaw, 2011, p. 226). I also sought, through the dialogues and situations I experienced, to try to establish recurrent patterns of conduct that would be easily found by another social scientist in the eventual interest of validating the research. No research, qualitative or quantitative, is immune to mistrust regarding the data presented. The reader has my declaration that I am not interested in doing science fiction and I hope that the other parts of my text has been coherent enough to also bring this understanding.

Chapter 5 – Empirical data analysed

The purpose of this chapter is to connect the empirical findings with the outcomes of the literature review chapter, as well as analyse the empirical data through the lens of the concept of living law. For this, I decided to follow the analysis strategy developed by Urinboyev and Svensson (2014) used in the study on corruption in Post-Soviet Uzbekistan. According to them, it can be considered a “living law-informed ethnography”, a study that seeks to understand the relationship between formal and informal systems of values and belief and regulatory structures (Urinboyev and Svensson, 2014, p. 216). Thus, my objective is not to make a moral judgment about educational practices and even less about the possible performance of a certain pedagogical practice. Rather, using the concept of living law, I intend to describe in more detail the relationship between children's rights lived in action (schools' living law) and children's rights in books. With this, I aim to highlight differences and similarities between the practice of social norms and moral codes experienced by children and what is provided for both in the CRC and Brazilian law.

To achieve this goal, I will return to each subtheme indicated in chapter 2 to provide an integrated analysis of the law lived in the schools I observed. Since I have already identified the common subjects pointed out by the literature, this is the moment to cross these with the generated data to provide a thematic analysis (Barker and Pistrang, 2021). I will present the interweaving of state law and schools' internal procedures using the generated ethnographic material as a basis.

I must add that ethnography combined with living law to study children's rights in schools brought me limitations and potentialities. For the limits, not everything described in the literature can be observed. I believe this was due both to the methodological proposal and to the time available for data collection. As previously mentioned, I did not find any ethnographic work that aimed to study the rights of children in the school environment.

As for the potentialities, however, I can describe the fact that I found unwritten school rules that were not problematized by the other authors as a matter of rights experienced by children. For this reason, I thought it was worth creating an extra section to describe these school rules that were not found in the literature review, but that somehow dialogue with the legal texts, especially the CRC.

Thus, again the approach will be through a thematic analysis. The difference, this time, is that the themes came from the laws object of this study and from academic studies.

It's worth noting that the quotes cited in this chapter have been translated from Portuguese to English, and while they may not be identical to the original statements due to language differences, these discrepancies are insignificant and do not affect the substance of the quotes themselves.

5.1 Conversations with academic works

In this section, I intend to resume the findings in chapter 2, of the literature review, making use of what I observed during the fieldwork period. As observed further below, it is possible to verify that what has been happening in schools still repeats the same problems pointed out by professional educators. However, in some specific themes, there seems to have already been some progress with regard to children's rights implemented in schools.

Subtheme 1: Classroom context

To answer my research question, I decided to do most of the data collection in the classroom. After all, the classroom context is the place where the children spend most of their time in schools. I recognize the importance of other moments, such as break periods and entering and leaving school. However, the greatest variety of situations occur inside rather than outside the classroom.

In this section, to make this study easier to understand, I made a new subdivision to present the results and analysis inspired by each subtopic identified by the authors.

Subtopic 1.1: Children seen much more as duties-bearers than rights-holders

As seen previously, the idea that children need to learn their responsibilities and duties, before the idea of having specially protected rights is common among education professionals “because they think they have only rights, they don't know about the duties, and we've already shown them that they have rights, but they have a lot of duties” (Lopes et al., 2012, p.225). In this case, it is not the rejection of one or another specific right, as we will see later, but the rejection of the very idea that children should have special rights due to their childhood condition.

The results I found are in line with the academic works findings. It is very common to find examples of situations in which children are “reminded” that they must follow the rules:

_ Children, you need to know rules. Tomorrow we will talk about it. Today there were problems like kicking the friend during the break, sticking chewing gum on the bottom of the plates...

(Field notes from February 14th, 2023: Grade 4 classroom)

Later this same Grade 4 teacher tells the class:

_ We need to organize, follow rules, comply with norms. (idem)

Following the go-along method, as exposed before, I was talking with a teacher while he was waiting for his next students come to the classroom. We talked a little about children's rights. He told me what he thinks:

_ Children are born with all rights. As they grow up, they also receive duties.

(Field notes from March 9th, 2023: Waiting for a Grade 6 to come in)

This seems like an excellent summary of what most teachers think. In fact, through their attitudes towards the students, they seem to put themselves in a position where they need to teach all the responsibilities and duties to the children since the rights would already be obviously exercised and guaranteed. Thus, as an almost natural consequence, the authoritarian teacher-student relationship, as pointed out in Carter and Osler (2000) and in Quennerstedt (2011) prevails. Putting it in very simple terms: the teacher gives an order, and the students must obey. Those who do not obey as the teacher predicted suffer the consequences. Within the classroom, the teacher acts as a prosecutor (accuser) and judge. Children are defendants and, at best, witnesses. Sometimes the teacher explains the reasons for demanding something, but this does not always happen:

_ Take a bag there in the closet!

_ Which?

_ You will see there! The one with the material...

The boy obediently got up and took it. He didn't question the order. The reason for the order was not explained to him.

(Field notes from February 15th, 2023: Grade 5 classroom)

Sometimes authority is conquered, earned through shouting, not talking. In the following excerpt, the boy had not caused any disturbance during class, yet it did not prevent the teacher from giving him a rude response to clearly show who is in charge:

_ Mario, why are you keeping the material? (the teacher asks quite rudely)

_ I was getting the case! (answered the student, almost shouting)

_ You don't yell at your mother, and you won't yell at me either!

(Field notes from February 15th, 2023: Grade 5 classroom)

Even short dialogues, which seem trivial at first glance, demonstrate that the teacher always places himself in a superior position to the student. The rule is imposed and does not even need to be explained:

- _ I only accept pencil calculations. It's not meant to be done in pen.
- _ What if I'm right?
- _ It doesn't matter!

(Field notes from February 15th, 2023: Grade 5 classroom)

The moments of authority exercised by the teacher are very common and at the same time distinct from each other. It doesn't matter the moment of the class, the topic, or the type of provocation. The teacher always seems ready to exert their domination "so as not to lose control of the class":

- _ Don't erase! (some students ask the teacher not to erase the board, as they were still copying)
- _ Now that I've started I'm going to finish. (to erase)

(Field notes from February 16th, 2023: Grade 8 Classroom)

In an even more drastic example, worse than ignoring the student's response was the imposition of the "truth". In the following case, the principal, who was teaching human rights in place of a sick teacher, wanted to show that the class was respectful of differences in relation to students with disabilities. She did not give up until she got the 'correct' answer:

- _ William, do they (your classmates) treat you well?
- _ No.
- _ Hey?
- _ No.
- _ What??? (several students also asked)

_ William, do they treat you well here? Yes or no? (the principal insists not seeming or wanting to believe the answer of the disabled student).

_ Yes.

The principal breathes a sigh of relief. She managed to get the “right answer” out of the student. I understand that for her, education in human rights is about teaching students to be tolerant with each other, to accept differences. And I imagine she thinks this is the sole focus of my work.

At this point I can finally understand what bothered me about this lesson. Even when the school teaches rights, human rights, the focus is on how children and adolescents should behave. The focus is always on duties, on accountability. It doesn't seem wrong to me to remember that rights go hand in hand with duties, but so far what I've seen has a clear imbalance. Duties, obedience to rules, receive much more attention than rights, the active conquest of full and participatory citizenship.

(Field notes from March 8th, 2023: Grade 9 classroom)

Thus, it is clear that this authoritarian style is in line with what is found in the literature review, but not so much with what the legal texts enact. Both in the CRC and in Brazilian legislation, the focus is on the recognition and exercise of children's rights. For example, in the text of the CRC, there are 39 mentions of the term right, the first of which is already in the preamble⁷. In the ECA, there is also a greater focus on rights than on duties⁸.

⁷ CRC – Preamble: Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,
...

⁸ ECA - Art. 3º Children and adolescents enjoy all the fundamental rights inherent to the human person, without prejudice to the full protection provided for in this Law, ensuring them, by law or by other means, all opportunities and facilities, in order to provide them with physical, mental, moral, spiritual and social development, in conditions of freedom and dignity.

When dealing with responsibilities, the state laws mainly emphasize the duty to care for the State and the family, as provided for in the CRC⁹, and in the Federal Constitution¹⁰. The school, therefore, seems to be placing exaggerated emphasis on the responsibilities that children have in relation to the rights they should learn and exercise.

Subtopic 1.2: Invisibility of the “different”?

One of the trends pointed out by the literature was the fact that immigrants are virtually “invisible” to teachers and other colleagues. In the schools I went to, there were no foreigners, but I participated in classrooms that had people who could be considered “different” from the other students and, consequently, more vulnerable. Whether it was due to the nature of the differences or the time that had passed, what I could observe was practically the opposite of these findings. Two indigenous children, an orphaned child, a child with severe special needs, and another child in a terminal state of illness received a reception that positively surprised me due to the attention and affection they received from teachers and other professionals in the schools. Here is an example:

14:05 – Hugo arrives, a boy in a wheelchair.

_ What do you want to do, Hugo? A draw?

Noah, Hugo's friend, will help him with the task.

Later, in the teachers' lounge, I discover Hugo's story. He is a boy who started at this very school early, at the age of 4. Last year he started feeling

⁹ CRC - 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

¹⁰ FC - Art. 227. It is the duty of the family, society and the State to ensure the child, adolescent and young person, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life, in addition to protecting them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

sick at school: walking sideways, with a half-mouthed smile and unexpected falls. Taken to the Health Center, the doctor said it was the effect of puberty coming on.

The teachers and the principal, unhappy with the diagnosis, collect money to pay for a consultation with a specialist, a private neurologist. The public only had a vacancy for February 2023. The first symptoms were noticed at the school in August 2022.

