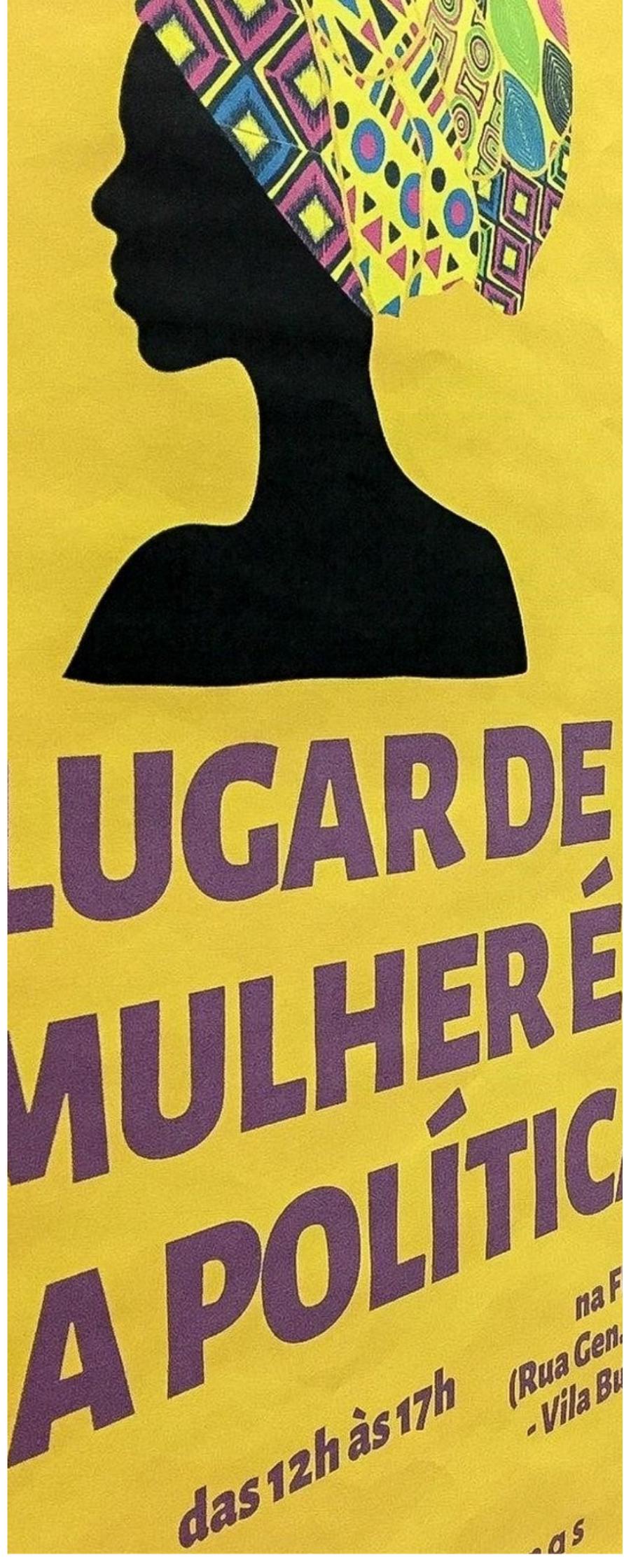


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Abandoned: America's Lost Youth and the Crisis of Disconnection

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¹ The authors are solely responsible for the translation and editing of papers published in the Brazilian Journal of Public and International Policies (RPPI) in a foreign language.

EDITORIAL

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It is with great satisfaction that we present the latest issue of RPPI, featuring a selection of articles addressing relevant and current topics in the field of public policies and international relations. The articles presented represent significant contributions to the academic and political debate, reflecting the diversity of research areas and the depth of analysis carried out by the authors.

The first article in this edition examines the challenges and achievements of women in Brazilian politics from the perspective of individual and social empowerment theory. The study highlights the underrepresentation of women in politics and analyzes the changes that have occurred in the perception and treatment of the causes they advocate for. This article emphasizes the importance of research that promotes female participation in all spheres of society.

The second article addresses the implementation of international standards for the protection of people with disabilities in municipal public policies, with a focus on the city of São Paulo. The study assesses whether municipal public policies have adhered to international obligations related to the rights of people with disabilities. The results indicate a commitment to international regulations and the importance of adopting administrative and legislative measures to ensure the inclusion of these individuals.

The third article analyzes legislative behavior related to Brazilian foreign policy in relation to Africa during the years 2003 to 2016. The study demonstrates how the legislature plays an important role in discussing the political agenda concerning the African continent, albeit in a cautious manner and with support from the executive branch. Furthermore, it highlights the influence of political polarization in this debate.

The fourth article addresses the operational safety culture in organizations providing air navigation services in Brazil. The study validates a specific scale for the

Brazilian context and analyzes various dimensions of operational safety culture. The results underscore the importance of tailored approaches to air traffic management in the country.

The fifth article investigates public tax policies and inductive tax rules in the Brazilian context. The study explores the relationship between these policies and regulations, examining the constitutional normative density and points of equivalence between them. The article highlights the importance of these policies in promoting tax justice and inducing desired social and economic behaviors.

The sixth article conducts a bibliographical review to systematize the main contributions of Brazilian authors in the field of public policy evaluation. The selected authors criticize traditional positivist approaches and advocate for a more critical and interpretative approach. The article explores the importance of considering the value matrices of the subjects involved in the assessment and the use of multiple methods and instruments.

Finally, we present a review of the book "Abandoned: America's Lost Youth and the Crisis of Disconnection" by Anne Kim, shedding light on the situation of North American youth and the challenges faced by this population. The work offers a deep and reflective analysis of the crisis of disconnection affecting youth in the United States.

We hope that this edition of RPPI stimulates debate and reflection on crucial issues in the areas of public policies and international relations. We thank the authors for their valuable contributions and hope that these articles inspire future research and promote significant advances in the field of knowledge.

Anderson Rafael Nascimento
Editor-in-Chief of the Brazilian Journal of Public and International Policies

"What's up with this woman?" Challenges, achievements and empowerment of women in politics

"Qual é a dessa mulher?" Desafios, conquistas e empoderamento da mulher na política

Lady Day Pereira de Souza¹ 
Camilla Fernandes² 
Mariane Lemos Lourenço³ 
Mara Rosalia Ribeiro Silva⁴ 
Samantha Frohlich⁵ 

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Abstract: Politics is one of the areas in which the marked under-representation of women is evident. Therefore, this article aims to analyze the main challenges and achievements of women in politics from the perspective of the theory of individual and social empowerment. The methodology follows content analysis of the transcripts of semi-structured interviews with elected and active women in the Legislative power in Brazilian politics. The results reveal challenges that permeate their experiences in the political trajectory, from their intention to enter this environment to their performance as elected officials. Despite the challenges, it was possible to verify the achievements expressed in the way the causes defended by elected women come to be perceived and respected, in the changes promoted regarding the use of public resources, and in the small transformations in the treatment they receive in the political environment.

Keywords: women; politics; challenges; achievements; empowerment.

Resumo: A política é uma das áreas em que se evidencia a marcante sub-representação feminina. Portanto, este artigo tem como objetivo analisar os principais desafios e conquistas de mulheres na política sob a ótica da teoria de empoderamento individual e social. A metodologia segue análise de conteúdo das transcrições de entrevistas

¹ Instituto Federal de Rondônia– E-mail: lady.souza@ifro.edu.br.

² Universidade Federal do Paraná– E-mail: camillafer05@gmail.com.

³ Universidade Federal do Paraná – E-mail: marianellourenco@ufpr.br.

⁴ Universidade Federal do Paraná– E-mail: mararosalia87@gmail.com.

⁵ Universidade Federal do Paraná– E-mail: samantha.frohlich96@gmail.com.

semiestruturadas com mulheres eleitas para cargos legislativos e atuantes na política brasileira. Os resultados revelam desafios que permeiam suas experiências na trajetória política, desde a intenção de se inserir nesse ambiente até a sua atuação como eleita. Apesar dos desafios, foi possível verificar as conquistas expressas na forma como as causas defendidas pelas mulheres eleitas passam a ser percebidas e respeitadas, nas mudanças promovidas quanto à utilização dos recursos públicos e nas pequenas transformações no tratamento que elas recebem no ambiente político.

Palavras-chave: mulher; política; desafios; conquistas; empoderamento.

1. Introduction

According to the International Labor Organization (2020), the world needs to improve aspects related to women's work, as their economic and political empowerment contributes to gender equity. In Brazil, there is outstanding gender inequality in economic participation and political representation (Benigno, Vieira, Oliveira, 2021). In this sense, increasing the presence of women in traditionally male organizational environments can strengthen their representation, as social transformations are more effective if demanded through positions of power (Karawejczyk, 2013; Tosi, 2016). Thus, both political and academic debates have focused on the importance of women's participation in politics, as they have faced several challenges due to the barriers that oppose their insertion and permanence in politics (Bauer, 2015; Fernandes & Lourenço, 2023 ; Fernandes, Lourenço, Frohlich, Silva, Kai, 2020; Lee, 2018; Zakar, Zakar, Hamid, 2018).

When women occupy a position of power, these barriers are manifested mainly through judgments and stereotypes attributed to gender. Because of this, women are treated as too sensitive and emotional for leadership positions because, from the perspective of such stereotypes, a more aggressive positioning is expected from political representatives (Bauer, 2015; Biroli, 2010; Chikaipa, 2019; Eagly & Karau, 2002; Fernandes et. al, 2020; Huddy & Terkildsen, 1993; Johns & Shephard, 2007; Lee, 2018).

Faced with such a scenario, a growing body of literature has analyzed the existence of differences among female and male legislators, and whether such differences interfere with the acceptance and participation of candidates (Costa & Schaffner, 2018; Fernandes & Lourenço, 2023; Geys & Mause, 2014; Grant, Kesternich, Steckenleiter, Winter, 2018). In this scope, women's empowerment in politics is a relevant element in understanding the possibilities and limits that exist in encouraging both social and political participation (Becker, Edmundo, Nunes, Bonatto, 2004; Kleba & Wendausen, 2009; Vasconcelos, 2003) . Empowerment focuses on developing individual potential

and, at the same time, promotes the achievement of ideals at organizational and social levels (Eylon, 1998).

It is relevant, therefore, to study the perspective of women's empowerment in Brazilian politics, as Brazil occupies the 145th position among 235 countries surveyed in the ranking of female representation in congresses, published by the Inter-Parliamentary Union (2022). The 2022 elections demonstrate this low representation: the population of women in Brazil corresponds to 51.8%, however, only 302 women, or 17.8%, were elected in a universe of 1,696 elective positions corresponding to the sum of vacancies of the Lower house, the Senate, the Legislative Assemblies and state governments (Amaral, 2022).

Given this context, this article aims to analyze the main challenges and achievements of women in politics from the perspective of individual and social empowerment theory, with the help of semi-structured interviews and support from content analysis. The results of this research process reveal that challenges such as gender inequality, feelings of exclusion, lack of political support permeate the experiences of women's trajectory in party politics, from the intention of inserting themselves in this environment until their role as an elected official. However, despite the challenges, there is the existence of empowerment through achievements, such as increased respect for the causes they defend, the positive perception of the different way they use public resources and the small transformations in the treatment they receive in the political environment. Furthermore, in this research, it was identified that empowerment is also the reflection of a subjective process of self-awareness of one's importance as a woman in politics.

Regarding contributions, this research allows the understanding and advance of the literature regarding women working in predominantly male organizations. It contributes to the expansion of studies focused on women in politics, considering their performance in multiple organizations of the political system (political party, commissions, formal organizations, among others), which follow distinct and unique guidelines. This dynamic, in a way, tends to interfere with their empowerment, as their political activity is strong in some organizations and weak in others. Furthermore, it is hoped that this study will encourage greater female participation in politics, by bringing into discussion points that are neglected by the government, political parties and the population in general.

2. Female empowerment

Empowerment is a relevant element in understanding the possibilities and limits that exist in encouraging social and political participation (Becker et al., 2004; Kleba & Wendausen, 2009; Vasconcelos, 2003). In this sense, empowerment consists of the act of having autonomy, in a mechanism in which both people and organizations have control over their affairs, destinies, skills and competencies (Fialho, Rosa, Gai, Nunes, 2018; Souza, Silva, Costa, 2022).

In the organizational context, empowerment focuses on developing individual potential while promoting the achievement of greater organizational ideals, going beyond a personal feeling (e.g. "I feel empowered today"). It is a process resulting from changes and individual inter-relational variables, such as: the quantity and quality of information at your disposal, the degree of trust received in a work environment, as well as the degree of responsibility that this person has in his position (Eylon, 1998).

In addition to being multifaceted, as a process, empowerment is dynamic, involving cognitive, affective and behavioral aspects. Its process can be presented based on dimensions of social life at different levels: individual, group and social. On a personal level, empowerment makes it possible to increase an individual's autonomy and freedom. And at a group level, empowerment is responsible for triggering reciprocal respect, as well as mutual support among group members, promoting a feeling of belonging, the existence of solidarity practices and reciprocity. Finally, social empowerment favors and enables engagement, co-responsibility and social participation from the perspective of citizenship (Kleba & Wendausen, 2009). Among the possibilities of analysis regarding empowerment, this article focuses on the individual and social levels.

Individual empowerment is related to the interpersonal and behavioral attributes of the person in their process of appropriating power (Ninacs, 2003). Individual empowerment can be developed from four perspectives (Ninacs, 2003). The first is self-esteem, which concerns the sense of identity, personal competence and self-confidence, helping the individual to build self-worth. The second perspective refers to critical consciousness, a reflective exercise by the individual aimed at the formation of collective, social and political consciousness. The third perspective is that of competencies, which are the capabilities created or improved by the individual to put their plans into action. Finally, the fourth, called participation perspective, occurs when the individual becomes

progressively involved in decision-making processes and also assumes the consequences of this greater participation.