This neurologist orders tests and ends up discovering that Hugo is starting to develop brain cancer. The diagnosis is heartbreaking. There is no salvation, only palliative care. In a matter of months, the boy will die. The school suffers along with the family. In these final periods, they allow Hugo to attend school, see his friends and spend some quality time.

(Field notes from February 15th, 2023: Grade 5 classroom)

The other case I want to highlight here is that of a little girl who lives in a children's home:

Debora, a little girl around 6 years old, arrives in the classroom and does not see the teacher. She goes to the bathroom and cries. Only I see her. I let the coordinator know it. The coordinator "justifies" the crying by saying that Debora is an "orphanage child", that is, she is without parental protection. The State is taking care of her. The reason is not revealed to me. This child is very needy. When she sees the teacher, she hugs her tenderly. I also notice that she has special permission to get up and follow the teacher even during times when everyone should be sitting down. The teacher not only allows the girl to stand next to her, but she shows affection back. During the break, she seeks affection from other "aunties". She achieves. It is once again the school an example of the school staff extrapolating its protection and provision duty. In any case, it seems to me a heart-breaking situation to face.

(Field notes from March 20th, 2023: Grade 1 classroom)

Based solely on this study, it is not possible to determine whether these children began receiving more attention and care due to the consolidation of protection rights provided by the CRC. However, it is true to say that the conditions of the most vulnerable, within the school environment, are currently better. It does not mean to say that the school is fully prepared to deal with all the challenging situations that come from the outside in. Sometimes resources are lacking, as in the first example. Sometimes there is a lack of specific training to deal with special situations, as I heard from several teachers during breaks at work. These two examples may seem anecdotal, but due to the not extensive time I spent in schools, my interpretation was that similar past or future situations, in which children needing greater attention, would have the same type of response. Thus, from what I could observe, vulnerability is not synonymous with neglect.

So, here it seems that the school does very well in its duty to protect, as granted in the CRC¹¹, and in the ECA¹², and in the Federal Constitution¹³. Further below, I will bring other examples of how protection is a type of right that receives special attention within schools.

Subtopic 1.3: Propositions to increase the role of pupils' voice

¹¹ CRC – Art. 20. 1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Art. 23. 1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

¹² ECA - Art. 3. Single paragraph. The rights set forth in this Law apply to all children and adolescents, without discrimination based on birth, family situation, age, sex, race, ethnicity or color, religion or belief, disability, personal development and learning condition, economic condition, environment social status, region and place of residence or any other condition that differentiates people, families or the community in which they live.

¹³ Federal Constitution - Art. 203. Social assistance will be provided to anyone who needs it, regardless of contribution to social security, and has the following objectives: ... II - support for underprivileged children and adolescents; ... IV - the qualification and rehabilitation of people with disabilities and the promotion of their integration into community life.

Not once did I witness activities aimed at increasing pupil's voice. However, even if in a timid way, I was able to observe two moments in which at least the role of pupil's voice would have or had some relevance in the follow-up of the endeavours.

The first was during a special activity for International Women's Day. In this activity, the principal asked students for ideas on how boys could do kind acts towards the girls as a way of honouring women. They had two ideas. The first is the idea of boys serving girls at lunchtime. The second idea was for boys to write kind notes and give them to girls. Each boy had to write at least one note and each girl in the class had to receive at least one note. In fact, in this case the students' voice was heard and put into practice. Even though it was initiated by an adult, the decision was shared in this class¹⁴.

The other example is an extracurricular project proposed by a geography teacher. In the activity he will be working on constitutional law. For this, he will simulate the election of a congressperson and a senator within a class. Afterwards, each parliamentary "house" will draft a bill:

_ The Bill needs to be about Human Rights. In the next class I will talk about the UN.

(Field notes from March 9th, 2023: Grade 6 classroom)

In this project the pupil's voice will be heard and taken into account. That is, it is a different exercise from what they are used to doing in their school routine.

In the practice of most classes, however, what seems to apply is a rule of "voluntary non-participation". Students sometimes try to be heard, try to change the course of events, but what happens is that they are ignored. The teacher is the authority who holds the script. Any change to this script suggested or required by students is

¹⁴ However, as will be seen in the next section, this class's decision was extended to all other students, who simply had to comply.

usually considered an opinion of lesser value. Here are some examples I experienced:

In a rare moment of participation started by one student, this dialogue followed:

_ Can I do that activity that improves the way we write?

_ Calligraphy?

_ Yes!

_ You can do it at home! But you don't even have to. Your handwriting is already so beautiful.

Castrated participation.

(Field notes from February 14th, 2023: Grade 4 classroom)

_ Can I take my notebook home to finish at home?

_ No, we agreed to hand-in it here.

It wasn't agreed. Although it seems fair to me to not let them finish at their homes, it was an activity directed solely and exclusively by the teacher. Like all the others.

(Field notes from February 14th, 2023: Grade 4 classroom)

In another class, in an activity in which the students formed a pair and had to simply copy a text received in the notebook and then present it to the other colleagues, the teacher asked:

_ Does anyone prefer to work alone? (i.e. without being someone's pair?)

_ I! (about 8 students raise their hands and answered the question)

_ Hmm... this will not work.

(Field notes from March 8th, 2023: Grade 8 classroom)

Participation, even when supposedly required, is very limited in scope. At various times, the participation of children does not influence anything. In international studies that dealt with the same theme, the main focus was on how greater child participation ends up generating more effective learning, as seen in Harcourt and Mazzoni (2012) and Flutter (2007). In this case, these authors claim that a higher degree of participation would also come along with greater pedagogical effectiveness. In fact, what I observed was that non-participatory activities generate disinterest, mess, and boredom. Therefore, it is possible that schools, by not taking into account the child's opinion and freedom of expression, may be wasting the learning potential of their students. Here an example I witnessed:

_ Don't be afraid to ask.

_ Auntie, is it to make a story?

_ ...

The teacher opens for participation but ignores the student. Maybe it's the tiredness, but maybe it's just habit. The habit of not listening to the student.

(Field notes from February 14th, 2023: Grade 4 classroom)

Thus, it is noted that the right to express themselves, and to have their opinions taken into account, established in the CRC¹⁵, as well as in the ECA¹⁶ are very far from being a reality experienced by children inside classrooms.

¹⁵ CRC – Art. 12. 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. ...
Art. 13. 1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

¹⁶ ECA - Art. 16. The right to freedom comprises the following aspects: ... II - opinion and expression; ...

Subtopic 1.4: How domestic violence is treated in the school environment

Unlike what was pointed out in the literature review chapter about how domestic violence is treated in the school environment (Almeida et al., 2006; Vasgotello et al., 2006; Bazon and Faleiros, 2013), I did not witness any discussion about this subject. Of course, this is a sensitive subject and I would most likely need to invest much more of my focus during the fieldwork to obtain this type of information, which did not arise spontaneously. On the other hand, it is possible that I would lose out on more mundane observations of the school routine, which is the objective proposed by this study. Thus, I cannot discuss or draw conclusions about this subtopic based only on the data generated and, consequently, compare them with the clauses provided in the legal texts on the subject.¹⁷

Subtopic 1.5: The religious issue

As already seen in the literature review chapter, I also observed that the right to religious freedom was disrespected in one of the schools. Although often classified as a participatory right (Verhellen, 1993, p. 202), it seems more correct to me that it is considered a failure of protection when violated. As pointed out in the Brazilian studies by Cunha and Barbosa (2011), Lui (2015) and Façanha and Stephanini (2021) and also in the Irish study produced by Mawhinney (2015), what I witnessed was an imposition of one faith over any other:

¹⁷ CRC – Art. 19. 1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

...

ECA – art. 5º. Art. 5th No child or adolescent shall be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, any attack, by action or omission, against their fundamental rights being punished under the law.

It's 7:30 am and the students should be in class. The coordinator asks the students who arrived to line up to receive notices. To my surprise, after the announcements, a prayer. Pray the christian "Our Father". They are not obliged to pray, but are instructed to respect and remain silent.

In a theoretically secular state, this moment should not happen in a public school. The fact of not being obliged to pray may help a little, but it does not resolve it, since everyone is obliged to "be there".

(Field notes from March 20th, 2023: in the schoolyard with students in grades 1-5, before classes start)

It was an embarrassing moment for those children who were between 6 and 10 years old. Even for the Christian children, they were not asked if they wanted to practice their religion in that way, at that time. This religious imposition is transmitted in an innocent and almost automatic way, as if it were part of the culture of the people and, for that reason, should be normalized by everyone in the community.

Therefore, in this regard, this school is not in accordance with what the state and international laws provide as right, as it is possible to note in the Federal Constitution¹⁸ and in the CRC¹⁹.

Subtheme 2: Children's participation in the management of schools

The absence of children in decision-making that could be assumed as democratic management, as described in the literature, was the same reality found in the lifeworld. It was rare to find any examples of children's participation trying to influence their destinies inside or outside the classroom. In an example of how

¹⁸ Art. 5º. ... VI - freedom of conscience and belief is inviolable, the free exercise of religious cults being ensured and the protection of places of worship and their liturgies guaranteed under the terms of the law;

¹⁹ Arti. 14 - 1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

student participation is irrelevant to school management, I observed a rare attempt by a student to influence the course of his studies:

_ Teacher, last year there was geometry in the book and we didn't see it!

_ But in Grade 7 there isn't.

_ But it will be subject to the ENEM (entrance exam that selects who enters public universities or not)! When I complained to the teacher last year, she taught (the content) quickly in the last week.

_ This year we will not have it. Also because there is nothing of geometry in the annual planning.

The student received an insufficient explanation and will not learn, again, the content. I sense the desire to learn, the willingness to participate. But participate for what? If in the end your demands are ignored?

(Field notes from February 16th, 2023: Grade 8 classroom)

This dialogue is particularly cruel because this teenager knows that the less than 20% of Brazilian students²⁰ who are able to pay for private schools come out ahead when competing for the highly coveted spots in public universities. He tries to get engaged to change his destiny, but it will be difficult for him and his cohorts to overcome the gap with teenagers who were born into more financially privileged families.

When it comes to management of schools more generally, and not just within the classroom, the reality seems even more distant. I didn't see it happen positively. My impression is that the students have no influence on the school's decisions.

For me, the best example of this “non-participation” came when a very well-intentioned principal decided that the boys should pay tribute to the girls at school on International Women's Day.

²⁰ <https://agenciabrasil.ebc.com.br/educacao/noticia/2022-01/censo-escolar-mais-de-650-mil-criancas-sairam-da-escola-em-tres-anos>

All the boys from every class were 'invited' (pressured) to serve the girls during lunchtime. In other words, they would line up to get plates for the girls. According to the principal, the idea was suggested by one class, and she soon expanded it to the entire school. Clearly, some students were unhappy with the proposed activity, and a few managed to escape the task. Only a few of them willingly carried out the courtesy.

Assuming that the idea really came from one of the classes, the mandatory expansion to all other students demonstrates the degree of participation that children have in the school environment. Generally, children are only informed about how and when the activities they participate in will happen. In this case, there was a clear manipulation by the principal, considering that the decision was being made democratically. At that moment, I asked myself: "Why are all classes required to do something that should be voluntary?" (field notes from March 8th, 2023).

In this way, student participation is manipulated or, at other times, simply denied:

- _ People! We don't need class representative! It will be one every day!
- _ What is a representative? (several students ask)
- _ That's when you choose one to talk for you.

The teacher simply removes the right of students to organize. There is no discussion.

(Field notes from February 14th, 2023: Grade 4 classroom)

Another fact that caught my attention was the curriculum construction. In the only class I witnessed where a teacher was discussing the annual planning and how the curriculum content would be taught, she explained to the students that she, as the teacher, had a certain autonomy to work. She also explained that the students had to see a minimum content, decided at the national level and checked by the Department of Education authorities in each region. There was no mention of the

possibility of student participation in what or how they would be taught during the school year. In fact, I couldn't identify any student management in the curriculum creation process or how classes would be delivered. The little autonomy given to teachers over the methods and pace of work remains with them. There is no division of power and responsibilities.

Even extracurricular activities, which are freely decided within the school, do not involve student participation. At one point, I observed the principal explaining to a class the reasons why the school would fill this available workload with the theme of human rights:

_ How does the school form better people? The school contributes a lot, especially when families can't handle it. Last year in the extracurricular project was the UN Manifesto for Peace (from the year 2000). This year **we decided** to work on human rights.

We = staff management team and teachers. There was no participation of students in the construction of the content to be worked on or when it comes to extra activities.

(Field notes from March 8th, 2023: Grade 9 classroom)

I believe that my presence as a researcher had more influence on this decision than any opinion from any of the students. In another trivial example of how the students' opinion is practically irrelevant to the progress of the school routine, I discovered that the use of flip-flops is prohibited inside the school. Let us remember here that Brazil is a tropical, hot country, and it is not uncommon for the temperature to reach 30 degrees Celsius or more:

_ But why can't we come in flip-flops?

_ We analyse the reality of each school. If there are only poor people, ok (they could all come in flip-flops). But it is not the reality of this school.

Rule to wear closed shoes is very poorly explained. Is this because students have money? Is this the reason? It is clear that students have very little

participation in the school's dress code. Staff management team creates the rule, students obey.

(Field notes from March 8th, 2023: Grade 9 classroom)

I conclude that the law lived within the school environment falls far short of the laws that provide for student participation. In this case, the major laws (CRC²¹, ECA²² and Brazilian Federal Constitution²³) do not detail very well how this right would work, with very generic commands about the right of children to participate in decisions that affect their lives²⁴. However, the Federal District has a specific law that handles the topic: Democratic Management Law – Law 4751, of 2012²⁵. In this law, there is a provision for the participation of student unions in school management and also that students from 13 years of age are considered able to elect their representatives²⁶. Even with this legal 'reinforcement', it was not possible to

²¹ Art. 12 ... 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

²² Art. 16 The right to freedom comprises the following aspects: ... V - participate in family and community life, without discrimination; VI - participate in political life, as provided by law;

²³ Art. 206. Teaching will be based on the following principles: ... VI - democratic management of public education, in accordance with the law;

²⁴ For instance, the following clause in the ECA: Art. 16. The right to freedom comprises the following aspects: ... VI - to participate in political life, as provided by law;

²⁵ Art. 9 The Democratic Management will be carried out through the following participation mechanisms, to be regulated by the Executive Power: ... g) student union;

Art. 3 For the purposes of this Law, especially with regard to qualification as voters, the school community of public schools, according to their typology, is understood to be: ... I – students enrolled in a public educational institution, aged at least thirteen years and attending more than fifty percent of classes in the previous two months;

Original law can be found in:

https://www.sinj.df.gov.br/sinj/Norma/70523/Lei_4751_07_02_2012.html

²⁶ Federal District Law 4751/2012: Art. 9th Democratic Management will be carried out through the following participation mechanisms, to be regulated by the Executive Power: ... g) student union;

Art. 3º. For the purposes of this Law, especially with regard to qualification as voters, the school community of public schools is understood, according to their typology: I – students enrolled in an educational institution of the public network, with a minimum age of thirteen years and higher attendance to fifty percent of classes in the previous two months;

observe any participation of children in the management of these schools located under the jurisdiction of this law.

Subtheme 3: Children's rights through education

As previous seen, academic works identify this type of education in law as a way to promote a better learning environment as a whole as well as the formation of citizens better prepared to participate actively in democratic life. In the studies, there is agreement with the fact that education about rights helps to promote a sense of greater citizenship and motivation to participate in democratic life. Furthermore, when adolescents are not knowledgeable about their rights, punishments that are disproportionate or not suitable for the offense committed can be imposed upon them, which can have serious consequences for their personal development and well-being. Without a proper understanding of their rights and the protections afforded to them, adolescents may be subject to harsh disciplinary measures that are disproportionate to the offense committed (Lopes *et al.* 2012, p. 226).

Although the literature found focuses on rights and responsibilities, I noticed that in the lifeworld, respect for human rights was emphasized much more than reacting in case of witnessing an injustice being committed or on exercising full citizenship. It was interesting to note that the focus of the classes on human and children's rights was essentially only on duties. In this sense, these classes became a moral and ethics lesson, where children and adolescents must learn to respect others and behave correctly. Not that there is any problem with this type of instruction. What drew my attention is using legal topics in the classroom with the intention of shaping attitudes, with minimal mention of how to exercise rights and have an active participation in decisions that affect the communities in which they live. From what I observed, students learn notions of tolerance and respect for differences, but they acquire very few tools on how to act or react when their rights are violated. The law taught in school is not very different from that experienced in school. It is one that

leans much more towards duties, without the knowledge to face injustices or to exercise a fuller and more participatory citizenship.

In one activity, the teacher asks each child to draw a little monster with a big head, thin body, big hands and small feet:

The purpose of the little monster dynamics activity is to show children that they should empathize, no matter how different the other person is. I perceive *right through education*. Although the activity has not been named as human rights, the theme of the activity is. It's about tolerance and respect for differences. Children learn this not because it is a right, but because it is morally the right thing to do.

The teacher also talks about how wrong it is to be racist. She tries to convey to them that they should not do to others what they would not like to be done to them.

“Besides, it's a crime,” says the teacher. Only here do I see an allusion of the legal world.

(Field notes from February 14th, 2023: Grade 4 classroom)

On another occasion, the teacher in a 9th grade class addressed the issue of human rights using International Women's Day as inspiration. As in the previous example, the focus of the discussion was the behavior of the aggressor. The teacher introduces the subject of violence against women and starts a discussion with the class:

_ Why is the boy aggressive? Because he cannot show feelings of sadness.

She continues...

_ What does the emotional issue have to do with hitting a woman?

_ He represses anger and sadness. (a student replies)

_ That's the answer! This repression comes out in a negative way.

Vera emphasizes the behavioural issue:

_ School is the ideal place to learn this. If you learn here to be more responsible, you change society.

(Field notes from March 8th, 2023: Grade 9 classroom)

The student is taught how to behave, how to obey the rules. The emphasis is on how the school should be the place for this type of learning. At no point during the discussion was it addressed what to do if the victim was the student. The student is always treated as a potential aggressor to be tamed. Victims are passive objects, who can do little or nothing but receive the grace of their oppressor. Sometimes the lesson even seems to arrive at a more active, more participatory approach. But quickly the tone reverts to the abuser's misbehaviour:

_ If we are all equal in terms of rights, then we have to fight for us to have a better society. How? Don't laugh at jokes about black people, blondes, people with disabilities...

And a bit later...

_ I want to be proud to say that at in this school we are innovators in human relations. I want a school free of bullying that respects human rights. We want to be an innovative school.

(Field notes from March 8th, 2023: Grade 9 classroom)

I asked myself in previous chapter why the Brazilian academic community does not seem interested in investigating the practice on how children's learning about human rights affects their daily lives in schools. Once these rights are taught as a way to shape behaviours, it is possible that psychologists, more than educators or sociologists are interested in that.

The only exception I witnessed was a classroom activity that took place on International Women's Day. The teacher was teaching Portuguese language and addressed the issue of violence against women by showing a video in which a

famous Brazilian actress had an intimate story improperly disclosed by the mass media. In the video, the actress recounts that she was raped and decided to give the baby up for adoption and that this intimate and painful case could never have been leaked by the hospital and publicized by the journalist who received the information. The teacher started the discussion by asking for the students' opinion, but they spoke very little. Finally, the students decide to participate:

_ I could see Mary's strength and that the fault will always be ours (women), and not the rapist's (one student responds).

Another raises her hand:

_ I do not think it is right the post of Manuel (journalist who published the leaked information). The way he did it, people keep judging her and the rapist isn't even mentioned. It's always the woman's fault.