From a social point of view, empowerment is a multidimensional process through which social groups develop strategies to achieve their goals in order to improve their own lives and those of other people (Gutiérrez, 1990; Page & Czuba, 1999). In this sense, empowerment involves political, structural, social and collective aspects regarding a specific population that has difficulties in accessing certain elements of power. Therefore, one of the circumstances in which empowerment needs to be strengthened is in the dynamics of women's work in political organizations, as discussed below.

2.1. Women in politics

In Brazil, since 1532, when the first Portuguese village was founded, elections have been held, but the right to vote for women began to be discussed in the country only around 1891. During this period, 31 constituents had signed an amendment to the draft Federal Constitution, giving women the right to vote, however, this amendment was rejected (Buonicore, 2009; Tosi, 2016). It was through the 1934 Constitution that Brazilian women had this right granted, as, for a long time, suffrage was not seen as a right but rather a privilege, generally attributed to the "political head of the family" (Cajado, Dornelles, Pereira, 2014).

Since then, even with the existence of quotas and other incentives, some studies have shown that women have faced a series of challenges not only when being elected, but also during the course of their careers, from the decision to join a party, including the intention to run for a political position, the electoral campaign, as well as the exercise of some position (Bauer, 2020; Schulz & Moritz, 2015).

In this sense, the understanding of female participation in politics requires, first of all, the awareness that almost no country in the world has a percentage of 50% of women occupying seats in its legislative houses (Paxton & Kunovich, 2003; Sacchet, 2018). Araújo (2010) points out that this fact is due to the existence of deep-rooted perceptions that postulate that power is aimed at men, which makes it difficult for other groups excluded from the political system to participate and motivate themselves. To give you an idea, in Brazil, data from the Superior Electoral Court (2023) indicate that the highest percentage of voters is made up of women (53% of the total), however, only 15% of the total number of political positions are held by them. Still, according to the same study, in

terms of candidacy, the highest percentage of women candidates in recent years was 34% of the total registered candidacy.

One factor that interferes with the participation of women in politics is the insufficient support of the parties, as well as little allocation of resources, especially financial, to their campaigns (Bauer, 2020; Fernandes & Lourenço, 2023; Homola, 2019; Rezende, 2017) . These are some of the points that demarcate inequality between men and women, the absence of rules and procedures that are effective in regulating and the equitable interaction of parties with their candidates, regardless of gender (Homola, 2019; Rezende, 2017).

This perspective requires the potential exercise of actions to change the conditions to guarantee greater representation of women in spaces of power and decision-making (Homola, 2019; Rezende, 2017). However, increasing female representation does not guarantee party support or approval of their projects, much less increases their propensity for re-election (Brollo & Troiano, 2016).

Despite significant changes in the political field, gender as a category in which social relations constituted by socially perceived sexual differences are analyzed (Scott, 1990) is still a criterion for society to draw inferences about people's traits, skills, beliefs and positions who are involved in this institution (Johns & Shephard, 2007). Some studies that verify the influence of women's presence in the political environment, however, demonstrate that their participation in this scenario generates significant changes, whether in relation to the thoughts developed there, the policies created or, alternatively, the way in which public money is invested. (Brollo & Troiano, 2016; Chattopadhyay & Duflo, 2004; Costa & Schaffner, 2018; Fernandes & Lourenço, 2023; Fernandes et. al, 2020). Having established the connection between empowerment and the context of women in politics, the methodological procedures used in this research are presented below.

3. Methodological procedures

This research consists of a basic qualitative study. One of the central characteristics of a basic qualitative study focuses on the way in which individuals construct their realities in the face of interactions in their social worlds (Tisdell & Merriam, 2016). Thus, in this article, when talking about women active in the political field, mention is made of those who ran for political positions to act as senators, governors, mayors, councilors, state deputies, federal deputies and presidents. Only

women from the Legislative Branch were selected, as the participation of women in this political scenario is a topic that deserves further development in academia.

Data collection was carried out through semi-structured interviews from August to November 2019, guided by a script of questions based on the literature presented and the objective outlined. All eight participating interviewees signed the free and informed consent form in order to guarantee confidentiality, anonymity and authorization to use the data for the research. All interviews took place in the participants' work offices, being recorded and later transcribed.

The participants were identified with the names of goddesses from Greek Mythology who, in a certain way, represented the defense of their political causes, as shown in Table 01:

Table 01: Characterization of women active in politics participating in the research

Interviewee	Age	Education	Political position	Time dedicated to politics	Defended Causes
Hera: goddess of marriage, family, queen of the gods	56	High school degree	State deputy	3rd term as deputy 1st term as councilor	Family causes
Athena: goddess of civilization and wisdom regarding battle strategies	60	University degree	Councilor	1st term as councilor	Women's causes, as well as human rights, environment and security causes
Hemera: goddess who personifies the day and its light	43	University degree	Councilor	1st term as councilor	Ethical control of animals, control and restriction of animal trade, supervision and punishment for mistreatment, responsible ownership and free veterinary care
Artemis: protective goddess of animals	70	University degree	Councilor	2nd term as councilor	Public policies aimed at public health in the municipality, as well as animal causes
Nike: goddess of conquest and victory	44	High school degree	State deputy	1st term as deputy 2 terms as mayor	Causes focused on health, tourism, education, women's rights, children and adolescents
Métis: goddess of health, virtues, protection, prudence and cunning	51	University degree	State deputy	1st term as state deputy	Causes aimed at female representation in politics

Souza, Fernandes, Lourenço, Silva & Frohlich. "What's up with this woman?" Challenges, achievements and empowerment of women in politics.

Gaia: represents Mother Earth and its generating potential	72	University degree	Councilor	6th term as councilor	Causes focused on culture, development, education, urbanism and senior citizens
Têmis: goddess of justice and guardian of human oaths and law	70	University degree	State deputy	3rd term as state deputy	Causes focused on education and resocialization

Source: The Authors (2023)

After organizing the transcriptions, their analysis was carried out, which was prepared using the Content Analysis technique as it allows the interpretation of subjective aspects relating to the content of the collected data (Saldaña, 2016). Following the protocol defined by Bardin (2011), the analysis was divided into three moments. The first referred to “pre-analysis” and consisted of organizing the data and initial conceptions regarding how to carry out the analysis itself. In the second moment, the researchers read the materials, coding and categorizing them, taking into account the literature, as well as emerging themes in the field. As a result, two dimensions of analysis were delimited: “challenges faced” and “achievements”, analyzed through the theoretical lens of individual (Ninacs, 2003) and social (Gutiérrez, 1990; Page & Czuba, 1999) empowerment.

Within such dimensions, Bardin (2011) points out the existence of context units whose purpose is to encode data so that it is possible to understand the existing specificities. Thus, in the dimension “the challenges faced” the context units were outlined as “lack of party support”, “battle for space”, “demonstration of skills”, “challenges of individual empowerment” and “challenges of social empowerment”. In the “achievements” dimension, the context units were: “election”, “approved bills”, “perceived changes”, “achievements aimed at individual empowerment” and “achievements aimed at social empowerment”.

After this stage, we moved on to the third and final moment of the analysis, which consisted of inferring and interpreting the contents of the interviews in order to achieve a critical and reflective analysis regarding what was exposed there. In this last process, the researchers carried out an analysis together in order to debate different points of view about the data and literature worked on and, in this way, reach a consensus that constituted the final analysis.

4. Analysis and discussion of results

4.1. Challenges faced

According to Rezende (2017), there are a series of challenges to women's political representation such as the distribution of resources, the performance itself, among other aspects. Schulz & Moritz (2015) and Fernandes & Lourenço (2023) argue that there has been great progress in female representation in politics since mandatory participation quotas were implemented. But, even with the existence of quotas, the vast majority of political parties are unable to meet them.

[...] the party doesn't recognize the importance of women, so, therefore, it doesn't give you money, it doesn't give you television time, it doesn't give you the opportunity to try to debate [...] they choose a group, usually of only men...and that group is supported in all these ways of opening doors, understand? [...] they let you participate, but they don't promote you in the election, in any sense [...] they don't help [...] I don't know if they don't get in the way [...] but they don't do anything for the female candidate (Atena).

The above confirms what was discussed in the study of Homola (2019), in which the author states that parties act more responsively to the preferences of men than women in terms of their general actions. As a result, the process of electing a female candidate is even more challenging than the one faced by their male counterparts, as the party's support is lower, or even nil. It is important to highlight that women represent almost half of the total of members in Brazilian political parties, totaling 46% (TSE, 2022), however, what is notable is that, despite such representation in such organizations, the percentage of candidates is low.

In addition to challenges faced within the various organizations of the political system, another point raised by the respondents was the existence of conflicts regarding roles socially assumed by women. The problem mainly refers to conflicts between personal and professional life. In this sense, Têmis reported feeling that everything in politics occurs naturally, however, she realized that some aspects of her personal life needed alignment so that it would be possible to expand her insertion conditions in the political space:

[...] Another thing that affects a woman's emotions in politics, which she has to know how to do, is to win first at home, because there's no point in her getting involved in politics and her husband backs out, they end up in divorce, blame it on politics [...]

.] has nothing to do with it, I always advise: win over the father or mother or husband or 'boyfriend' at home, and win over the children too, because even winning over is difficult even when they are older, but when they are small...they require more of your presence (Têmis).

Still from this perspective, Métis also highlighted her difficulties in reconciling personal activities with her demands as a deputy. She reported that, having been in this environment for several years, from the beginning she knew the 'paid' price, even reporting that such issues 'weighed' in deciding whether to apply or not: "I thought if this was worth it, if it was worth giving up this role as mother".

What is noticeable is that the process of women empowerment who choose to enter politics is impacted by the interference of individual variables perceived by them (Eylon, 1998). Due to the future in politics being somewhat unclear, full of challenges and uncertainties regarding the way in which professional activities will be developed in the organizations they operate, it is clear that questions regarding their competencies and participation in the process of appropriation of power are recurrent, making them doubt their own potential.

However, as their activities progress and they gain power not only in parties, but also in elected positions in other organizations of the political system, such obstacles are faced. The battle reveals itself to be a daily effort, since after the election, these women are faced with another difficulty: The need to gain space to give relevance to the agendas they defend in this predominantly male environment:

[...] I have several friends, I am part of a group on WhatsApp that are women councilors in Brazil, for our cause, and they said that they face many difficulties in legislative houses in gaining their seats because it is an environment where men still predominate, where there is a certain prejudice, but we also see the issue of women voting for women, there hasn't been much work on this in society so that women can vote for other women to represent them (Hemera).

In this sense, the participants commented on the difficulties relating their performance, and one of the reasons that prevents them from carrying out their activities equally, despite under-representation, is the existence of stereotypes and the need to prove their skills (Chikaipa, 2019; Ragins & Winkel, 2011; Renner & Masch, 2019):

They assume that if you are a woman, young and pretty, you are stupid [...], if you are blonde, even stupider. So, they test, test and you have to prove that you are good, with good arguments that you know what you are doing and that you are intelligent. Above

all, if they suspect that you are not intelligent [...] they will finish you off (Artemis).

It is clear that although there are incentives for women to participate in the political sphere, politics is not a place where men and women share the same opportunities. And, when it comes to critical situations, Artemis highlighted the existence of obstacles created by colleagues themselves: "they try to belittle you, belittle your cause [...] say that your cause is ridiculous, is less necessary [...]." This report is compatible with the findings of Chikaipa (2019), in which it is identified that active women in politics are generally portrayed based on gender stereotypes, and not based on their political actions.

Hera highlighted the existence of discrimination against women, as a force that is perpetuated from generation to generation. Her statement reveals that often, the context of discrimination and prejudice creates fear among women when making decisions and in their positions, as they may not be well accepted: "you won't be accepted everywhere [...] it's a question of you arriving, positioning yourself and things changing in that scenario." (Hera).

Métis highlighted that even though changes are taking place, it is still a "very sexist environment, in which we need to fight daily to be able to gain a place in the middle." (Métis). This shows that the dynamics of the political environment, despite women inclusion, is still very masculine, which contributes to the systematic exclusion of women (Bauer, 2020; Lee, 2018; Miguel & Feitosa, 2009; Zakar et al ., 2018). The respondent also highlighted that she does not think this occurs due to prejudice or intentionally, but rather as something resulting from the culture of the environment and the country. It is interesting to mention that previously, when questioned about the existence of prejudice, the respondent had stated that she did not perceive prejudice from her colleagues, a fact that highlights how deep-rooted such issues are: "it is difficult to explain, I live with them in a calm way" said Métis. It is noted that the interviewees suffer discrimination in the political environment, however, they do not associate this discrimination with a conscious practice, but with something inherent to the traditionally masculine space in which they are inserted.

Furthermore, when working in predominantly male environments, women are expected to take more brutish and aggressive positions due to the ideal of gender stereotypes for political positions. Thus, it can be seen that even though they were elected

in the same way as their male colleagues, women are seen in a pejorative way, as too sensitive and emotional to occupy political positions (Bauer, 2015; Biroli, 2010; Eagly & Karau, 2002; Johns & Shephard, 2007).

It is possible to affirm that the gender of the political representative leads to society's expectations regarding their traits, skills, positions and beliefs (Araújo, 2010; Johns & Shephard, 2007; Miguel & Feitosa, 2009). Therefore, the female gender is associated with the stereotype of caring and sensitive people, whose characteristics are the opposite of what is expected of a political candidate: that they are more decisive and aggressive (Bauer, 2015; Eagly & Karau, 2002). Given the context, it can interfere with their perception of power, leading them to choose strategic personal elements to conduct their practice and actions in politics.

In the following report, the prejudice of men and women themselves is highlighted as one of the reasons why there is still difficulty in filling quotas. The finding converges with the results of the study by the Tribunal Superior Eleitoral (2023) which indicate that, even though the number of women voters is the highest percentage among Brazilian voters and they have the capacity to exercise popular sovereignty, they do not do so. The reports reveal other challenges regarding quotas, approval of laws and changes they have already noticed in politics:

There is a male chauvinism, when it comes to approving a law that benefits men, not here, but in the Council, but to provide this parity, it is a discussion that goes a long way. Each woman who enters is one less man, there is a whole story that comes with it, it is not a change that comes from one day to the next. It is gradual, but you need to be participating to show that you can (Métis).

Violence against women... and I talk about patrimonial, psychological and physical violence, but I also talk about other types of violence that exist and I can tell you that what happens to women in politics is violence, it is bullying and it is a crime [...] simply because you are a woman (Hera).

It is clear that there are several challenges on the way to integrating women into the political environment. These challenges, according to Araújo (2010), Bauer (2015), Lee (2018) and Zakar et al. (2018) are not only the result of prejudice and other historical issues rooted in the system, but, especially, because they are still a minority in organizations of the political sphere that hold elected positions. In this context, the positions and struggles of elected women are questioned more frequently than those of male colleagues.

It is in this turbulent scenario of women's insertion in the political sphere that the process of empowerment is catalyzed, whether they are still candidates or already elected. When seeking to enter the political sphere, women face a series of challenges, such as those mentioned: lack of party support, work-family conflict, the need to prove their skills and intimidation by male colleagues.

To “break” the power system that is symbolically held by the male figure, women see the need to reflect and adapt their behavior, gathering strength and resources for the good of the causes they defend (Pinto, 2012). This reflection is closely related to the constitution of their empowerment (Ninacs, 2003), since women recognize that their representation is constantly threatened by the patriarchal and sexist context. In turn, the adaptation of behaviors resulting from learning the exercise of political praxis helps these women build their empowerment, especially in their self-esteem (Ninacs, 2003), refining their identity conception about the meaning of being a woman and the value of being a woman in politics.

Furthermore, still in relation to the empowerment process, there is a social change in the collective skills creation when women begin to face the challenges catalyzed by the political environment. The inspiration and participation of more people involved in this process, and also in expanding knowledge of these challenges, contribute to the search for changes, even if they are far from a reality of equal rights among the subjects involved (Bauer, 2020; Lee, 2018 ; Miguel & Feitosa, 2009; Pinto, 2012; Zakar et al., 2018).

Strategies for tackling challenges related to power inequalities and disadvantages in society basically seek to go against what reflects the social challenges of women in politics. What women face daily when seeking significant transformations in an essentially bureaucratic and conservative environment is also the result of a historical context related to power and the empowerment process (Atkinson, 1999; Pinto, 2012). This empowerment process in a social context is interpreted by the interviewees “as a great power game” (Hemera); and “a daily fight for rights” (Métis), which reinforces the aspects focused on collective competencies and the search for transformations highlighted in the empowerment process theory.

4.2. Achievements

When asked about their trajectories, all respondents highlight that they consider them achievements, as they were elected without effective support from the parties to which they are linked, had laws approved and effectively represented the population. In

each interview, the respondents talk a little about their projects, which are mostly focused on public health and the specific causes each of them defends. At this point, it is possible to verify the four perspectives of individual empowerment (self-esteem, critical awareness, skills and participation) highlighted by Ninacs (2003). When highlighting their achievements, therefore, the sense of self-worth, reflexivity regarding their actions, the perception of their own competencies and the consequences of their participation in the political scene are more clearly seen.

When asked, however, about the achievements that stand out most in her daily life, Gaia highlights the emotional nature involved in such a process: "The greatest positive emotions occur when you manage to solve a problem, the greatest frustrations come when you cannot [...] the problem for us is the challenge and, I have to solve it, I have to fight for them (the population)." With Gaia's report, we understand what Pinto (2012) explains regarding the fact that the power perception brings with it awareness about one's own behavior and the ability that a person has to influence the daily lives of others. Here we have the guidance outlined by the author regarding increasing strength and resources not only for oneself, but for communities (Pinto, 2012).

The interviewees highlighted that they perceive strong and latent prejudice throughout their political career and in the environments of City Councils and Assemblies. They also notice aspects of changes in behavior from their male colleagues regarding treatment issues and in relation to the positions they had towards the causes they defend. As an example, councilor Hemera, a defender of the animal cause, highlighted that the animal cause was the reason that made the population elect her. In her opinion, the agendas to be defended by her need to be consistent with her purpose in the city council: "I have never felt repression from other colleagues, but sometimes they say 'woof-woof' or something like that".

In her view, Hemera reported that she did not believe such comments were derogatory but rather in a joking tone. "But then, in the last session of that year, a little dog appeared at the plenary door [...] and she wouldn't leave. That day, several councilors sent messages to the group, calling me, sending a photo 'A visitor came for you, someone here came to visit you'." The councilor stated that, according to her perception, since she started the discussion about animal causes, they were no longer invisible to other participants in that organization: "perhaps they had never had this care, protection, love, empathy, compassion perspective and that's what I said throughout the year and I thought:

'in the first session that year I had to ask permission to talk about an animal and in the last one they looked at that little dog" (Hemera).

Artemis, who also works on the same cause as respondent Hemera, but in another city, reported a similar situation. Furthermore, she notices changes in behavior in relation to what she defends: "there were two or three who looked at me crossly and, the turning point, the crux of the matter was that they were like, 'What's up with this woman?!'" (Artemis). She stated that at the beginning of her career she was heavily criticized for going against culturally accepted issues in her city, and that today she sees greater acceptance in relation to her projects: "when we have a session to approve a law, the plenary is full [...] I think they had a flea behind their ears like 'ah, I think this cause isn't a silly thing' as they, in their ignorance and simplicity, thought it was" (Artemis).

In view of these two experiences, it appears that the action of the councilors in relation to the cause for which they work can be considered a strategy of social empowerment, which impacts and transforms society in the objective outlined by them, since their action brings visibility to the animal cause (Gutiérrez, 1990; Page & Czuba, 1999).

When discussing the law's approval and specific aspects of the causes she defends, Têmis highlighted another point of view regarding the achievements, highlighting that they should be aimed at the population and not at personal aspects: "I never looked at my navel, I think. that the state, federal deputy, whoever they are, they are employees of people who elected them" (Themis). Têmis's report is in line with that exposed by Eylon (1998), for whom empowerment focuses on the development of individual potential, but can also go beyond a personal feeling, bringing with it perceptions that highlight individuality and awaken critical consciousness.

According to Ninacs (2003), empowerment, even from its individual perspective, develops through collective, social and political consciousness. At the same time that the person begins to have perceptions about their skills and transforms their plans into actions, they also begin to get involved in decision-making processes and reveal the results of this new positioning.

This individual process has repercussions in the social empowerment field as women's actions in politics create collective competencies that can be shared with other interested parties. In this way, it is possible to identify the expansion of women's representation in politics through the inspiration of other party groups, with the possibility

of resulting in their effective participation (Pinto, 2012). From this perspective, it appears that as more women make up the political scene, more significant changes are brought into focus, particularly with regard to the investments made. As highlighted in the report by respondent Têmis, however, these investments must have the purpose of improving the entire public network and the population in general (Chattopadhyay & Duflo, 2004).

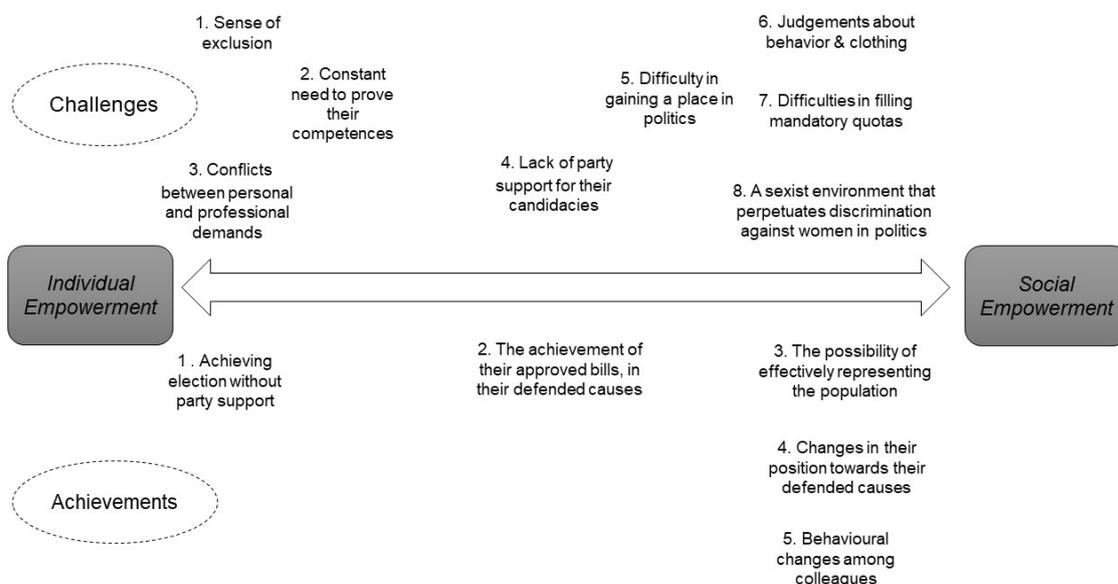
It is concluded, then, that the main achievements highlighted by these women revolve around the fact that they managed to get elected through their own efforts. Currently, they have gained new opportunities to represent specific and collective causes. Considering that these causes are often neglected, the approval of laws in their benefit also stands out as an achievement.

In the interviewees' trajectory context, it is clear that while some have been involved in politics for more than a decade, others entered it recently. With this, it was possible to verify differences in positions regarding what they consider as achievements, but also as challenges. The main change that women veterans in politics notice is the treatment change. Even in face of many setbacks, challenges and prejudices, women consider their colleagues' and also from part of the population behavior change in the City Council, Assembly or parties towards them and their causes to be an achievement.

4.3. Summary of results

The results of the discussion regarding the challenges faced and the achievements achieved by elected women, at the level of individual and social empowerment, are summarized in Figure 01.

Figure 01: Summary of results



Source: The authors (2023).

In summary, empowerment does not represent, itself, a moment or a fact that occurred in each woman's personal life or in the social environment in which they live, but, rather, a process that is constituted both individually and socially. This happens because empowerment is the result of a self-reflective exercise by legislators and is stimulated and crossed by different situations experienced in social and power relations.

Thus, as they are closely linked, the individual and social processes of empowerment are represented in Figure 1 as two poles of a continuum, along which the challenges and achievements identified and reported by the women interviewed are allocated. It is noteworthy that the experience of negative experiences (here represented by "challenges") are part of the empowerment process, as well as positive experiences (placed as "achievements"), revealing the transformative nature of the events experienced by the interviewees and by society.

In the individual empowerment field, the main challenges recognized by political representatives have been their exclusion feeling, the need to prove their skills and work-family conflicts. And, despite constantly experiencing these problems, women recognize their own election as an achievement, even if carried out without the financial or organizational support from the parties they are part of. This achievement tends to strengthen women's morale and, consequently, their empowerment.

In the middle of the empowerment continuum, the lack of party support for women in politics and the difficulty in finding space in this sphere are elements that appear to be individual challenges, but are also social problems, as they have roots in Brazilian sexist and patriarchal culture. In turn, the achievement of laws defended by women and then approved by the Legislative Branch, is considered a victory placed more at the center of the empowerment continuum, as it portrays both the personal reach of the representatives and a contribution to the achievement for the social well-being.

Finally, in the field of social empowerment, challenges related to the cultural scenario that lead to gender prejudice and discrimination against women in Brazil were identified, such as: judgements about women's dress and behavior in politics; difficulties in filling the mandatory quotas for women in political parties; and the sexist environment of the Legislative Branch. Fortunately, significant achievements have been identified in this social empowerment process, including women's election, as an effective way of representing the female population; and positive changes in the positioning and behavior of male supporters towards the causes defended by these women.

5. Final considerations

This article aimed to analyze the main challenges and achievements of women elected and active in politics from the perspective of the theory of individual and social empowerment. It is possible to perceive elements of the constitution of the process of women's empowerment in the political system. It was identified that women's challenges begin with the receptivity of parties, which aim to comply with the 30% quota rule for female candidates, often indicating a lack of support that leads women to seek their own strategies in the electoral campaign process.

Prejudices are perceived on their male colleagues' side, who outline strategies to prevent women from entering and remaining in politics. Such strategies can be represented by constant judgments related to their attitudes, leading them to feel the need to prove their skills and demonstrate their capabilities. Political activity brings consequences to these women for their personal lives, with emphasis on the difficulties of reconciling legislative work with family life.

In this context, the challenges faced when analyzed from the perspective of individual and social empowerment, represent tensions in the political environment that allow representing, at the same time, difficulties and opportunities to expand women's role in politics. Thus, from the point of view of individual empowerment, related

challenges are identified: the feeling of exclusion, the need to prove their skills, and tensions in the conflict between personal life and professional life.

As the analysis extends to the process of social empowerment, it appears that the challenges take on a collective perspective, that is, they exert influence or impact on the collective of women in politics. Such challenges can be represented by the lack of party support, difficulty in gaining space in politics, judgments about their behavior and clothing, difficulty in filling quotas, discrimination and male chauvinism.

If, on the one hand, women involved in politics face challenges in their careers, on the other hand, their insertion in politics represents resistance against patriarchal and sexist culture, which results in both personal and social achievements. Firstly, the fact that they were elected through personal effort, without support from the party, represents that in society there are favorable spaces for both support for change and for women to act in positions of power. Their performance in Assemblies and City Councils also represents changes in the way certain causes are assessed, and how the approval of bills is neglected. This dynamic reveals the impacts of empowerment on the trajectory of women's political activity, as well as the greater social and political visibility of issues related to public health and animal causes, for example.