The teacher, then, retake the word:

_ **She tried to denounce all the cases.** Even going through a degrading situation, she passed through, **She sought to report all cases.** Even going through a degrading situation she acted with determination, dignity and elegance. It's a struggle (that of women) that has been going on for a long time. Do you know what originated woman's day? (new question for a change in the subject)

_ I know! It was a strike, in the textile industry. The women protested.

_ Why?

_ To be entitled to at least one day off per week. 130 women were charred to death.

_ It's because they earned less than men... the patriarchy was even more severe than it is today. Women must know how to impose themselves. And the boys, you must be together in this fight. Equality will be good for everyone.

(Field notes from March 8th, 2023: Grade 8 classroom)

Although it was quick and apparently improvised, this example shows that it is possible to approach the topic of rights from a more active perspective, in a true search for a more just society and not just a more obedient one. Dates that symbolize the struggle and the conquest of rights seem more inspiring than simply using the term "human rights" as if it were a given reality, a given of nature.

As seen before, professional educators point out that the education in law as a way to promote formation of citizens better prepared to participate actively in democratic life. This is in line with the Brazilian internal legislations, which place the exercise of citizenship as an aim of the educational process²⁷. Thus, I can conclude that the only example I witnessed of that was this last one.

Different from Brazilian laws, the CRC is clearer in promoting the education in human rights in its text²⁸. If we only consider this part in isolation, it could be concluded that schools make an effort to address the issue of human rights and, more specifically, children's rights. However, it is worth remembering that the CRC is also permeated with commands that remind us that the child must be heard and have their opinions taken into account²⁹. And as seen in the examples of this subsection, this did not happen most of the times that the theme "human rights" was raised.

²⁷ Federal Constitution: Art. 205. **Education**, a right of all and a duty of the State and the family, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, his preparation for the exercise of **citizenship** and his qualification for work.

ECA: Art. 53. Children and adolescents have **the right to education**, aiming at the full development of their person, Different from Brazilian laws, the CRC is clearer in promoting the education in human rights in its text. If we only consider this part in isolation, it could be concluded that schools make an effort to address the issue of human rights and, more specifically, children's rights. However, it is worth remembering that the CRC is also permeated with commands that remind us that the child must be heard and have their opinions taken into account. This did not happen most of the times that the theme "human rights" was raised. preparation for the exercise of **citizenship** and qualification for work, ensuring them:

²⁸ Art. 29 – 1. States Parties agree that the education of the child shall be directed to: ... (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

²⁹ Articles 12-15

5.2 Conversations with CRC

As aforementioned, in this section I will explore the school rules that were not addressed in the literature review, but that impact the experiences of children in the academic environment. These regulations and procedures are not necessarily understood as matters of rights, but they have a direct influence on the students' experiences, relationships, and overall well-being. By shedding light on these rules, I aim to describe some of the living laws constructed in the school setting that dialogue with the Convention on the Rights of the Child.

For this part, I subdivided it into rules that have to do with discipline, protection and provision addressed for children in schools. I believe that the issue of children's participation has already been sufficiently addressed in the previous part and there are no new insights to extract from the data I have.

5.2.1 Disciplinary rules

As described by Ehrlich, each association lives according to its own rules, and the school is not different in creating its set of rules (Banakar, 2013). In this sense I gathered the most common living laws in the school under the section disciplinary rules. Each school, being an association in Ehrlich's terminology (Ehrlich and Ziegert, 2001), develops its own internal hierarchies and forms of coexistence over time. As a result, each school functions and regulate itself based on these internal procedures. From now on, I will give three examples of disciplinary rules applied by the teachers inside the classroom. Then, I will discuss the disciplinary path from the classrooms to the expulsion from school.

- *Example 1: Leave the classroom only with authorization rule*

A very common rule that children soon learn to comply is that to leave the classroom is possible only with the teacher's permission. It could be going to the bathroom, it could be going outside to fill up the water bottle, it could be going outside for any other reason:

Just before leaving for the meal line, the teacher says:

_ Guys, why are you leaving room? Without authorization you cannot!

One more rule. They are learning to be obedient.

(Field notes from February 14th, 2023: Grade 4 classroom)

I believe this is a more or less universal rule in schools for children and adolescents in this age group (6-15 years old). It is necessary to organize this flow so that the environments outside the classrooms do not become disturbing, in the case of being crowded. All teachers seem oriented to apply the rule for the proper functioning of the school as a whole. However, I noticed a nuance:

_ Teacher, is it me first or her? (student asking, about who can go to the bathroom)

_ **You can both go.** It's one for each bathroom. (it was a boy and a girl with the order at the same time).

I realize that the principal has the power to interpret expanding the school rules. No other teacher let two kids leave the classroom at the same time.

(Field notes from March 8th, 2023: Grade 9 classroom)

As I noted on the spur of the moment, I really haven't observed another time when more than one student per class could be released simultaneously. The school is an authoritarian, pyramid-like structure, and although the teacher has some freedom within the classroom, it was clear to me that the principal had much more power of interpretation than the others. It is not so different from the structure of the judiciary, in which a lower court judge must be aware to the jurisprudence created by

interpretation of higher courts. The latter have greater power to broaden the understanding of the law than the judges at the bottom of the career ladder.

- *Example 2: Silence rule*

Another very common internal rule present in almost every classroom I've been in is that students must be silent unless the teacher asks for their participation. Undoubtedly, this power gives teachers a position of superiority over students. In my over 20 years as a learner, there were few teachers who left the floor open for discussion. In other words, teachers who gave broad freedom for any type of participation were rare. Expressions such as "there is no silly question" and "you can interrupt me anytime" were scarce to me as a student. As a researcher, for this work, it was no different. The "rule of silence" is learned from the early years of elementary school and only deepens as students age. I've noted numerous examples, and here I wrote down some of them along with the reflections I had at the time:

Shortly after, she approaches a talkative student:

_ Did you see? You were chatting and wrote just that! It could be further advanced!

The punishment for those who break the rule of silence can come in several ways. This little public humiliation (reprimand, rebuke) is one of them.

(Field notes from February 16th, 2023: Grade 8 classroom)

_ Hey, Maxwell, are you going to participate?

_ Not me!

_ If you don't have anything to say, then leave the room.

Because the student is breaking the rule of silence, he is threatened with the punishment of being excluded from the classroom. This time the threat was not carried out.

(Field notes from March 8th, 2023: Grade 8 classroom)

_ This work is (to be done) in silence!

I wonder: if it is to be silent, why ask for students to work in pairs?

(Field notes from March 8th, 2023: Grade 8 classroom)

_ Silence while you are copying! Then you can talk, but quietly (when you finished).

(Field notes from February 15th, 2023: Grade 5 classroom)

In the next, this teacher is teaching students who are 10 years old on average. At this moment I write in my notebook:

My strategy is to move up the grades to see if at some point I notice greater autonomy among older students.

(Field notes from February 15th, 2023: Grade 5 classroom)

Contrary to what I initially predicted, I began to realize that the older the students, the more rigid the rule of silence becomes and the lesser the autonomy of speech.

- *Example 3: Separating children who talk a lot*

The exchange of seats for students who do not behave as expected is another typical living law. Authoritarianism is the rule and can be expressed in different ways. I consider it relevant to highlight the separation rule of separating friends because it

was a frequently adopted punishment. I bring here some examples, not all, of how teachers tend to exercise their dominance over the classroom:

Beginning of a crisis:

_ Tomorrow at the first moment we will set the places! Perola, switch places with William, please!

(Field notes from February 14th, 2023: Grade 4 classroom)

Finally, one last example of authority:

_ Tomorrow, we will change you place. And it will be the pairs that I choose! Just like last year!

Students sit two by two and, from the next day on, they will no longer be able to choose which colleague to stay with. The teacher is the one who will decide. She's in charge.)

(Field notes from February 14th, 2023: Grade 4 classroom)

_ Davi, sit here in the middle.

The teacher moves a student. Yet another punishment for too much talking. They're learning who's in charge. Any deviation, punishment.

(Field notes from February 16th, 2023: Grade 8 classroom)

_ Teacher!

_ Teacher!

_ (two students ask the teacher for help, which she ignores)

_ Guys, I'm going to separate you two there! (scolding on other students)

(Field notes from March 8th, 2023: Grade 8 classroom)

5.2.1.1 The path from the first punishment in the classroom to exclusion

From what I could observe, the rule of leaving the room only with authorization, the rule of silence and the separation of children who are talking to each other are the main living laws applied by the teacher inside the classroom to discipline students. As I wrote in a previous section, if we compare it to a judicial system, the teacher acts as both the prosecutor and the judge. The student on "trial" may be authorized to defend themselves by giving their personal testimony (explaining themselves) or not. As also found by Eggleton (2001) in the American scene, when the teacher loses control of the class or the student, "the next step usually rests in the lap of a higher authority, the principal" (Eggleton, 2001, p.4). This can be seen in the following:

The same student resists again. He puts his head down and stops copying what's on the board. The teacher gets angry. Order him to face her. He doesn't obey. She threatens:

_ I'll call the principal to come talk to you!

(Field notes from March 20th, 2023: Grade 3 classroom)

As stated in chapter 1 of this study, the main objective was to analyse the implementation of children's rights in the school environment, not to provide a detailed description of the internal disciplinary system. However, I was fortunate enough to attend a class taught by one of the principals. It was then that I discovered that the next level after the classroom judgment would involve more actors participating.

_ You are making a lot of mess. You are bothering everyone. If you are acting like this in every class, **I'll call your mothers.** (directed to two students who were talking a lot and loudly)

They are already "in the principal's room" in this class. I find out that the next step is to call the parents. I imagine the next thing would be expulsion.