In this sense, the achievement identified under the lens of individual empowerment is related to the fact that women were elected without party support, in a personal effort. And, when analyzing the reported achievements, bringing them closer to the perspective of social empowerment, the approval of laws and the social scope of the causes defended by them are identified, as well as changes in the behavior of fellow politicians. The achievements seem simple, but in the lived context, which establishes resources and dynamics for women's performance in politics, they are unique and relevant in social change, as well as in the scope of women's role in power.

In future research, it is considered important to expand the scope in the areas of Administration and Organizational Studies in order to analyze women's experiences in predominantly male organizational contexts. Furthermore, there is the need to expand studies of subjective elements that emerge from the trajectory of women in politics, such as, for example, their emotions. Finally, it is suggested that research be carried out to investigate the identity constitution of women active in the political context.

References

Souza, Fernandes, Lourenço, Silva & Frohlich. "What's up with this woman?" Challenges, achievements and empowerment of women in politics.

Amaral, T. (2022). Especial Eleições 2022 – Representatividade feminina ainda é baixa na Câmara. CNN Brasil. <https://www.cnnbrasil.com.br/politica/mulheres-aumentam-representacao-na-camara-mas-representatividade-ainda-e-baixa/>

Araújo, C. (2010). Rotas de ingresso, trajetórias e acesso das mulheres ao legislativo: um estudo comparado entre Brasil e Argentina. *Revista Estudos Feministas*, 18(2), 567–584. <https://doi.org/10.1590/S0104-026X2010000200016>

Atkinson, R. (1999). Discourses of Partnership and Empowerment in Contemporary British Urban Regeneration. *Urban Studies*, 36(1), 59–72. <https://doi.org/10.1080/0042098993736>

Bardin, L. (2011). Análise de conteúdo. In Edições.

Bauer, N. (2020). Shifting Standards: How Voters Evaluate the Qualifications of Female and Male Candidates. *The Journal of Politics*, 82(1).

Bauer, N. M. (2015). Emotional, Sensitive, and Unfit for Office? Gender Stereotype Activation and Support Female Candidates. *Political Psychology*, 36(6), 691–708. <https://doi.org/10.1111/pops.12186>

Bazanini, R., Da Silva, J. R., & Biffi, M. A. (2020). Empreendedorismo Social em Redes Interorganizacionais: O Fluxo Mimético como Absorção Adaptativa na Formação de Competências para o Empoderamento Social. *Gestão & Regionalidade*, 36(109), 163–181. <https://doi.org/10.13037/gr.vol36n109.6632>

Becker, D., Edmundo, K., Nunes, N. R., Bonatto, D., & Souza, R. de. (2004). Empowerment e avaliação participativa em um programa de desenvolvimento local e promoção da saúde. *Ciência & Saúde Coletiva*, 9(3), 655–667. <https://doi.org/10.1590/S1413-81232004000300017>

Benigno, G. O. L., Vieira, D. M., & Oliveira, J. E. de. (2021). Desigualdade de gênero nos estados brasileiros e análise dos stakeholders do Conselho Nacional dos Direitos da Mulher. *Revista de Administração Pública*, 55(2), 483–501. <https://doi.org/10.1590/0034-761220190398>

Biroli, F. (2010). Mulheres e política nas notícias: Estereótipos de gênero e competência política. *Revista Crítica de Ciências Sociais*, 90, 45–69. <https://doi.org/10.4000/rccs.1765>

Brollo, F., & Troiano, U. (2016). What happens when a woman wins an election? Evidence from close races in Brazil. *Journal of Development Economics*, 122, 28–45. <https://doi.org/10.1016/j.jdeveco.2016.04.003>

Buonicore, A. C. (2009). As mulheres e os direitos políticos no Brasil. In *Voto Feminino & Feminismo*. Imprensa Oficial.

Cajado, A. F. R., Dornelles, T., & Pereira, A. C. (2014). Eleições no Brasil : uma história de 500 anos. Tribunal Superior Eleitoral.

Chattopadhyay, R., & Duflo, E. (2004). Women as Policy Makers: Evidence from a Randomized Policy Experiment in India. *Econometrica*, 72(5), 1409–1443.

Chikaipa, V. (2019). Caring Mother or Weak Politician? A Semiotic Analysis of Editorial Cartoon Representations of President Joyce Banda in Malawian Newspapers. *Critical Arts*, 33(2), 14–28. <https://doi.org/10.1080/02560046.2019.1655583>

Costa, M., & Schaffner, B. F. (2018). How Gender Conditions the Way Citizens Evaluate and Engage with Their Representatives. *Political Research Quarterly*, 71(1), 46–58. <https://doi.org/10.1177/1065912917722235>

Eagly, A. H., & Karau, S. J. (2002). Role congruity theory of prejudice toward female leaders. *Psychological Review*, 109(3), 573–598. <https://doi.org/10.1037/0033-295X.109.3.573>

Eylon, D. (1998). Understanding empowerment and resolving its paradox. *Journal of Management History*, 4(1), 16–28. <https://doi.org/10.1108/13552529810203905>

Farias, J. P. B. de, Pimentel, J. M. V., & Santos, L. C. (2021). Turismo étnico-afro: uma possível alternativa para empreendedorismo e empoderamento negro no Brasil. *Caderno Virtual de Turismo*, 21(2), 51. <https://doi.org/10.18472/cvt.21n2.2021.1867>

Fernandes, C., & Lourenço, M. L. (2023). A Woman's Place is... in Politics: Reflections about Micro and Macroaggressions of Identities. *Revista de Administração Contemporânea*, 1–18. <https://doi.org/https://doi.org/10.1590/1982-7849rac2023220252.en>

Fernandes, C., Lourenço, M. L., Frohlich, S., Silva, D. E. da, & Kai, F. O. (2020). Mulheres na política: emoções e desafios em dinâmicas institucionais complexas. *Cadernos EBAPE.BR*, 18(4), 1071–1081. <https://doi.org/10.1590/1679-395120200006>

Fialho, C. B., Rosa, Á. F. da, Gai, M. J. P., & Nunes, A. de F. P. (2018). Empoderamento e Gênero: Um Estudo com Mulheres que Ocupam Cargos de Gestão em uma Universidade Federal. *Revista Administração Em Diálogo - RAD*, 20(1), 1. <https://doi.org/10.23925/2178-0080.2018v20i1.33452>

Geys, B., & Mause, K. (2014). Are Female Legislators Different? Exploring Sex Differences in German MPs' Outside Interests. *Parliamentary Affairs*, 67(4), 841–865. <https://doi.org/10.1093/pa/gss090>

Grant, I., Kesternich, I., Steckenleiter, C., & Winter, J. (2018). Historic sex-ratio imbalances predict female participation in the market for politicians. *Journal of Economic Behavior & Organization*, 156, 144–165. <https://doi.org/10.1016/j.jebo.2018.10.003>

Gutiérrez, L. M. (1990). Working with Women of Color: An Empowerment Perspective. *Social Work*, 35(2), 149–153.

Souza, Fernandes, Lourenço, Silva & Frohlich. "What's up with this woman?" Challenges, achievements and empowerment of women in politics.

Homola, J. (2019). Are Parties Equally Responsive to Women and Men? *British Journal of Political Science*, 49(3), 957–975. <https://doi.org/10.1017/S0007123417000114>

Huddy, L., & Terkildsen, N. (1993). The Consequences of Gender Stereotypes for Women Candidates at Different Levels and Types of Office. *Political Research Quarterly*, 46(3), 503–525. <https://doi.org/10.1177/106591299304600304>

Inter-Parliamentary Union. (2022). Classificação mensal das mulheres nos parlamentos nacionais. Global Data on National Parliaments. <https://data.ipu.org/women-ranking?month=3&year=2022>

International Labour Organization. (2020). World Employment Social Outlook: trends for women 2018. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_619577.pdf

Johns, R., & Shephard, M. (2007). Gender, Candidate Image and Electoral Preference. *The British Journal of Politics and International Relations*, 9(3), 434–460. <https://doi.org/10.1111/j.1467-856x.2006.00263.x>

Karawejczyk, M. (2013). As filhas de Eva querem votar: dos primórdios da questão à conquista do sufrágio feminino no Brasil [Universidade Federal do Rio Grande do Sul]. <http://hdl.handle.net/10183/72742>

Kleba, M. E., & Wendausen, A. (2009). Empoderamento: processo de fortalecimento dos sujeitos nos espaços de participação social e democratização política. *Saúde e Sociedade*, 18(4), 733–743. <https://doi.org/10.1590/S0104-12902009000400016>

Lee, Y. J. (2018). Gender, Electoral Competition, and Sanitation in India. *Comparative Politics*, 50(4), 587–605. <https://www.jstor.org/stable/26532705>

Miguel, L. F., & Feitosa, F. (2009). O gênero do discurso parlamentar: mulheres e homens na tribuna da câmara dos deputados. *Dados*, 52(1), 201–221. <https://doi.org/10.1590/S0011-52582009000100006>

Ninacs, W. A. (2003). Empowerment: Cadre conceptuel et outil d'évaluation de l'intervention sociale et communautaire. https://www.passerelles.quebec/system/files/upload/documents/posts/a22_ninacs_cle_cs_cnl_empowerment_2003.pdf

Page, N., & Czuba, C. E. (1999). Empowerment: What Is It? *Journal of Extension*, 37(5). <https://archives.joe.org/joe/1999october/comm1.php>

Paxton, P., & Hughes, M. (2014). *Women, Politics, and Power: A Global Perspective*. SAGE Publications, Inc. <https://doi.org/10.4135/9781452275482>

Paxton, P., & Kunovich, S. (2003). Women's Political Representation: The Importance of Ideology. *Social Forces*, 82(1), 87–113. <http://www.jstor.org/stable/3598139>

Souza, Fernandes, Lourenço, Silva & Frohlich. "What's up with this woman?" Challenges, achievements and empowerment of women in politics.

Pinto, C. C. G. (2012). Representações e Práticas do Empowerment nos trabalhos sociais [Instituto Superior de Ciências Sociais e Políticas]. <http://hdl.handle.net/10400.5/4230>

Ragins, B. R., & Winkel, D. E. (2011). Gender, emotion and power in work relationships. *Human Resource Management Review*, 21(4), 377–393. <https://doi.org/10.1016/j.hrmr.2011.05.001>

Renner, A.-M., & Masch, L. (2019). Emotional woman – rational man? Gender stereotypical emotional expressivity of German politicians in news broadcasts. *Communications*, 44(1), 81–103. <https://doi.org/10.1515/commun-2017-0048>

Rezende, D. L. (2017). Desafios à representação política de mulheres na Câmara dos Deputados. *Revista Estudos Feministas*, 25(3), 1199–1218. <https://doi.org/10.1590/1806-9584.2017v25n3prezende>

Romero, K., & Kerstenetzky, C. L. (2015). Entre o altruísmo e o familismo: a agenda parlamentar feminina e as políticas família-trabalho (Brasil, 2003-2013). *Revista Brasileira de Ciência Política*, 18, 119–146. <https://doi.org/10.1590/0103-335220151805>

Sacchet, T. (2018). Why Gender Quotas Don't Work in Brazil? The Role of the Electoral System and Political Finance. *Colombia Internacional*, 95, 25–54. <https://doi.org/10.7440/colombiaint95.2018.02>

Saldaña, J. (2016). *The coding manual for qualitative researchers* (3rd ed.). Sage.
Schulz, R., & Moritz, M. L. (2015). Mulheres vitoriosas na política: estudo comparativo entre as candidaturas ao cargo de deputado estadual no RS em 2010. *Sociologias*, 17(39), 370–402. <https://doi.org/10.1590/15174522-017003921>

Scott, J. (1990). Gênero: “Uma categoria útil de análise histórica.” *Educar Em Revista*, 20(35), 23–36. <https://doi.org/10.1590/s0104-40602009000300003>

Silva, J. R. H. da, Câmara, S. M. A., Júnior, S. M., & Barreto, L. M. T. da S. (2021). Liderança Transformacional, Empoderamento Psicológico e Orientação Empreendedora: Um Estudo no Setor Hoteleiro. *Revista Hospitalidade*, 18(2), 41–74.

Souza, L. D. P. de, Silva, I. P. A. da, & Costa, L. A. (2022). Implementação e implicações da ação política de fortalecimento ao empreendedorismo feminino. *Revista Brasileira de Políticas Públicas e Internacionais (RPPI)*, 7(2), 158–183. <https://doi.org/10.22478/ufpb.2525-5584.2022v7n2.62512>

Tisdell, E. J., & Merriam, S. (2016). *Qualitative Research: A Guide to Design and Implementation* (4th ed.). Jossey-Bass.

Tosi, M. (2016). Voto feminino: a história do voto das mulheres. *Politize!* <https://www.politize.com.br/conquista-do-direito-ao-voto-feminino>

Tribunal Superior Eleitoral (2023). Mulheres: Estatísticas. Disponível em: <https://www.justica Eleitoral.jus.br/tse-mulheres/#estatisticas>. Acesso em: 13 set. 2023.

Souza, Fernandes, Lourenço, Silva & Frohlich. "What's up with this woman?" Challenges, achievements and empowerment of women in politics.

Vasconcelos, E. M. (2003). O poder que brota da dor e da opressão: empowerment, sua história, teoria e estratégias. Paulus.

Zakar, R., Zakar, M. Z., & Hamid, N. (2018). Gender mainstreaming in politics: Perspective of female politicians from Pakistan. *Asian Journal of Women's Studies*, 24(2), 224–245. <https://doi.org/10.1080/12259276.2018.1464109>

International Rules for the protection of people with disabilities and São Paulo's municipal Public Policies

Normas Internacionais de proteção às pessoas com deficiência e as Políticas Públicas municipais de São Paulo

Danilo Garnica Simini¹  <https://orcid.org/0000-0001-9613-4107>

José Blanes Sala²  <https://orcid.org/0000-0001-6671-9024>

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Abstract: Brazil is a signatory to the Convention on the Rights of Persons with Disabilities, which requires countries to adopt administrative and legislative measures aimed at implementing the rights of persons with disabilities. Such measures must be implemented by all levels of government, including local authorities. Therefore, it is important to verify whether the municipalities have really observed the treaty in their public policies aimed at protecting people with disabilities. The Organic Law of the municipality of São Paulo, the city object of this study, establishes that it is the municipality's duty to support and encourage the defense of human rights, in accordance with constitutional and international standards. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity. Therefore, the work verified whether from 2010 onwards, the year following the incorporation of the United Nations Convention on the Rights of Persons with Disabilities into the Brazilian domestic legal system, there was compliance with international standards for the protection of people with disabilities during the formulation and implementation of municipal public policies in São Paulo. Reports from the Municipal Secretariat for Persons with Disabilities (SMPED) were analyzed, and it was concluded that São Paulo's municipal public policies aimed at people with disabilities have complied with international regulations on the subject.

Keywords: People with disabilities; International Treaties; Public Policies; São Paulo; Municipalities.

¹ Universidade de Ribeirão Preto e Centro Universitário Barão de Mauá – E-mail: danilosimini@gmail.com.

² Universidade Federal do ABC (UFABC) – E-mail: blane@ufabc.edu.br.

Resumo: O Brasil é signatário da Convenção Sobre os Direitos das Pessoas com Deficiência, que impõe aos países a adoção de medidas administrativas e legislativas voltadas à implementação dos direitos das pessoas com deficiência. Tais medidas devem ser implementadas por todos os níveis de governo, inclusive pelos poderes locais. Por isso, mostra-se importante verificar se os municípios realmente têm observado o tratado em suas políticas públicas voltadas à proteção das pessoas com deficiência. A Lei Orgânica do município de São Paulo, cidade objeto do presente estudo, estabelece ser dever da municipalidade apoiar e incentivar a defesa dos direitos humanos, conforme normas constitucionais e internacionais. Ou seja, a própria lei deixa claro o dever de observância dos tratados na proteção e promoção dos direitos humanos na atividade pública municipal. Por isso, o trabalho verificou se realmente houve a partir de 2010, ano seguinte à incorporação da Convenção das Nações Unidas Sobre os Direitos das Pessoas com Deficiência ao ordenamento jurídico interno brasileiro, a observância das normas internacionais de proteção às pessoas com deficiência durante a formulação e implementação das políticas públicas municipais de São Paulo. Foram analisados os relatórios da Secretaria Municipal da Pessoa com Deficiência (SMPED), e concluiu-se que as políticas públicas municipais de São Paulo voltadas à pessoa com deficiência têm observado a normativa internacional acerca da temática.

Palavras-chave: Pessoas com deficiência; Tratados Internacionais; Políticas Públicas; São Paulo; Municípios.

Introduction

The Brazilian State is a member of the International Convention on the Rights of Persons with Disabilities. Through the treaty, States undertake to ensure and promote the full exercise of all the rights of people with disabilities, as well as to adopt all necessary measures to realize the rights indicated in the convention, in addition to taking into account, in all programs and policies, protection and promotion of people with disabilities. Furthermore, States undertake to ensure that all public authorities and institutions act in accordance with the precepts existing in the treaty.

International regulations bind the State as a whole, that is, all levels of government and their respective public agents. Therefore, federal, state and municipal public authorities must ensure the effective fulfillment of the rights of people with disabilities indicated in the convention under study. In parallel to International Law, within the Brazilian internal sphere, through the constitutional text, there is the delegation of responsibilities to municipalities in matters of human rights, including in relation to the rights of people with disabilities.

The Federal Constitution of 1988, influenced by the decentralization process that existed in Latin America in the 1980s and 1990s, gives the municipality the status of a

federative entity, making it an important part of the so-called cooperative federalism. Federative entities have administrative, political and financial autonomy, as well as specific powers. On the other hand, in addition to their own competencies, some matters indicated in article 23 of the constitutional text require joint action by all levels of government. This is the essence of so-called cooperative federalism, in the context of so-called common competencies.

The provision indicated above highlights the existence of matters related to human rights as being the responsibility of all federative entities, including municipalities. Access to education, culture, science, health and public assistance, as well as the protection of the rights of people with disabilities are issues that also require action from municipalities, not just the federal and state

governments. Another device justifying the role of municipalities in the protection of human rights is article 30, item I of the Federal Constitution, whose wording states that municipalities are responsible for legislating on matters of local interest. In this case, the protection of human rights is certainly a matter of local interest to the municipality to allow its legislative activity.

As can be seen, international regulations regarding people with disabilities require the State as a whole to adopt the necessary measures to protect the rights of people with disabilities and municipalities play a prominent role in protecting such rights, according to the constitutional text. However, the Brazilian reality presents challenges. According to data from the Brazilian Institute of Geography and Statistics (IBGE) from 2015, in 2014, a total of 2,457 Brazilian municipalities had a specific human rights structure, that is, 44.1% of the total. There was an increase in the number compared to 2009 data, as at that time only 25.3% of Brazilian municipalities had a specific human rights structure (Brazilian Institute of Geography and Statistics, 2015).

In 2014, the human rights sector was subordinate to another Secretariat in 71.6% of the municipalities, the Northeast region had the highest number of municipalities with human rights bodies (46.2%), 40.9% of the human rights bodies Human rights had their own budget and 89.5% of municipalities with specific bodies declared to develop at least one type of program aimed at protecting human rights. IBGE highlighted the increase in municipal policies aimed at people with disabilities. Policies for inclusion in the school environment were found in 3,861 municipalities, policies aimed at accessibility in public spaces were found in 3,310 municipalities, with the least recurrent policies being those

linked to accessible tourism and the promotion of digital accessibility. Furthermore, in 2014, 55% of city halls had access ramps and 3,819 municipalities had some item aimed at accessibility in their city halls (Brazilian Institute of Geography and Statistics, 2015).

Therefore, it is important to discuss whether international regulations on the rights of people with disabilities have been effectively observed by municipalities in the formulation and implementation of public policies. This work chose to analyze the city of São Paulo. The Organic Law of the municipality of São Paulo, the city subject of this study, establishes in its article 237 that it is the municipality's duty to support and encourage the defense of human rights, in accordance with constitutional standards, treaties and international conventions. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity (São Paulo, 1990).

This work seeks to verify whether, from 2010 onwards, international standards for the protection of people with disabilities were actually observed during the formulation and implementation of municipal public policies in São Paulo. The analysis is carried out from 2010 onwards, considering that the United Nations Convention on the Rights of Persons with Disabilities was incorporated into the domestic legal system in the previous year. In order to achieve this objective, initial considerations were made about the importance of municipalities in the implementation of human rights, as well as the organizational structure of the capital of São Paulo in terms of human rights. Reports from the Municipal Secretariat for Persons with Disabilities (SMPED) in the capital of São Paulo were also analyzed, as these documents present projects developed in the context of protecting people with disabilities. The analysis of the reports also proved to be important because it was possible to verify whether the initiatives in the capital of São Paulo were in any way compatible with international regulations regarding the rights of people with disabilities.

The Importance of Municipalities in the Enforcement of Human ights

International Human Rights Law has expanded in recent decades, but faces criticism regarding its legitimacy and effectiveness. In this context, cities have the capacity to deal with such questions, whether due to their fundamental role in providing public services or due to their proximity to the population (Kalb, 2017). The involvement

of cities with International Human Rights Law is no longer an ideology but has become a systematic engagement, assert Oomen and Baumgärtel (2018), despite the responsibilities of local entities for international obligations being a constitutional issue and treated in different ways. by the States.

According to Oomen and Baumgärtel (2018), International Human Rights Law has introduced several obligations through treaties and simultaneously national governments began to decentralize their attributions to local entities, particularly in relation to social policies. However, despite the transfer of responsibilities, there were also budget cuts and an increase in the urban population, contributing to the greater involvement of cities with International Law. In this context, the so-called human rights cities emerge, an important and little studied phenomenon according to the authors. Human rights cities can be defined as “local authorities that explicitly base their policies on international human rights law.” (Oomen; Durmus, 2019, p. 144, our translation).

The emergence of the idea of human rights cities, explain Oomen and Baumgärtel (2018), is related to the emergence of the book “Right to the City”, by Henri Lefebvre, in 1968, despite the existence of differences between the concepts. Another important moment was the creation of the “European Charter for the Safeguarding of Human Rights in Cities”, in 1998. The document is the result of the “European Cities Conference on Human Rights”, held in Barcelona, and presents civil, political, economic, social and cultural rights, such as the right to political participation, the right to association, the right to privacy, information, education, work, culture, health, among others (European Conference on Human Rights, 1998).

In addition to indicating human rights in the form of a treaty, the aforementioned document presents the idea of solidarity of the local community, the importance of cooperation in the areas of infrastructure, environmental protection, health, education and culture, and mechanisms aimed at implementing rights human rights in cities, such as the creation of a municipal Ombudsman as an impartial and independent institution. In this way, “the European Charter is an innovative document that, for the first time, establishes human rights guidelines from the perspective of cities themselves (and their managers).” (Agopyan, 2018, p. 54).

Oomen and Baumgärtel (2018) indicate Barcelona as an example of a human rights city, which adopted municipal human rights policies, created a local ombudsman and a human rights observatory. The authors also highlight the existence of cities in the

United States that have adopted the Convention on the Elimination of All Forms of Discrimination against Women as a local decree, even without ratification of the treaty by the federal government, and the initiative of cities in Europe towards to carry out a symbolic ratification of the UN Convention on the Rights of Persons with Disabilities.

This essentially demonstrates three points: i. that the international exerts influence on the local, where there is an acceptance that what is defined internationally must necessarily be implemented locally; ii. that the “city of human rights” “seal” is used as a positive image for the city and iii. that ‘human rights’ can concretely be a concept perceived as relevant - and necessary - locally. (Agopyan, p. 53, 2018).

Either way, cities engage with human rights in a variety of ways, from signing declarations to establishing offices to develop local human rights policies. These different forms cause the pluralization of human rights in the cities themselves and in the world in general, as explained by Oomen and Durmus (2019). However, the authors note, many local governments are committed to human rights due to the moral and discursive appeal of the concept, leaving aside the perception of human rights as duties of public administration.

According to Blank (2006), the participation of local governments in the application of international legal standards is an important aspect of the emergence of cities as central actors on the global stage, and in recent years cities have ceased to be mere agents of the State responsible for implementing of international obligations. However, the author asserts, it is often difficult to find examples of the application of international standards in local governments, as on some occasions international influence is not indicated by the local agent. In this context, local agents even deny international influence due to nationalist resistance.

However, despite the difficulties, local governments can succeed where national governments fail, asserts Blank (2006). In the author's view, the local adoption of international standards would be more successful for five reasons: a) the homogeneity of citizens' values and preferences would be more evident in cities; b) it is easier to mobilize the inhabitants of a city; c) local governments generally allow better participation in political affairs; d) nationalism may have less influence in cities; and e) the adoption of international standards by the local government can be a way of demonstrating its autonomy.

MacNaughton and McGill (2012), when dealing with the implementation of human rights at the municipal level, point to the United States as an example, where several cities approved resolutions asking the North American federal government to ratify the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and also the existence of North American cities that have attempted to implement human rights treaties. In 2009, for example, the cities of Carrboro and Chapel Hill, in North Carolina, approved resolutions adopting the Universal Declaration of Human Rights as a parameter to be observed by the municipal public administration. Also in 2009, the city of Chicago approved a resolution in support of the UN Convention on the Rights of the Child with the aim of promoting policies compatible with the aforementioned treaty.

The authors point to the city of San Francisco as an example of successful local implementation of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The city approved an ordinance using the Convention as a parameter and through it determined the adoption of all necessary measures by municipal bodies and programs to prevent all forms of discrimination against women; also determined the mandatory nature of human rights courses aimed at local employees.

The involvement of local governments with human rights can also lead to the creation of new rights or changes in the normative content of those that already exist, such as the inclusion of the right to the city in the UN-Habitat III agenda, explain Oomen and Durmus (2019) . Furthermore, the authors point out, local engagement also causes a diversification of actors involved in the formulation and interpretation of human rights. This diversification or pluralization is related to the three perceptions of cities in this context: cities as political agents, cities as actors and cities as arenas.

In the perception of cities as political agents, local entities are no longer interpreted as passive subjects of formulated norms, but rather as agents with the power to make demands at the negotiation tables. Thus, as active subjects, cities shape human rights individually or through city networks, explain Oomen and Durmus (2019). On the other hand, analyzing cities as actors, it is discussed whether they are subjects in International Law. Finally, analyzing cities as arenas requires understanding their composition by different actors with varying interpretations of human rights.

At the international level, the role of cities in protecting human rights is highlighted in the United Nations Conferences on Human Settlements. The first Conference (Habitat I) was held in 1976, and culminated in the creation of the United Nations Center for Human Settlements and the United Nations Commission on Human Rights, explains Agopyan (2018). Habitat I, however, ended up reaffirming the classic position of International Law in relation to local governments, as it understood local governments as mere instruments for the implementation of national and international policies (Blank, 2006).

Subsequently, the second Conference (Habitat II) was held in 1996, with the participation of 6 thousand delegates, 579 local authorities and 300 parliamentarians (Agopyan, 2018). The final document, called the Istanbul Declaration, highlights the role of cities as generators of economic and social development and recognizes local authorities as the closest and most essential partners in implementing the Habitat Agenda. The change in perception regarding local governments must be understood as an attempt to destabilize non-democratic regimes, as local power would be a privileged space for the strengthening and development of democracy. Furthermore, the Habitat Agenda recommended that States review legislation in order to increase the autonomy of local governments and participation in decision-making, combat local corruption and train local government employees, notes Blank (2006).