(Field notes from March 8th, 2023: Grade 9 classroom)

The next trials, conducted by the staff team management, would involve the participation of the parents (or rather, mothers). The student has several opportunities to adapt and each one "is evaluated case by case"³⁰ before the most drastic decision. However, it is clear that, if the student's behaviour does not comply with the school's requirements, they would be 'invited to leave and look for another school', a euphemism used for expulsion. Here I saw how the rule of exclusion, described by Ehrlich is applied (Ehrlich and Ziegert, 2001). As aforementioned, the exclusion is the maximum punishment that an association usually has. Similar results were observed in Eggleton's (2001) study conducted in the USA and Ndeto's (2015) study carried out in Kenya. In a summary, the first punishment is to stop participating, even for a while, in the classroom space. If the student continues to infringe the school's regulations and procedures, he may end up being asked to withdraw or even expelled from the school. The school community does not bring the coercive force of the state into its walls to solve its issues. Rather, it excludes the unwanted individual from its midst and leaves them to their own fate.

In this case, the state law rules are very generic and could never be intended to go down to the details given here. Still, it seems to me that these disciplinary rules are in line with the legal texts state³¹, for none of these rules was cruel or degrading.

³⁰ Field notes from March 8th, which a principal explain how an exclusion rule works

³¹ CRC – Art. 28. ... 2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

ECA – Art. 18-A. Children and adolescents have the right to be educated and cared for without the use of physical punishment or cruel or degrading treatment, such as correction, discipline, education or any other pretext, by parents, members of the extended family, guardians, by public agents executing socio-educational measures or by any person in charge of caring for, treating, educating or protecting them.

5.2.2 Protection living rights inside school

The right to protection is provided for in the CRC and takes on a unique character when adapted to the school environment. The CRC outlines the responsibilities of both governments and adults to safeguard this right (Verhellen, 1993, 2006), highlighting that children must “be protected from physical or mental violence, injury or abuse, neglect or negligent treatment, and all forms of exploitation” (Wickenberg, Rasmusson and Leo, 2021, p.15).

From now on, I will give three examples of internal procedures applied by schools that follows the protection general command³². Then, I will explore two more specific rights inside this subject: sexual exploitation and privacy.

- *Parental authorization for those who are picking up*

At the beginning of the school year, it is customary for schools to request that students provide a written authorization containing information about whether the student has been authorized by their parents to leave school alone or which possible responsible adults are allowed to pick up the child. I noticed this zeal in both schools. In this case, the school fulfilled its duty to protect well.

- *Protection - Entrance. Not every adult is allowed to enter:*

³² CRC – Art. 3. ... 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

ECA – Art. 3º Children and adolescents enjoy all the fundamental rights inherent to the human person, without prejudice to the full protection provided for in this Law, ensuring them, by law or by other means, all opportunities and facilities, in order to provide them with physical, mental, moral, spiritual and social development, in conditions of freedom and dignity.

The school security guard comes to ask me what I'm doing there. Coming close he remembers that I was there two weeks ago and lets me in without a problem. Protection – the school is vigilant when a strange adult enters the building.

(Field notes from February 16th, 2023: at the entrance of the school with students in grades 1-5, before classes start)

Both schools had security guards at the entrance who check every person entering and leaving the school. Again, it seems that children are properly protected in the school environment from the presence of strangers.

- *Attendance as a safety measure*

Another school rule that aligns with the children's CRC is the time when the teacher checks the attendance of that day. Being in school, rather than being in an unknown place, ensures children's safety and well-being. Therefore, school attendance is a way for schools to actively promote children's right to a safe environment. As seen before, it is the duty of the State, families and institutions to ensure children's protection. This check is carried out almost automatically by the teachers, who report to the school's administrative body in case of absence. If the child is not in school, the parents must justify the reasons. This simple daily act specifies who has momentary custody of that child and, consequently, is responsible for their well-being. In this case, I did not witness any teacher's negligence. Here are some examples where I took notes and reflected on the topic at the moment it was happening:

Another person enters the classroom asking about any student absence. The attendance record is a rule that serves both for the pedagogical part, as there is a limit of absences, and the protection of the child. Other institutions are likely to be warned if a child simply stops attending school.

(Field notes from February 14th, 2023: Grade 4 classroom)

Even the teacher who seemed the most chilled out with his students and classroom rules did not hesitate:

Daniel has a relaxed and student-friendly style. Still, he makes the attendance. This rule all teachers have fulfilled so far. In my view, this control is a protection rule for students, since parents are notified in case of absence and the school becomes concerned with who is too absent and/or without justification.

(Field notes from March 8th, 2023: Grade 9 classroom)

Protective measures are regulated internally, inside the school. However, these measures are related to the socio-political context in which the school is inserted. For example, in the United States metal detectors, and drug-sniffing dogs are being used as security measures (Mowen and Freng, 2019). This scenario was imposed after recurrent tragedies occurred there increased dangerously over the past decades (Musu-Gillette *et al.*, 2018). The recent attacks in Brazil³³ may open discussions on this topic. Despite the relevance of the topic, this study does not intend to delve deeper into security measures in schools.

5.2.2.1 Sexual exploitation

According to Article 34 of the CRC, States are obligated to safeguard children against "all forms of sexual exploitation and sexual abuse." In addition, they must take measures to combat the three types of exploitation, which are frequently interrelated: sexual abuse, prostitution, and involvement in pornography. Meanwhile, Article 19 provides more comprehensive protection against "all forms of physical or mental violence," with specific attention paid to sexual abuse

³³ <https://www.poder360.com.br/brasil/brasil-teve-5-ataques-com-mortes-em-escolas-em-2022-e-2023/>

(UNICEF, 2007). In addition, Brazilian legislation addresses the problem by establishing severe punishment for those who sexually exploit children³⁴.

In my fieldwork I have not observed direct examples of violation of any of the above rights. However, I will open a parenthesis to briefly explore the topic of relationships between students within the school. I must recognize that I have been using a more critical tone than one that praises the internal procedures created and lived in the school, especially regarding rights to participation. However, this analysis of results divided into various subtopics gives me the opportunity to also bring observations that describe moments in which the school manages to meet the best interests of the child. This was the case with this small example where students were talking about their relationships with each other. The principal immediately intervened:

_ Everyone does what they want in their lives, but not here at school!

Another protection rule of the living law. There can be no kissing or any other explicit type of relationship between students within the school.

(Field notes from March 8th, 2023: Grade 9 classroom)

It doesn't really seem to be the school's role to promote or even allow loving relationships to be manifested within the school environment. Demanding that educators also monitor whether a particular relationship is abusive or not within the school seems to go beyond the functions initially envisaged. In this vein, I have the impression that this prohibition is consistent with the duty to protect children from all forms of sexual exploitation and sexual abuse.

5.2.2.2 Authorization of images

³⁴ Federal Constitution - Art. 227 ... § 4 The law shall severely punish abuse, violence and sexual exploitation of children and adolescents.

One of the most fundamental human rights is the right to privacy³⁵. Article 16 of the CRC and article 17 of the ECA³⁶ stipulate that all children have the right to protection under the law from any arbitrary or unlawful violation of their privacy. Additionally, children are entitled to be safeguarded from any unlawful attacks on their honour and reputation (UNICEF, 2007, p. 203). More relevant than ever, this topic has become central in our lives with the increasing collection of data by governments and companies. A conversation that caught my attention took place between a student and the school principal:

_ Principal, there is an Instagram account, "Secrets of 102" (an Instagram account which contains anonymous posts about what happens inside the school).

_ oh my God... did they activate it again? Do you know who made it?

_ there is no way to know. Only if we had the cell phone list of each student.

_ Yeah... the school doesn't have it. We only have parents' numbers.

The social media being used to spread cyberbullying. Is this freedom of expression? Why doesn't the State act to protect these children from having their privacy exposed? Protection failed.

(Field notes from March 8th, 2023: Grade 9 classroom)

In this case, one of the students is reporting that an anonymous account was opened on the social media Instagram which contains posts about what happens inside the school. According to the principal's response, it is a recurring problem at the school. The anonymous posting of what happens at school to the general public challenges the right to privacy of children and also of school professionals. This is a subject that may be of greater interest by authors in academic works. It is necessary to

³⁵ UDHR – Article 12 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
CRC – Article 16 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³⁶ ECA - Art. 17. The right to respect consists of the inviolability of the physical, psychological and moral integrity of children and adolescents, including the preservation of their image, identity, autonomy, values, ideas and beliefs, spaces and personal objects.

answer questions on the subject: how to protect children from having their intimacies exposed on social media when they are in the school setting? To what extent should companies that receive this content and publish it be held accountable for allowing unauthorized images of schools to become public? Is it possible for the school to achieve an intramural solution or will it depend on other forces in society?

If in the previous example there was a clear disrespect for the right to protection of children external from the school's domain, in what I will now expose the conduct taken by the staff team management is more ambiguous. At the beginning of the school year, all students had to hand in a parental authorization that contained the possibility or not of disclosing images of their children. In other words, the child's right to image is completely transferred to the guardian. Even the power of parents over their children's image rights has been increasingly questioned (Sorensen, 2016; Steinberg, 2017). "These parents act as both gatekeepers of their children's personal information and as narrators of their children's personal stories. This dual role of parents in their children's online identity gives children little protection as their online identity evolves." (Steinberg, 2017, p. 839). The school, relying only on this parental authorization, ends up publishing images ignoring the will of the students. I witnessed a situation in which students aged 14 to 15 complaining about having their images exposed on social media:

_ We must have the moment filming to post on Instagram! (of a special activity)

_ No!!!

_ But your parents authorized it at the beginning of the year.

_ But we have our image right!

(Field notes from March 8th, 2023: Grade 8 classroom)

Interestingly, in this case the students "won" the argument and were not filmed. By coincidence, in the afternoon I was observing another class where the same activity was proposed. This time they were not informed about the social media post. The

following day, I checked out the school's Instagram account and saw that the moments had been posted. After that, I saw other posts that confirmed my suspicions: in several photos and videos taken within the school environment, the students, conscious of their images, hid their faces. In the living law of the school, children do not have any decision-making power over their images. This is a clear violation of state law and the CRC. This leads me to wonder: if the school itself has difficulty respecting the children's opinion regarding the disclosure of their images, how can we hold a third party accountable to do so?