After Habitat II, UN Habitat and the World Association for the Coordination of Cities and Local Authorities launched, in 1998, the document entitled Towards a World Charter of Local Self-Government, whose ultimate objective is to become an international treaty. The document presents three important principles related to cities, namely subsidiarity, proximity and autonomy. According to these principles, decisions must be made as close as possible to citizens and local governments are seen as important partners in strengthening democracy around the world, explains Blank (2006). Furthermore, the document lists important rights related to local governments, such as the right to take legal action, in order to guarantee their autonomy.

Furthermore, “Goal 11 - Make cities and human settlements inclusive, safe, resilient and sustainable” provides for several measures aimed at ensuring the effectiveness of human rights in cities, such as access to safe housing, safe and accessible transport, increasing inclusive and sustainable urbanization, as well as providing universal access to safe and inclusive public spaces, particularly for women, the elderly

and people with disabilities. In this way, the UN recognizes the city as a privileged place for the protection and implementation of human rights.

The process of preparing the 2030 Agenda and the Sustainable Development Goals is directly related to the third Conference on Human Settlements of the United Nations (Habitat III) held in 2016, explains Agopyan (2018). From Habitat III onwards, urbanization began to be seen as an important element for the development of society (Agopyan, 2018). Thus, “this focus on cities and their governments consequently culminates in increased expectations and compliance with the effectiveness of human rights policies applied at the local level.” (Agopyan, p. 50, 2018).

The role of cities in relation to human rights was also debated and analyzed within the scope of the UN Human Rights Council. Through Resolution 39/7, the Council requested the United Nations High Commissioner for Human Rights to prepare a report containing effective methods for the protection of human rights at the local level. In order to prepare the report, the High Commissioner consulted States, non-governmental organizations, human rights entities and local governments.

The report emphasizes the importance of adopting laws and policies compatible with International Human Rights Law, recognizes the existence of local strategies for the promotion of human rights, asserts that local administrations help to promote human rights through periodic independent reviews and highlights the fundamental role of cities in the progressive realization of economic, social and cultural rights. The document also highlights the importance of local governments in protecting the rights of certain groups subject to discrimination, such as lesbian, gay, bisexual, transgender and intersex people and people with disabilities. In this context, through municipal laws and policies, the local administration contributes to the elimination of discrimination and protection of the human rights of these groups, emphasizes the report (United Nations High Commissioner for Human Rights, 2019).

According to the report, the political will of local administrations combined with transparency is essential to facilitate cooperation in terms of protecting and promoting human rights. Data collection, he asserts, is crucial for the formulation of municipal policies to protect human rights. Cooperation between local entities and national institutions in the protection of human rights is also important. Offering human rights courses to municipal employees, dialogue with civil society and libraries are highlighted as an important tool for promoting human rights for local administrations by promoting

access to education, cultural life and social affairs. public (United Nations High Commissioner for Human Rights, 2019).

Cities have a fundamental role in fulfilling at a local level the commitments made under the 2030 Agenda, the report points out, and must use traditional and innovative methods to raise awareness about the Sustainable Development Goals (SDGs), such as, for example, international networks. Furthermore, the report points out that the New Urban Agenda resulting from Habitat III presents a unique opportunity to guarantee responses to urbanization problems related to human rights.

The relationship between local administrations and the United Nations was also the subject of analysis and consideration by the High Commissioner for Human Rights in its report. In this, it is noted that local administrations are increasingly linked to the UN Human Rights System through the universal periodic review, treaty bodies and special procedures established by the Human Rights Council. Many recommendations made by the Human Rights Council, the report exemplifies, deal with issues related to local administrations.

On the other hand, the report also addresses the difficulties faced by local administrations in terms of protecting and promoting human rights. Lack of autonomy, little contact with other levels of government, scarcity of resources and changes in central governments' agendas are some of the difficulties highlighted. Local authorities are often unaware of their human rights responsibilities or do not fully comply with them. Another important factor is the lack of information, and in this case smaller cities end up not taking into account their human rights duties precisely due to the lack of information. Finally, corruption and the lack of a legal framework on municipal action in human rights are also difficulties highlighted in the report (High Commissioner of the United Nations for Human Rights, 2019).

The High Commissioner, in concluding its report, recognizes that, despite the existence of good local practices, many cities still do not have initiatives or policies aimed at protecting human rights. Thus, it recommended: a) greater encouragement of civil society participation in local government activities as a way of promoting human rights; b) redouble efforts related to training local administration officials in matters of human rights; c) central governments should provide information to local administrations on human rights and state obligations, collaborate with them and ensure that they have sufficient resources to deal effectively with difficulties related to the realization of human

rights; d) local laws, policies and programs must be based on human rights standards and principles and local administrations must carry out self-assessments to monitor compliance with these standards; e) complaints mechanisms must be established to enforce human rights at the local level, in close collaboration with the national human rights institution, when applicable; f) States and local administrations must empower civil society entities to effectively exercise their right to participate in public affairs and to collaborate in a meaningful way with the local administration on human rights issues; and g) local administrations must increasingly participate in the work of international human rights mechanisms and in the implementation of relevant recommendations (United Nations High Commissioner for Human Rights, 2019).

The Organizational Structure of the Municipality of São Paulo in Terms of Human Rights

In relation to the municipality of São Paulo, the object of analysis in this article, article 237 of the Organic Law (São Paulo, 1990) stipulates that the municipality's duty is to support and encourage the defense of human rights, in accordance with constitutional standards, treaties and international conventions. In other words, the law itself makes clear the duty to observe treaties in the protection and promotion of human rights in municipal public activity. Furthermore, article 4, also of the Organic Law, allows the international action of the capital of São Paulo, respecting the principles of international relations indicated in the Federal Constitution. Thus, through the joint interpretation of the two provisions, the municipal legal order is open to International Law, especially with regard to human rights standards.

The protection of people with disabilities is also indicated in the Organic Law of São Paulo through articles 226 to 228. According to article 226, the municipality of São Paulo must guarantee people with disabilities their inclusion in social and economic life through policies aimed at developing their potential, such as: a) assistance, from birth, through early stimulation, free and specialized education, including professional education, without age limits; b) access to cultural, educational, sporting and recreational equipment, services and programs; c) specialized medical assistance, as well as the right to prevention, habilitation and rehabilitation, through necessary methods and equipment; d) the training of human resources specialized in the treatment and assistance of people

with disabilities; and e) the right to information and communication, considering the necessary adaptations.

Article 227 of the Organic Law, in turn, requires the municipality to guarantee access for the elderly and people with disabilities to public and private buildings open to the public through the elimination of architectural barriers, as well as to take measures related to the elimination or adaptation of barriers in public vehicles. Furthermore, article 228 allows incentives to be granted to companies that adapt their equipment to people with disabilities.

In the Executive Branch, the city of São Paulo has the Municipal Secretariat for Human Rights and Citizenship, created through Municipal Law nº 15,764/2013. Currently the department has thematic coordinations related to youth, racial equality, immigrants and decent work, women, homeless population, children and adolescents, elderly people, LGBTI, drug policies, missing persons and human rights education (São Paulo, 2018). There is also, within the Secretariat, the Human Rights Ombudsman's Office, organized by Ordinance No. 2, of January 14, 2019, whose main task is to receive reports of human rights violations and forward them to the responsible bodies.

The Secretariat for Human Rights also has an International Advisory Board, whose activities occur through three axes, namely the strengthening of international cooperation and exchange of experiences with international actors, the promotion of international recognition of public policies on human rights formulated and implemented by the Secretariat and the incorporation of international human rights standards and international trends in the policies developed by the department.

Art. 2 The purposes of the Municipal Secretariat for Human Rights and Citizenship are:

I - formulate public policies for the promotion and defense of human rights and citizenship, through coordinated action with municipal, state and federal public bodies;

II - prepare and coordinate the municipal human rights policy, observing the guidelines of the National Human Rights Program, the Federal Constitution and international pacts to which Brazil is a signatory;

III - articulate initiatives and support projects aimed at promoting and defending human rights at the municipal level, both by government bodies and civil society organizations;

IV - develop projects and programs that promote the creation of a fairer society, presenting proposals that ensure equal conditions, social justice and the appreciation of diversity;

V - establish partnerships with public and private, national and international entities, with a view to promoting projects aimed at implementing human rights, citizenship and social participation, in the areas affected by its attributions. (São Paulo, 2018).

As can be seen, the structure of the Human Rights Secretariat is concerned with international standards. Municipal human rights policies must be formulated and implemented in compliance with applicable treaties, and the International Advisory's axes are the strengthening of international cooperation and the incorporation of international standards in the policies developed in the municipality of São Paulo.

Another important department is the Municipal Secretariat for Persons with Disabilities, created through Law No. 14,659/2007, whose organizational structure was partially changed through Decree No. 58,031/2017. The department has the following bodies: Secretary's Office, Coordination of Institutional Relations (CORI), Coordination of Inclusion Policies and Projects (COPPI), Coordination of Accessibility and Universal Design (CADU), Coordination of Administration and Finance (CAF), Council Municipal Council for Persons with Disabilities (CMPD), Permanent Accessibility Commission (CPA) and Management Council. The purposes of the Secretariat are:

Art. 2 The purposes of the Municipal Secretariat for Persons with Disabilities are:

I - promote, under conditions of equality, the exercise of fundamental rights and freedoms of people with disabilities in the Municipality, aiming at their social inclusion and citizenship;

II - coordinate the formulation, implementation, dissemination, monitoring and evaluation of the municipal policy for people with disabilities and respective transversal and intersectoral plans, projects and actions, in partnership and coordination with the Municipal Council for People with Disabilities - CMPD, bodies and entities of the Municipal Public Administration, other spheres of government and other sectors of civil society;

III - develop projects aimed at implementing public policies aimed at people with disabilities;

IV - gather, analyze and disseminate statistical and analytical data relating to people with disabilities residing in the Municipality and public services and policies aimed at their inclusion in society. (São Paulo, 2017).

The theme of human rights is also included in the Legislative Branch of the city of São Paulo. The City Council has the Extraordinary Permanent Commission for the Defense of Human Rights and Citizenship, whose duties, indicated in article 47, VIII of the Internal Regulations (São Paulo, 1991), are: a) to receive, evaluate and investigate

complaints relating to threats or violations of human rights; b) monitor and monitor government programs related to the protection of human

rights; c) collaborate with non-governmental, national and international entities that work to defend human rights; and d) research and study the situation of citizenship and human rights in the municipality of São Paulo. However, previous work (Simini, 2021) demonstrated the little action of the municipal Legislative Branch of the capital of São Paulo in relation to carrying out prior control of conventionality by the Constitution and Justice Commission.

The protection of human rights at the local level can also occur through the international actions of cities. In a previous work (Simini, 2015), the international activities of the city of São Paulo were discussed through the Municipal Secretariat for International Relations. During the period analyzed, several international cooperation projects were developed related to education, health, culture, environment, among other topics. International cooperation certainly constitutes an important tool in terms of protecting human rights at the local level. Municipal international action in matters of human rights can occur through bilateral or multilateral cooperation agreements, sister city agreements and also through city networks.

As we verified in the municipality of São Paulo, evaluating the institutional structure available, cities can play a fundamental role in the protection of human rights, conferred by International Law and also by national Law. The new role assumed by local governments in a globalized society and recognized by international documents and bodies, as well as the constitutional treatment given to municipalities in Brazil, make cities important actors in the implementation of human rights, including those provided for in international documents. In the case of the city of São Paulo, the defense of human rights is indicated in the Organic Law and present in its administrative organization, whether in the Executive or Legislative Branch. Furthermore, the defense of human rights in the city of São Paulo requires compliance with the provisions of international standards on the matter, as provided for in the Organic Law and other regulatory standards of bodies related to the subject.

Observance of International Standards on the Rights of Persons with Disabilities in the Municipal Public Policies of São Paulo

The Brazilian State incorporated the United Nations Convention on the Rights of Persons with Disabilities into the Brazilian legal system in 2009. In other words, since then the regulations

have been binding on all levels of government. In the case of the municipality of São Paulo. In April 2013, the Municipal Government signed a term of adherence to the “National Plan for the Rights of Persons with Disabilities”, and then the Municipal Articulation and Monitoring Group was established, with the participation of 20 municipal departments under the coordination of SMPED. In December of the same year, the “Municipal Plan for Articulated Actions for People with Disabilities - São Paulo More Inclusive Plan” was launched, containing 70 actions to be completed by December 2016. The actions were divided into five axes: accessibility, health care, access to education, culture and sport and work, social inclusion and citizenship (São Paulo, 2016). In other words, the first major initiative regarding the rights of people with disabilities in the capital of São Paulo was adopted practically three years after the promulgation of the aforementioned international convention.

Between January 2013 and April 2016, 124 events related to people with disabilities were held in the city of São Paulo, including the “Municipal Conference on the Rights of People with Disabilities” and the “Samba com as Mãos” project, whose objective was bring accessibility to samba school parades in the capital of São Paulo. In the same period, courses and lectures were held aimed at training municipal library employees with a view to better serving people with disabilities, a Libras course for employees at sub-prefecture service centers, as well as a postgraduate course on Supported Employment, aimed at public servants and offered by the Federal University of São Paulo (São Paulo, 2016).

Another initiative of the period corresponds to the “Inclusive Play” project. Between November 2015 and January 2016, this initiative offered 111 workshops aimed at families with children between 0 and 6 years of age. In this context, the city of São Paulo created accessible park projects for installing toys in educational units (São Paulo, 2016).

In relation to education, between 2013 and 2015, a total of 25,474 educators from the municipal education network were trained on the topic “inclusive education”. There was a 107.14% increase in the number of Inclusion Support and Monitoring Teachers

(PAAI) working in the Inclusion Support and Monitoring Centers (CEFAI). The Inclusion Support and Monitoring Rooms (SAAI) were also expanded by 44.76% and there was a 72.72% increase in the number of interns in the Learning Without Limits Program, whose role is to assist teachers in the school activities of students with deficiency.

Subsequently, the City of São Paulo launched the “2017-2020 Goals Program”, in which several strategic objectives were established under the responsibility of the Municipal Secretariats. Strategic objective 25, entitled “Increase Accessibility and Respect for Diversity”, brought two goals aimed at people with disabilities: a) provide assistive technology to 3,680 people with disabilities (goal 25.1); and b) serve 4,120 people with disabilities in work and income initiatives (goal 25.2) (SÃO PAULO, 2021).

Within the scope of target 25.1, four initiatives were established: 1) triple the number of establishments with In-Person Service Points of the Information Center in Libras; 2) provide assistive technology to 400 students with disabilities in the municipal public education network; 3) provide assistive technology to 400 municipal employees with disabilities; and 4) creation of a Mobile Workshop to repair orthoses, prostheses and mobility aids. (São Paulo, 2020).

In relation to target 25.1, a total of 6,483 assistive technologies were delivered by December 2020. The number of requests in the queue for wheelchairs, orthotics, prosthetics and other materials fell by 57% between December 2016 and August 2020, with in December 2016 there were 21,193 requests in the queue and in August 2020 the number decreased to 9,061. Furthermore, the following initiatives were adopted: a) creation of the “Mobile Paraworkshop”, in November 2019, with more than 2,600 free repairs on wheelchairs, orthoses, prosthetics, crutches and canes; b) Orthotics and prosthetics school workshop opened in January 2020; c) the “Assistive Technology Program for Students and Employees with Disabilities” served 592 people with some type of assistive technology; d) acquisition of new rehabilitation technologies for the Network of Specialized Rehabilitation Centers (CER), with emphasis on two ARM1 Robots, three Gallop Simulators for mechanical equine therapy and four tablets for teleconsultations; e) 30% increase in total vacancies in Inclusive Residences (RI); f) launch of the Municipal Observatory for People with Disabilities in July 2020; and g) creation of the Health Program for Women with Disabilities and Caregivers (São Paulo, 2021).

Measures aimed at training and informing people with disabilities and the general population were also adopted, such as: a) 3.8 thousand people trained in Architectural and

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Communicational Accessibility courses; b) 35 classes of the Basic Libras Workshop, comprising more than 750 people; c) carrying out the Knowledge to Include People with Disabilities (PWD) Course, with an audience of 3.5 thousand people; and d) launch of five technical publications on information, services and rights of Persons with Disabilities (São Paulo, 2021).

With regard to accessibility, the following measures were implemented: a) more than 1 million m² of sidewalks restored, with emphasis on the accessible route connecting hospitals and entities in Vila Mariana; b) all 32 sub-prefecture headquarters accessible, with tactile flooring; c) 41 bus stops received accessibility works; d) implementation of minibuses with a low floor and space for four wheelchairs on the Vila Mariana - Lar Escola São Francisco and Centro Paralímpico - Jabaquara Metro lines; e) repair of lift chairs for access by people with disabilities in the swimming pools of 29 Municipal Sports Centers, in January 2020; f) 789 events held with architectural and communication accessibility resources; g) 61 scanner glasses for visually impaired people available in all municipal libraries and some CEU units; and h) 186 Architectural Accessibility Stamps delivered to buildings since January 2017 (São Paulo, 2021).

In relation to target 25.2 (serving 4,120 people with disabilities in work and income initiatives), 4,275 people were served by the end of 2020, and in 2019 four editions of “Contrata SP”, an employability fair aimed at disabled people. Within the scope of the “Contrata SP – Person with Disability” Program, 870 people were admitted, 14 thousand job vacancies were offered and 35 thousand were referred for job interviews. The hiring of 54 new interns was also recorded through the Internship Program for Students with Disabilities. At São Paulo City Hall alone, there were 49 interns with disabilities as of December 2020 (São Paulo, 2021).

Another initiative was the creation of the Municipal Observatory for People with Disabilities, whose objective is to gather data and statistics about people with disabilities living in the city of São Paulo and also about services and policies aimed at the inclusion of people with disabilities. This is an important initiative, compatible with the precepts of the UN Convention on the Rights of Persons with Disabilities, as it requires States to collect appropriate data to support public policies aimed at people with disabilities.

Also worth mentioning is the creation of the “Architectural Accessibility Seal” and the “Digital Accessibility Seal”. The first certifies that a certain building is accessible to people with disabilities. The second certifies that websites and electronic portals

comply with the accessibility criteria set out in national and international standards. Accessibility is an important principle indicated in the UN Convention on the Rights of Persons with Disabilities, which has determined that the State must adopt measures aimed at eliminating barriers in public and private buildings, as well as in relation to technology and information systems. States must also encourage private entities to provide information in an accessible format, including via the internet. In this way, the “Digital Accessibility Seal” contributes to this task.

An important initiative is the Libras Intermediation Center, which allows people with total or partial hearing impairment to access any public services in the city of São Paulo. It is also a measure compatible with international standards, as the UN Convention requires States to adopt appropriate measures to enable people with disabilities to seek, receive and share information.

In this context of access to information, SMPED has prepared and published on its website publications focused on the rights of people with disabilities, such as “Work, everyone's right: professional inclusion of people with disabilities”, “Knowledge to include people with disabilities”, “Guide to rights and public services for people with disabilities in the city of São Paulo”, “Guide to accessible communication and events” and “Universal design and accessibility in the city of São Paulo”.

The measures taken by the city of São Paulo aimed at the inclusion of people with disabilities are compatible with the UN Convention on the Rights of Persons with Disabilities. The treaty determines that States guarantee the right to work of people with disabilities, and must take appropriate measures to this end. In this context, the city of São Paulo has taken measures to guarantee the inclusion of people with disabilities in the job market, such as the “Internship Program for Students with Disabilities” and “Contrata SP - Pessoa com Dciência”.

The UN Convention on the Rights of Persons with Disabilities also emphasizes the importance of civil society, especially organizations representing people with disabilities, in the formulation and implementation of public policies. In the city of São Paulo, there is the Municipal Council for People with Disabilities (CMPD). In accordance with article 24 of Decree 58,031/2017, the CMPD has the following duties: a) formulate and forward proposals of interest to people with disabilities within the scope of the Municipality of São Paulo, as well as advise and monitor the implementation of the municipal policy of person with a disability; b) collaborate with the monitoring and

implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol; c) promote and support activities that contribute to the effective cultural, economic, social and political integration of people with disabilities; d) collaborate in defending the rights of people with disabilities through all legal means necessary; and e) receive, examine and make, before the competent bodies, complaints about facts and occurrences involving discriminatory practices against people with disabilities in the municipality (São Paulo, 2017).

As can be seen, the CMPD must collaborate with the monitoring and implementation of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. This attribution confirms the importance of civil society participation in issues related to people with disabilities and in the application of the rights provided for in the treaties in question. Furthermore, the obligation to implement international standards at the local level is evident.

The CMPD is made up of seven members, and the participation of at least one person with hearing impairment, one person with physical disability, one person with visual impairment, one person with mental disability (or their legal representative) and one person with multiple disabilities (or their legal representative) must be guaranteed, in addition to seven substitutes. The term of office is two years, renewal is permitted. The functions are not remunerated, and are considered a relevant public service (SÃO PAULO, 1992).

In relation to culture, the creation of the “Festival Sem Barreiras” stands out, the first edition of which was held in 2019. This is a project carried out by SMPED with the Municipal Department of Culture (SMC). The initiative aims to publicize the artistic works of people with disabilities in their various forms (theater, music, dance, etc.). An initiative compatible with international precepts, as the UN Convention on the Rights of Persons with Disabilities requires States to adopt appropriate measures in order to allow people with disabilities to develop and use their creative, artistic and intellectual potential.

Another event deserves to be highlighted. In 2018, the city of São Paulo joined the “Global Pact on Inclusive and Accessible Cities”. The document was prepared within the framework of the United Cities and Local Governments (UCLG) network and signed in Berlin during the celebrations of the International Day of Persons with Disabilities. The document recognizes accessibility as a fundamental right. In this context, it asserts that cities must structure their policies in a way that makes them inclusive, using the

Sustainable Development Goals and the UN Convention on the Rights of Persons with Disabilities as parameters.

Cities that are signatories to the Pact must observe six pillars: non-discrimination, participation, accessibility, adoption of inclusive urban programs and policies, training and data for development. They must carry out an assessment of their legislation in order to verify whether they really prioritize human rights, inclusion and accessibility. The Pact highlights the importance of the participation of people with disabilities in the formulation and implementation of local public policies and the explicit commitment of local governments to policies aimed at human rights and the inclusion of people with disabilities (Cities and Local Governments United, 2018).

Local governments must also carry out evaluation of the entire system of municipal policies, programs, services in direct coordination with civil society, particularly organizations of people with disabilities and the elderly. They must also create and maintain communications platforms, such as websites, that adopt accessible and easy-to-use formats, as well as maintain updated data on people with disabilities and the issues arising from this topic (United Cities and Local Governments, 2018).

The Pact also provides for the discussion and monitoring of local governments' commitments to the rights of people with disabilities. The mechanism is similar to that existing in the UN Committee on the Rights of Persons with Disabilities. Local governments must submit reports to the “Global Summit on Inclusive and Accessible Cities”, and the evaluation will be carried out through a global inclusion index. It is, therefore, a document that requires commitments from local governments and at the same time provides for monitoring and supervision (United Cities and Local Governments, 2018).

The fact that the city of São Paulo has joined the UCLG’s “Global Compact on Inclusive and Accessible Cities” also confirms the influence of the international on the local level. The document reaffirms the rights of people with disabilities and the commitments arising from them. It also recalls the importance of the UN Convention on the Rights of Persons with Disabilities and emphasizes the importance of local governments in implementing and promoting the rights of people with disabilities provided for in international documents.

It can be said that there is an influence of the UN Convention on the Rights of Persons with Disabilities and other international standards on São Paulo's municipal

public policies aimed at people with disabilities. Obviously, the challenges are still numerous, but the projects developed are compatible with international standards on the rights of people with disabilities, reflecting the influence of the international at the local level and ratifying the importance of local governments in effectively fulfilling international human rights commitments.

Final Considerations

The Brazilian State, especially after redemocratization, has been legally bound to several human rights treaties. Such documents impose on the State as a whole the adoption of administrative and legislative measures aimed at guaranteeing human rights and this context includes the Convention on the Rights of Persons with Disabilities. The State is a unique reality for International Law, regardless of its various forms, and therefore in Brazil all spheres of government must ensure the effective fulfillment of the rights of people with disabilities, including municipalities. International Law, in fact, has increasingly recognized in recent years the importance of local power in the protection of human rights, as demonstrated in this work.

In the Brazilian reality, the 1988 constitutional text, when adopting cooperative federalism, assigned to all entities the role of protecting human rights, particularly the rights of people with disabilities. The municipality of São Paulo, the object of this work, has been observing international regulations in the formulation and implementation of published policies aimed at the rights of people with disabilities. However, the reality of the capital of São Paulo is not the same as that of other Brazilian municipalities. Recent research has demonstrated the lack of human rights structures in several Brazilian cities. The challenge is to make international regulations on the rights of people with disabilities better known and accessible to all public agents so that they can effectively observe them in the formulation and implementation of municipal public policies.

An international standard is a legal standard and therefore binds public administration as a whole. Public policies, including municipal ones, must adapt to domestic and international legal precepts, always in favor of better protection of human rights, particularly the rights of people with disabilities. Still from another point of view, municipalities must take advantage of the prominent role conferred by the constitutional

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text and ensure the greater effectiveness of the rights of people with disabilities and for this reason international regulations prove to be a tool of fundamental importance.

References

Agopyan, K. K. (2018). Human rights in cities and international cooperation via institutional articulation networks: the case of the United Cities and Local Governments network (CGLU) and the city of São Paulo. Dissertation (master's in international relations) – Institute of International Relations, University of São Paulo, São Paulo.

United Nations High Commissioner for Human Rights. (2019). Local government and human rights: Report of the United Nations High Commissioner for Human Rights. Available at: <https://undocs.org/en/A/HRC/42/22>. Accessed on: 14 Aug. 2020.

Blank, Y. (2006). The city and the world. *Columbia Journal of Transnational Law*, p. 875-939.

United Cities and Local Governments. (2018). Global Compact for Accessible and Inclusive Cities. Available at: https://www.durban2019.uclg.org/sites/default/files/2019-10/Inclusive%20%26%20Accessible%20Cities_PolicyPaper.pdf. Accessed on: 28 Jan. 2021.

European Conference on Human Rights Cities. (1998). European Charter for the Safeguarding of Human Rights in Cities. Available at: <https://www.nuernberg.de/imperia/md/menschenrechte/dokumente/staedtenetzwerk/charter-engl.pdf>. Accessed on: 14 Aug. 2020.

Brazilian Institute of Geography and Statistics. (2015). Profile of Brazilian states and municipalities 2014. Available at: <https://biblioteca.ibge.gov.br/visualizacao/livros/liv94541.pdf>. Accessed on: 15 Aug. 2020.

Kalb, J. (2017). The state of the city and the future of human rights: a review of global urban justice. *Columbia Human Rights Law Review*, p. 75-97.

Macnaughton, G., & McGill, M. (2012). Economic and social rights in the United States: implementation without ratification. *Northeastern University Law Journal*, vol. 4, no. 2, p. 365-406.

Oomen, B., & Baumgärtel, M. (2018). Frontier cities: the rise of local authorities as an opportunity for international human rights law. *The European Journal of International Law*, vol. 29, no. 2, p. 607-630.

Oomen, B., & Durmus, E. (2019). Cities and plural understandings of human rights: agents, actors, arenas. *The Journal of Legal Pluralism and Unofficial Law*, vol. 51, no. 2, p. 141-150.