5.2.3 Provision achieved – with difficulty

One of the other pillars of children's rights is provision. “Provision rights include the rights to possess, to receive or to have access to certain things or services” (Verhellen, 1993, p. 202). However, provision is an especially complicated topic in a developing and unequal country like Brazil. The matter referring to the limitation imposed on the State with regard to the realization of entitlements due to the insufficiency of available resources is not new (Mânica, 2017). The reality is that public schools depend on a central budget that is not always sufficient. Unlike private schools, public schools are very limited in raising funds, whether due to legal obstacles or lack of resources in the community they serve (Viana, 2019). As done in the last sections, I will first address what I consider to be provision rights for the proper functioning of the school, which respond to a more general command³⁷ about guaranteeing children the existential minimum. Then, I bring

³⁷ CRC – Art. 3. 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Federal Constitution - Art. 227. It is the duty of the family, society and the State to ensure the child, adolescent and young person, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community life, in addition to protecting them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

results that dialogue more directly with more specific rights provided for in the CRC and in the ECA, such as the right to leisure and information.

- *Provision rights for the proper functioning of the school*

The right to adequate nutritious foods was one of those that the school set out to supply, regardless of the material conditions of the families from which the children came:

9:30 am to 10am is the snack/lunch inside the classroom. Provision: Every child is entitled to food, but some prefer to bring food from home. On this day they ate noodles provided by the school.

(Field notes from February 14th, 2023: in the school with students in grades 1-5)

This was a note I made on the first day I experienced the students' routine. This type of note was repeated every day. There was no failure in the supply of food and clean drinking-water³⁸. Poverty among part of public-school students in Brazil is a notorious fact. If food were not provided by school, this would be one more factor to increase the differences between social classes, given the fact that the school meal is the main meal of the day for several children (Arruda and Dikson, 2022).

In another provision issue, I noticed that schools ask children to come in uniform and that each one acquire a planner, where teachers would communicate more directly with families. However, I realized that despite the supposed obligation, as they receive students with vulnerable conditions, none of the schools required a uniform or planner as a condition for children to be present. In fact, a good number of them did not attend classes in uniform or present the planners to the teachers. Thus, when the school fails to provide and transfers the responsibility to the families, it does not punish the underprivileged student.

³⁸ Article 24, CRC UM, in: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

Finally, I also noticed that students received textbooks and had access to the necessary school material in the classroom if they did not have it with them. At least within these two schools, my conclusion is that the necessary provision for educational activity is being guaranteed, albeit with difficulties:

I notice that the room is simple but freshly painted and clean. It has air conditioning, it has a projector. The school seems to provide what is needed.

(Field notes from February 16th, 2023: in the school with students in grades 6-9, inside a classroom)

As stated above, problems of lack of resources, when they occur, seem to come from a higher structure, such as the Department of Education. For example, when a teacher is on sick leave, replacement is not as fast as it should be. Twice I witnessed “patches”, where the school management had to rely on the collaboration of volunteers to make up for this type of absence:

The plan was for me to stay after the break with Jadson, but the principal invites me to join the room where she is. To cover the absence of a mathematics teacher (provision failed), the principal decides to carry out activities on human rights with the classes that would be left with nothing to do.

(Field notes from March 8th, 2023: in the school with students in grades 6-9)

And:

The regular teacher is on sick leave for 30 days. I will accompany volunteer Márcia, who has worked at the school and is now retired. If the children depend on a volunteer teacher, the state is failing provision. The right to education is not only about have a school do go. Marcia arrives 15 minutes late. It rained a lot in the morning. Justified. But as a volunteer she cannot be charged in the same way as a salaried professional.

(Field notes from March 20th, 2023: in the school with students in grades 1-5)

5.2.3.1 Beyond the minimum: Leisure, recreation and cultural activities

Article 31 of the CRC³⁹, which provides that children should be encouraged to participate in leisure time and cultural activities (UNICEF, 2007), are also part of the living law of schools⁴⁰. There are specific activities to celebrate special dates. On one of my observation days, just before the Carnival holiday begins, the vice-principal enters the room and announces the next day's party. It is not clear how long this mini-carnival inside the school would last:

_ Carnival after the break tomorrow! Can you come in costume? You can! You can also get ready at the brake. You can't wear too little clothes (goes for boys and girls). Is it mandatory to come in costume? No! But there will be a contest and a prize.

(Field notes from February 16th, 2023: Grade 8 classroom)

I notice a genuine effort by schools to promote leisure activities for students in the time they have available. In both, principals complain about the lack of resources to promote more cultural tours, parties and activities of the kind. Both try to raise extra resources so that recreational moments are as pleasant as possible. I note this type of situation when I observe children during break:

³⁹ Article 31 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

⁴⁰ Less detailed, the Brazilian legislation also brings the theme:

ECA - Art. 71. Children and adolescents have the right to information, culture, leisure, sports, entertainment, shows and products and services that respect their unique condition as people in development.

10h to 10:20: Time to play. Children are released to the school courtyard and can play freely. Some take materials like balls and table tennis rackets. It looks like the best moment of the day for them.

(Field notes from February 14th, 2023: in the school with students in grades 1-5)

When I have the opportunity, I ask some students what the best moment is at school. All answer without hesitation that the moment of the break is what they like the most. After all, “play is an essential part of development” (UNICEF, 2007, p. 469).

In another example in which I see a genuine effort to promote greater participation in cultural activities, Daniel, the history teacher, explains to me that he is encouraging his students to participate in an event called the “History Olympiad”. He explained to me that a university holds this type of game between interested schools and that there is a cost for each team to participate. He tells me that at his previous school, few of his students wanted to pay to participate. In this school, those who cannot pay, the school pays. It positively extrapolates its role of provision to promote rich and new experiences.

5.2.3.2 Access to appropriate information

Article 17 of the UN text establishes precepts on how national states must treat the performance of the mass media in relation to children so that they are assured access to social and cultural information that benefit them “especially those aimed at promoting wellbeing and physical and mental health” (UNICEF, 2007, p. 217)⁴¹. In other words, children must be guaranteed access to information in formats appropriate to their age and abilities, in issues of concern to them. In the school micro-universe, I realized that this is a right that the schools I visited adopt in their daily practices. Classrooms have fixed information that helps to guide the school

⁴¹ As in the last footnote, the Brazilian legislation also brings the subject although less detailed. See the same article in the last footnote.

routine, such as calendars, rules of good coexistence and didactic materials appropriate to the content they are learning. Outside, in the common living space, I also found information that helps with everyday life, as can be seen from this report I made as soon as I arrived at one of the schools:

When I arrived, I didn't see any teachers. I wander around the school observing the murals. I find a schedule board (timesheet) and classrooms that will be useful to me for the rest of the day.

(Field notes from March 8th, 2023: in the school with students in grades 6-9)

This type of information posted on walls, as well as notices and messages from teachers and directors, try to make it clear to students what they will experience in the school environment. This predictability undoubtedly helps in promoting the physical and mental well-being of children.

5.3 Final considerations

I need to emphasize here that this study has as its main focus the problems pointed out by the academy when implementing children's rights in the school environment, which I presented in the section "Conversations with academic works". In the section that I named "Conversations with CRC", I thought it was important to highlight findings that I had in my fieldwork, even if without the deserved deepening of each of the themes addressed there. After all, the ethnographic work allowed me to capture information directly linked to children's rights that, perhaps because they are very specific, were not highlighted in the literature review chapter.

In the next chapter, I will provide a conclusion to my study. This conclusion will summarize the key findings and insights gathered from my observations and analysis of the schools' practices and policies related to children's rights in and though education. I will also offer some reflections on the implications of these findings for the broader context of children's rights in Brazil and beyond.

Chapter 6 – Conclusion

The central research question of this study was: How are children's rights interpreted, understood and implemented in Brazilian schools? The aim was to explore the implementation of Children's rights in Brazilian school context and its dialogue with academic works around the world. This question led me to study law in action, in people's daily lives. So, I decided that the most adequate theory to explain the phenomena I would observe would be the living law, developed by Eugen Ehrlich. As a logical consequence of these initial choices, I needed a methodology that would connect with what school actors were experiencing in their routines. Hence, I used ethnography to generate data that would provide me with the necessary experiences to analyse the problem, in a bottom-up approach. That is, taking as a starting point the people directly affected by children's rights, the children themselves and their teachers, in the institutional environment where they spend most of their time: inside schools. The answer to my research question would not come from the courts, jurisprudence, or parliaments. The answer came through situations that I experienced and identified as relevant to understanding the issue.

As seen throughout this study, children's rights are multiple and complex. It is not a simple task to capture and classify these rights in order to give coherence and meaning to the text. To better organize it, I adopted Verhellen's classification, which divided these rights provided for in the CRC into three P's: protection, provision and participation. As the rights in the Brazilian internal legislation do not differ in essence from what is in the CRC, it was possible to use this classification without major problems both in the literature review and in the analysis of the results. In a summary of the findings I had, I can say that the school fulfilled and understood its role reasonably well regarding the rights of protection and provision, while in terms of rights related to participation, the living law of the schools is far from that idealized in state law.

The literature, when it comes to the right to protection, focuses on cases of violence within the school or how to deal with cases of domestic violence. During the period I was in the schools, I did not experience any of these situations. Even so, using the advantage of observing from within the fieldwork using a living law lens, I was able to describe everyday situations as practical examples of the protection (or not) of children. Thus, in the previous chapter, I concluded that the school fulfil its role of protecting students well, such as when it does not allow any adult to enter its facilities without permission or when it performs attendance to check if the children are in an appropriate environment. However, the school fails regarding image rights. Equipped only with parental authorization granted at the beginning of the year, the school disrespected the children's desire not to have their images published on the social media. I believe that this issue deserves greater attention from the academy, since no studies were found that problematized the issue inside schools.

Regarding rights about provision, I believe that this is where the school stands out the most. The school provides food and material conditions to its students in a satisfactory manner. Deficiencies, when found, seem much more like a problem that is above the obligation of a single school, as in the absence of substitute teachers. In addition, I can say that the affection generously distributed by the teachers and other school actors goes beyond what the legal text demands. I had the opportunity to observe situations in which the school's professionals offered their own money to solve their students' problems. I could also see special care for the most vulnerable students. Thus, unlike what is found in the literature, in which different students were treated as "invisible", what I saw was needy children receiving more affection and necessary items for study than what should be required of their teachers.

On the other hand, children's right to participation, provided for in law and recognized as important for full development by professional educators, is practically a "non-right". I could observe how children are silenced in classrooms. As already discussed, the school is a special association, as it is

neither “genetic” as the family would be, nor “voluntary”, since most children do not even have an opinion about where to study. In the light of state law, one could imagine that the school was in a stage of evolution to ensure that children were heard in decisions that concern them, since the participatory right of the child has less than forty years of history. However, comparing what the literature has been presenting on the subject with the reality that I observed, I can conclude that this right did not even scratch the structure of the internal norms of the schools. From the child's point of view, school is an authoritarian environment where one learns to obey and respect rules. The student is not heard, in fact, in whatever the subjects are. If my study is not exactly new in this respect, I believe that the detailed description I provide may suggest new ways of approaching the problem, either through the literature or through public policies. Greater openness to children's ideas and opinions would represent an evolution in terms of respect for their rights.

From my findings, I conclude that the school is a place of affection with authoritarianism. In this place, education professionals provide love, but without considering the opinion of children. It is a place where adults try to treat children well and sometimes provide them with more than what is necessary for learning, but it is not a place where they learn to exercise and fight for their rights. The formation of the citizen, without a doubt, is harmed. This research brings reflections on possible future studies. One path is to understand the correlation between a society with low interest in politics and an authoritarian structure of education, in which children have no voice.

Another topic for future study that intrigued me while still in the literature review phase is the relationship between international treaty texts incorporated into the internal legislation of common law countries and their application. It does not seem to be feasible to study the implementation of an international text without considering the domestic legislation of these countries. In this study, the text of the CRC has been ignored in terms of children's rights when studying the Brazilian reality. And this occurs not because the text of the CRC is different

from the main Brazilian laws on the subject, but rather the opposite. The internal legislation incorporated both the principles contained in the CRC that “swallowed” it and made it “disappear” for this type of study. In other words, systematic literature reviews that take into account only texts of international treaties may be “blind” to the local reality that, through other laws, end up applying the same principles.

References

- Almeida, S. F. C. de, Santos, M. C. A. B. dos and Rossi, T. M. de F. (2006) 'Representações sociais de professores do ensino fundamental sobre violência intrafamiliar', *Psicologia: Teoria e Pesquisa*, 22, pp. 277–286. Available at: <http://ezproxy.library.uvic.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=psyh&AN=2007-04776-003&site=ehost-live&scope=site%5Cnsandraf@pos.ucb.br>.
- Arruda, G. A. de and Dikson, D. (2022) 'Pandemia e merenda escolar: silenciamentos, dissimulações e efeitos de sentido nas normas de distribuição dos kits de alimentação nas escolas públicas', *Dialogia*, (40), pp. 1–14. doi: 10.5585/40.2022.20505.
- Banakar, R. (2012) 'Who Needs the Classics?-On the Relevance of Classical Legal Sociology for the Study of Current Social and Legal Problems', in RETSSOCIOLOGI, Hammerslev, O., and Madsen, M. R. (eds) *On the Relevance of Classical Legal Sociology for the Study of Current Social and Legal Problems*. RETSSOCIOL. Copenhagen: Hans Reitzels Forlag.
- Banakar, R. (2013) 'Who Needs the Classics? On the Relevance of Classical Legal Sociology for the Study of Current Social and Legal Problems', *Retssociologi*, (13), pp. 55–100.
- Banakar, R. (2015) *Normativity in Legal Sociology, Normativity in Legal Sociology*. New York, Dordrecht, London: Springer. doi: 10.1007/978-3-319-09650-6.
- Banakar, R. (2019) *On Socio-Legal Design*.
- Barker, C. and Pistrang, N. (2021) *Choosing a qualitative method*. Second, *Qualitative research in psychology expanding perspectives in methodology and design*. Second. Edited by P. M. Camic. American Psychological Association.
- Batista, N. C. (2014) 'O Conselho Escolar como Instrumento da Gestão

Democrática da Escola Pública: uma construção “sem fim” O Conselho Escolar como Instrumento da Gestão Democrática da Escola Pública: uma construção “sem fim””, *Políticas Educativas–PolEd*, 7(2), pp. 71–88.

Batista, N. C. (2018) ‘Participação em conselhos escolares: da resistência ao gerencialismo rumo à justiça escolar’, *Foro de Educación*, 16(25), pp. 207–223. doi: 10.14516/fde.547.

Bazon, M. R. and Faleiros, J. M. (2013) ‘Identificação e notificação dos maus-tratos infantis no setor educacional’, *Paidéia (Ribeirão Preto)*, 23(54), pp. 53–61. Available at:

http://www.scielo.br/scielo.php?script=sci_arttext&%0Apid=S0103-863X2013000100053&%0AIng=en&%0Anrm=iso&%0Atlng=pt.

Caetano, É. A. and Pinto, P. H. de P. (2018) ‘Letramento crítico e cidadania: possibilidades para o uso da Constituição brasileira em aulas de inglês da escola regular’, *Calidoscópico*, 16(1), pp. 103–113. doi: 10.4013/cld.2018.161.09.

Carter, C. and Osler, A. (2000) ‘Human rights, identities and conflict management: A study of school culture as experienced through classroom relationships’, *Cambridge Journal of Education*, 30(3), pp. 335–356. doi: 10.1080/03057640020004496.

Conti, C. L. A., Luiz, M. C. and Riscal, S. A. (2013) ‘Caminhos e (des)caminhos da gestão democrática da escola pública: obstáculos, resistências e perspectivas para a democratização dos conselhos escolares’, *Revista HISTEDBR On-line*, 13(51), pp. 279–302. doi: 10.20396/rho.v13i51.8640278.

Covell, K. and Howe, R. B. (1999) ‘The impact of children’s rights education: A Canadian study’, *International Journal of Children’s Rights*, 7(2), pp. 171–183. doi: 10.1163/15718189920494327.

Covell, K. and Howe, R. B. (2001) ‘Moral education through the 3 Rs: Rights, respect and responsibility’, *Journal of Moral Education*, 30(1), pp. 29–41. doi: 10.1080/03057240120033794.

Covell, K., Howe, R. B. and McNeil, J. K. (2008) ‘“If there’s a dead rat, don’t leave it”. Young children’s understanding of their citizenship rights and responsibilities’, *Cambridge Journal of Education*, 38(3), pp. 321–339. doi: 10.1080/03057640802286889.

Cunha, C. B. and Barbosa, C. (2011) ‘O ensino religioso na escola pública e suas implicações em desenvolver o senso de respeito e tolerância dos alunos em relação aos outros e a si próprios’, *Sacrilegens*, 8(1).

Eggleton, T. (2001) *Discipline in the Schools*.

Ehrlich, E. and Ziegert, K. A. (2001) *Fundamental Principles of the Sociology of Law*. Edited by Taylor & Francis Group. ProQuest Ebook Central. Available at: <https://ebookcentral.proquest.com/lib/lund/detail.action?docID=4925819>.

Emerson, R. M., Fretz, R. I. and Shaw, L. L. (2011) *Writing Ethnographic Fieldnotes*. Second. University of Chicago Press.

Eppinger, M. (2009) ‘“Governing in the Vernacular: Eugen Ehrlich and Late Habsburg Ethnography”, in Hertogh, M. (ed.) *Living Law: Reconsidering Eugen Ehrlich*. London: Hart Publishing, pp. 21–48.

Façanha, M. B. and Stephanini, V. (2021) ‘Aspectos do Ensino Religioso na Base Nacional Comum Curricular: os fundamentos para educação de qualidade’, *Revista Pistis Praxis*, 13(1), pp. 477–496. doi: 10.7213/2175-1838.13.01.ds04.

Fernandes, M. C. da S. G. and Ramos, G. P. (2010) ‘Conselho escolar, participação e qualidade da educação no âmbito da gestão democrática’, *Revista Eletrônica de Educação*, 4(2), pp. 210–224. Available at: <http://www.reveduc.ufscar.br/index.php/reveduc/article/viewFile/177/103> (Accessed: 1 November 2022).

Ferreira, N. S. C. (2006) ‘Curriculum guidelines for pedagogy course in Brazil: the administration of the education as source of training’, *Educacao & Sociedade*, 27(97), pp. 1341–1358.

- Flood, J. (2005) 'Socio-Legal Ethnography', in Banakar, R. and Travers, M. (eds) *Theory and Method in Socio-Legal Research*. Oxford and Portland: Hart Publishing, pp. 42–54.
- Flutter, J. (2007) 'Teacher development and pupil voice', *Curriculum Journal*, 18(3), pp. 343–354. doi: 10.1080/09585170701589983.
- Guerreiro, A. S. (2021) 'Educação em direitos humanos: possibilidades a partir do PNEDH e do cinema na escola', *Roteiro*, 46, p. 24819. doi: 10.18593/r.v46.24819.
- Harcourt, D. and Mazzoni, V. (2012) 'Standpoints on quality: Listening to children in Verona, Italy', *Australian Journal of Early Childhood*, 37(2), pp. 19–26. doi: 10.1177/183693911203700204.
- Hertogh, M. (2009) 'From "Men of Files" to "Men of the Senses": A Brief Characterisation of Eugen Ehrlich's Sociology of Law', in Hertogh, M. (ed.) *Living Law: Reconsidering Eugen Ehrlich*. London: Hart Publishing, pp. 1–18.
- Israel, M. (2015) 'Why Care About Ethics?', in *Research Ethics and Integrity for Social Scientists: Beyond Regulatory Compliance*. London: SAGE Publications Ltd, pp. 1–8. doi: <https://dx.doi.org/10.4135/9781473910096>.
- Kusenbach, M. (2003) 'Street phenomenology: The go-along as ethnographic research tool', *Ethnography*, 4(3), pp. 455–485. doi: 10.1177/146613810343007.
- Lindkvist, L. (2019) '1979: a Year of the Child, but Not of Children's Human Rights', *Diplomatica*, 1(2), pp. 202–220. doi: 10.1163/25891774-00102004.
- Lopes, R. E. *et al.* (2009) 'Violência, escola e jovens de grupos populares urbanos: o caso de estudantes de ensino médio São Carlos/SP', *Revista HISTEDBR On-line*, 9(34), p. 73. doi: 10.20396/rho.v9i34.8639580.
- Lopes, R. E., Sfair, S. C. and Bittar, M. (2012) 'Adolescentes em medidas socioeducativas em meio aberto e a escola', *Cadernos de Terapia Ocupacional*

da UFSCar, 20(2), pp. 217–228. doi: 10.4322/cto.2012.023.

Lui, J. de A. (2015) 'Religião na escola laica: ainda o ensino religioso em debate', *Ciências da religião história e sociedade*, 13(2), pp. 47–64.

Machado, C. B. and Leon, A. D. (2019) 'O movimento indígena e a educação escolar', *RELACult-Revista Latino-Americana de Estudos em Cultura e Sociedade*, 5. doi: 10.23899/relacult.v5i4.1200.

Mânica, F. B. (2017) 'Teoria da reserva do possível: direitos fundamentais a prestações e a intervenção do poder judiciário na implementação de políticas públicas', *Cadernos da Escola de Direito*, 1(8).

Marchiori, A. F. (2012) 'O discurso da criança como sujeito de direitos: perspectivas para a educação física na infância', *Zero-a-Seis*, 14(25), pp. 33–50. doi: 10.5007/1980-4512.2012n25p33.

Mason, J. (2018) *Qualitative Researching*. Third. Los Angeles, London, New Delhi, Singapore, Washington DC, Melbourne: Sage.

Mawhinney, A. (2015) 'International Human Rights Law: Its Potential and Limitations in Effecting Change to the Place of Religion in the Irish Education System', *Journal of Intercultural Studies*, 36(3), pp. 291–305. doi: 10.1080/07256868.2015.1029891.

Mephram, S. (2010) 'Disabled children: The right to feel safe', *Child Care in Practice*, 16(1), pp. 19–34. doi: 10.1080/13575270903368667.

Mowen, T. J. and Freng, A. (2019) 'Is More Necessarily Better? School Security and Perceptions of Safety among Students and Parents in the United States', *American Journal of Criminal Justice*, 44(3), pp. 376–394. doi: 10.1007/s12103-018-9461-7.

Musu-Gillette, L. et al. (2018) *Indicators of school crime and safety: 2017, Indicators of School Crime and Safety*. Washington, DC.

Ndeto, A. (2015) *Effectiveness of school rules and regulations in enhancing*

discipline in public secondary schools in Kangundo division. The Catholic University of Eastern Africa. Available at: [http://ir.cuea.edu/jspui/bitstream/1/90/1/Anna Maria Ndeto.pdf](http://ir.cuea.edu/jspui/bitstream/1/90/1/Anna%20Maria%20Ndeto.pdf).

Neto, A. C. and Castro, A. M. D. A. (2011) 'Gestão escolar em instituições de ensino médio: entre a gestão democrática e a gerencial', *Educação & Sociedade*, 32, pp. 745–770.

O'Reilly, K. (2012) *Ethnographic Methods, Ethnographic Methods*. London: Routledge. doi: 10.4324/9780203864722.

Öhman, M. and Quennerstedt, A. (2017) 'Questioning the no-touch discourse in physical education from a children's rights perspective', *Sport, Education and Society*, 22(3), pp. 305–320. doi: 10.1080/13573322.2015.1030384.

Paiva, I. L., Andrade Gomes, R. C. and Valença, D. A. (2016) 'Sistema Socioeducativo Potiguar: um debate sobre violações de direitos de crianças e adolescentes em âmbito internacional', *Revista de Direitos e Garantias Fundamentais*, 17(2), p. 327. doi: 10.18759/rdgf.v17i2.798.

Papendorf, K., Machura, S. and Hellum, A. (2014) 'Introduction', in Papendorf, K., Machura, S., and Hellum, A. (eds) *Eugen Ehrlich's Sociology of Law*. LIT Verlag Münster.

Pellanda, A. and Cara, D. (2021) 'Renewal of Basic Education Fund in Brazil: disputes on funding and federal distribution', *Journal of Higher Education Theory and Practice*, 21(5), pp. 97–103.

Pereira, C. R. D. and Lorencin, A. L. (2021) 'A interação entre professor e aluno na educação infantil: reflexo no desenvolvimento da aprendizagem e socialização da criança', *Contradição - Revista Interdisciplinar de Ciências Humanas e Sociais*, 2(1), pp. 1–17. doi: 10.33872/revcontrad.v2n1.e017.

Públio, C. A. M. and Marson, C. C. de O. (2016) 'Análise Documental: a propósito da Convenção Internacional Sobre os Direitos da Criança', *Cadernos de Ciências Sociais Aplicadas*, 12(19), pp. 221–240. Available at:

<https://periodicos2.uesb.br/index.php/ccsa/article/view/2079>.

Quennerstedt, A. (2011) 'The construction of children's rights in education-a research synthesis', *International Journal of Children's Rights*, 19(4), pp. 661–678. doi: 10.1163/157181811X570708.

Quennerstedt, A. and Moody, Z. (2020) 'Educational Children's Rights Research 1989-2019: Achievements, Gaps and Future Prospects', *International Journal of Children's Rights*, 28(1), pp. 183–208. doi: 10.1163/15718182-02801003.

Rosemberg, F. and Mariano, C. L. S. (2010) 'A convenção internacional Sobre os direitos da criança: Debates e tensões', *Cadernos de Pesquisa*, 40(141), pp. 693–728. doi: 10.1590/S0100-15742010000300003.

Silva, A. N. and dos Reis, S. P. (2018) 'Desafios do ensino de Língua Portuguesa na fronteira – Brasil/Paraguai', *Revista Mundo Livre*, 4(2), pp. 3–12.

Sorensen, S. (2016) 'Protecting Children's Right to Privacy in the Digital Age: Parents as Trustees of Children's Rights', *Children's Legal Rights Journal*, 3, pp. 156–176.

Steinberg, S. B. (2017) 'Sharenting: Children's privacy in the age of social media', *Emory Law Journal*, 66(4), pp. 839–884. Available at: <http://law.emory.edu/>.

Treviño, A. J. (2013) 'A Sociological Jurisprudence', in Banakar, R. and Travers, M. (eds) *Law and Social Theory*. Oxford, Portland: Hart publishing, pp. 35–51.

UNICEF (2007) *Implementation Handbook for the Conventions on the Rights of the Child*. Fully rev. Geneva: UNICEF.

Urinboyev, R. and Svensson, M. (2013) 'Living law, legal pluralism, and corruption in post-Soviet Uzbekistan', *Journal of Legal Pluralism and Unofficial Law*, 45(3), pp. 372–390. doi: 10.1080/07329113.2014.867752.

Urinbojev, R. and Svensson, M. (2014) 'Rethinking Corruption in Post-Soviet Uzbekistan : Ethnography of " Living Law "', in Papendorf, K., Machura, S., and Hellum, A. (eds) *Eugen Ehrlich's Sociology of Law*. LIT Verlag Münster, pp. 207–238.

Urinbojev, R., Wickenberg, P. and Leo, U. (2016) 'Child Rights, Classroom and School Management: A Systematic Literature Review', *International Journal of Children's Rights*, 24(3), pp. 522–547. doi: 10.1163/15718182-02403002.

Vasgotello, L. *et al.* (2006) 'Práticas de escolas públicas e privadas diante da violência doméstica em São Paulo', *Psic: revista da Vetor Editora*, 7(1), pp. 87–94.

Verhellen, E. (1993) 'Children's Rights and Education: A Three-Track Legally Binding Imperative', *School Psychology International*, 14, pp. 199–208.

Verhellen, E. (2006) *Convention on the rights of the child: background, motivation, strategies, main themes*. Antwerpen, Belgium: Garant.

Viana, M. P. (2019) 'Gestão financeira escolar: montantes, gastos e o que diretores, coordenadores e estudantes têm a dizer sobre isso', *Revista Educação Online*, 32, pp. 131–155.

Weshah, H., Al-Faori, O. and Sakal, R. (2012) 'Child-Friendly School Initiative in Jordan: A Sharing Experience.', *College Student Journal*, 46(4), pp. 699–715.

Wickenberg, P., Rasmusson, B. and Leo, U. (2019) *International Studies on Enactment of Children's Rights in Education: 30 researchers from non-western countries*.

Wickenberg, P., Rasmusson, B. and Leo, U. (2021) *Children's rights in education: Experiences from 16 countries in Global South during 18 years as researchers and teachers*, *Research Report in Sociology of Law 2021:1*. Edited by P. Wickenberg, B. Rasmusson, and U. Leo. Lund, Sweden. doi: 10.1007/BF02736911.

Woicolesco, V. G. (2014) *O estatuto da criança e do adolescente (ECA) do Brasil e as recomendações da ONU*. Universidade Estadual do Oeste do Paraná.

Wyse, D. (2001) 'Felt tip pens and school councils: Children's participation rights in four English schools', *Children and Society*, 15(4), pp. 209–218. doi: 10.1002/chi.651.