São Paulo (City). (2016). Articulation of public policies for people with disabilities and reduced mobility in the city of São Paulo. São Paulo.

São Paulo (city). (2017). Decree No. 58,031 of December 12, 2017. Partially changes the organizational structure of the Municipal Secretariat for Persons with Disabilities - SMPED, as well as providing for its list of commission-filled positions. Available at: <http://legisacao.prefeitura.sp.gov.br/leis/decreto-58031-de-12-de-dezembro-de-2017>. Accessed on: 14 Aug. 2020.

São Paulo (City). (2018). Decree No. 58,079 of January 24, 2018. Provides for the reorganization of the Municipal Secretariat for Human Rights and Citizenship, changes the name and capacity of filling positions in a committee that specifies, as well as modifies provisions of Decrees No. 57,557 of December 21 of 2016 and 56,884 of March 21, 2016. Available at: https://www.prefeitura.sp.gov.br/cidade/secretarias/upload/direitos_humanos/GABINETE/LEGISLACAO/Decreto%2058079%202018%20de%20Sao%20Paulo%20SP.pdf. Accessed on: 14 Aug. 2020.

São Paulo (city). (1992). Law No. 11,315, of December 21, 1992. Provides for the Municipal Council for Persons with Disabilities and other provisions. Available at: https://www.prefeitura.sp.gov.br/cidade/secretarias/pessoa_com_deficiencia/conselho/o_que_e/estatuto_do_conselho/index.php?p=11351. Accessed on: 27 Jan. 2021.

São Paulo (city). (nineteen ninety). Organic Law of the Municipality of São Paulo. Updated until Amendment 40/17. Available at: <https://www.saopaulo.sp.leg.br/wp-content/uploads/2020/01/LOMC.pdf>. Accessed on: 4 Aug. 2020.

São Paulo (city). (2012). Internal Regulations of the Municipal Council for Persons with Disabilities. Available at: https://www.prefeitura.sp.gov.br/cidade/secretarias/pessoa_com_deficiencia/conselho/o_que_e/estatuto_do_conselho/index.php?p=254615. Accessed on: 28 Jan. 2021.

São Paulo (city). (2020). 2017-2020 Management Report of the Municipal Secretariat for Persons with Disabilities. São Paulo: Municipal Secretariat for Persons with Disabilities.

São Paulo (city). (2021). Final report - 2019-2020 Target Program. Available at: https://www.prefeitura.sp.gov.br/cidade/secretarias/upload/governo/arquivos/programa_de_metas/Relatorio_PdM_Final.pdf. Accessed on: 27 Jan. 2021.

Simini, D. G. (2015). International action of Brazilian municipalities in light of the 1988 Constitution: a case study of the Municipal Secretariat for International and Federative Relations of São Paulo. Dissertation (master's in law) – Postgraduate Program in Law, Universidade Estadual Paulista “Júlio de Mesquita Filho”.

Simini, D.G. (2021). Legislative preventive control of conventionality and the rights of people with disabilities in the city of São Paulo. Thesis (Doctorate in Human and Social Sciences) – Postgraduate Program in Human and Social Sciences, Federal University of ABC.

The relations between Brazil and the African Continent: a summary of legislative debate between 2003 and 2016

As Relações entre o Brasil e o Continente Africano: Uma Síntese do Debate Legislativo entre 2003 e 2016.

Camille Amorim¹ 
André Luiz Reis da Silva² 

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Abstract: This article analyzes the legislative behavior regarding Brazilian foreign policy (PEB) towards Africa during the administrations of Lula da Silva and Dilma Rousseff (2003-2016). It starts from the argument that the Legislature can synthesize the positions of various strategic sectors of society in its performance, resulting in an important arena for understanding the discussion about the political agenda for the continent through closer dialogue with domestic actors. This research examines documentary sources from the National Congress and diplomacy between 2003 and 2016. The results achieved suggest a debate within the Legislature on African politics, although still in a timid manner and supported by the actions of the Executive. Furthermore, the discussion on relations between Brazil and the continent reveals a particular intensification of the political polarization that has been guiding the political arena.

Keywords: Brazil-Africa Relations; Brazilian foreign policy; Legislative and Foreign Policy

Resumo: Este artigo analisa o comportamento legislativo quanto à política externa brasileira (PEB) para a África durante as presidências de Lula da Silva e Dilma Rousseff (2003-2016). Parte-se do argumento de que o referido Poder tem a capacidade de sintetizar em sua atuação as posições de diversos setores estratégicos da sociedade, resultando em uma importante arena para entender a discussão acerca da agenda política para o continente a partir de um diálogo mais estreito com atores domésticos. Esta pesquisa é realizada através do exame de fontes primárias do Congresso Nacional e da diplomacia correspondentes ao período entre 2003 e 2016. Os resultados alcançados indicam um debate do Legislativo acerca da política africana, embora ainda de forma

¹ Universidade Federal do Rio Grande do Sul– E-mail: camille.amorim@gmail.com.

² E-mail: reisdasilva@hotmail.com

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tímida e apoiada nas ações do Executivo. Além disso, o debate sobre as relações entre o Brasil e o continente também sente a intensificação da polarização política que vem norteando o espaço político do país.

Palavras-chave: Relações Brasil-África; Política externa brasileira; Legislativo e política externa.

Introduction

The subdiscipline of Foreign Policy Analysis (FPA) contributes to International Relations with a significant focus on the stages of foreign policy formulation and execution, influenced by various domestic factors (Carlsnaes, 2013; Hill, 2003). In this context, this study seeks to answer how the Brazilian legislature behaves regarding Brazilian foreign policy (BFP) towards Africa during the presidencies of Lula da Silva and Dilma Rousseff. It starts from the argument that the legislature synthesizes the positions of various strategic sectors of society in its actions (Figueira, 2011), resulting in an important arena for understanding the foreign policy discussion. This research is conducted through the examination of primary sources from the Brazilian National Congress and diplomatic communications - documentation corresponding to the period between 2003 and 2016.

This research starts from the concept elaborated by Hill (2003), according to which foreign policy is a set of foreign relations conducted by an independent actor, particularly by the State, through its internal capacity to mobilize interests and state and non-state actors in pursuit of an international strategy. Further conceptualizing foreign policy, one must recognize its nature as public policy (Milani & Pinheiro, 2013; Lima, 2000; Canson & Power, 2009; Faria, 2012). This means understanding that the processes of formulation and implementation have intrinsic elements to any political dynamics: the results are government choices with the support of coalitions, through bargaining, disputes, and agreements among representatives of various interests in society (Lima, 2000; Milani & Pinheiro, 2013).

This contribution to understanding foreign policy as public policy reveals a more recent face of Brazil, in which the Executive - more precisely the Ministry of Foreign Affairs (Itamaraty) - despite its centrality in foreign policy formulation and implementation, works in conjunction with a plurality of actors. In this process, the legislators can intervene before or after the production, execution, and monitoring of foreign policy (Silva & Spohr, 2016; Anastasia et al., 2012). However, few of them show

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interest in international relations, with a prevailing context of ratification of Executive decisions (Silva & Spohr, 2016; Lima & Santos, 2001), a consideration not disregarded in this work.

Thus, this article is divided into four sections: the first presents a literature review on the Brazilian legislature as an actor in foreign policy; in a second moment, we discuss the interests and ideational aspects that permeate legislative action towards BFP for Africa, based on a literature review and qualitative content analysis of parliamentary activity transcripts. Subsequently, the practices of the relationship between the Foreign Ministry and the parliament are analyzed through qualitative content analysis of the series of diplomatic communication - the results of which are reported in triangulation with the content of the previous sections. Finally, the conclusions are presented.

Actors: legislators and the Brazilian foreign policy

The Brazilian coalition presidentialism model, widely discussed in the literature (Santos, 2002; Figueiredo & Limongi, 1998; Oliveira & Onuki, 2010; Amorim Neto, 2006), requires that the Executive and the Legislature build a consistent coordination base in a multipartisan context, shaping majorities in Congress to ensure governability. As a result of this practical model, coalition formation divides the Parliament between the governing coalition and the opposition, allowing the Executive to negotiate support directly with parties, party factions, or ad hoc alliances (Santos, 2002)³.

Specifically concerning Brazilian foreign policy, it is expected, based on the constitutional and regulatory framework of the legislative houses, that parliament acts as a check and balance on the actions of the Ministry of Foreign Affairs (Itamaraty). To achieve this, legislators have a range of mechanisms at their disposal. They are allowed to propose matters to the Executive branch, seek advice from the Committee on Constitution and Justice regarding their roles in foreign policy, introduce and discuss propositions through thematic committees, formally request information, summon authorities for clarifications and oversight, monitor and scrutinize the execution under the responsibility of the Executive branch (Silva & Spohr, 2016; Anastasia et al., 2012).

Silva and Spohr (2016) identify the Senate's Committee on Foreign Affairs and National Defense (CRE) and the Chamber of Deputies' Committee on Foreign Affairs

³ It is important to highlight that the object under analysis here encompasses legislative daily routines within these dynamics, rather than party programs and their ideological specificities.

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and National Defense (CREDN) as the main platforms for discussing Brazilian foreign policy in the Legislature. The former can request information, signaling preferences to the Ministry of Foreign Affairs (MRE), and approving the appointment of heads of diplomatic missions, ambassadors, and representatives to international organizations. The latter, on the other hand, makes recommendations; holds public hearings with intellectuals, diplomats, and other stakeholders engaged in specific agendas; receives the Chancellor for accountability and discusses bills. In short, it delves more deeply into ideational elements relevant to strategic choice. The standard procedure for approving international acts is that they first go through the Chamber of Deputies through its committees and plenary, and then the act follows the same process in the Federal Senate (Diniz, 2012).

In addition to the Committees, it is worth mentioning the existence of Parliamentary Fronts, through which various parties come together to discuss topics of societal interest under the coordination of a legislator and with a composition of at least 1/3 of members of the Legislative Branch, along with representatives from civil society and other branches of government (Brasil, 2019b). During the period under study here, several Fronts were organized to discuss Afro-Brazilian agendas, many of them with domestic focuses. Nonetheless, it is noteworthy (Table 1) how legislators understood the transnational nature of the discussion on Africa and race. From these Fronts, it is possible to discern the role of the Workers' Party (PT) in the coordination because out of the 10 identified, 8 were authored by PT deputies and had a good capacity to mobilize a substantial number of legislators from other parties, as systematically documented in Table 2.

Table 1 – List of Parliamentary Fronts with Afro-Brazilian themes in the legislatures corresponding to the period between (2003-2016)

Year of Formalization	Parliamentary Front (ENG)	Parliamentary Front (POR)	Coordinator /President	Signatory Deputies	Signatory Senators
2003	Defense of Racial Equality	Defesa da Igualdade Racial	Luiz Alberto - PT	N/A	N/A
2007	Racial Equality	Igualdade Racial	Carlos Santana - PT	N/A	N/A

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2008	Support for African Countries	Apoio aos Países Africanos (FPAPA)	Regis de oliveira - PSC	N/A	N/A
2008	Defense of Quilombos	Defesa dos Quilombos	Vicentinho - PT	N/A	N/A
2010	Defense of Capoeira	Defesa da Capoeira	Marcio Marinho -PR	218	0
2011	Front for Racial Equality and in Defense of Quilombolas	Frente Mista pela Igualdade Racial e em Defesa dos Quilombolas	Luiz Alberto - PT	201	9
2011	Defense of African Countries	Defesa dos Países Africanos	Edson Santos -PT	211	0
2013	Support for the creation of the Afro-Brazilian Museum in Brasília, Federal District	Apoio à criação do Museu Afro-brasileiro em Brasília-DF	Edson Santos - PT	213	0
2015	Defense of Traditional African-Descendant Peoples	Defesa dos Povos Tradicionais de Matriz Africana	Erika Kokay - PT	209	0
2015	Brazil-Africa Front with Popular Participation to Confront Racism	Frente Mista Brasil-África com Participação Popular de Enfrentamento ao Racismo	Benedita da Silva - PT	196	3

Source: Compiled based on Brasil (2019b).

**Table 2 – List of Parliamentary Fronts and the list of parties with signatory members
Frente Parlamentar em Defesa dos Países Africanos (2011) /Parliamentary Front in Defense of African Countries (2011)**

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PROS, PP PMDB, PTB, DEM, PSB, PCdoB, PT, PDT, PSC, PSDB, PR, SD, PV, PMN, PSOL, PRB.
Frente Parlamentar em Defesa dos Povos Tradicionais de Matriz Africana (2015) / Parliamentary Front in Defense of Traditional African-Descendant Peoples (2015)
PT, MDB, PR, PP, PDT, DEM, PTB, PSD, PCdoB, PSC, PPS, PRB, SD, PSDB, PODE, PSOL, PSL, PSB, PPS, PROS, REDE, PODE
Frente Parlamentar Mista Brasil-África com Participação Popular de Enfrentamento ao Racismo (2015) / Parliamentary Front Brazil-Africa with Popular Participation in Confronting Racism (2015)
PT, MDB, PR, DEM, PP, PTB, PCdoB, PSB, PDT, PSC, PRB, PSD, PPS, SD, PODE, PSOL, PSDB, PR, PV, PHS

Source: Compiled based on Brasil (2019b)

Fonte de dados: Elaboração própria com base em Brasil (2019b).

Although the data above suggest the prominence of the Workers' Party (PT), it is important to emphasize the broader trend of building relations with the African continent, as evidenced by the bilateral parliamentary groups in operation since 1989 (Table 3). These bilateral groups formalize relations between the National Congress and foreign parliaments and are established through resolutions passed in the plenary of the Chamber of Deputies (Brasil, 2019b). In the 1990s, relations were established with legislators from countries with diverse profiles and locations within the African continent. The initiatives that have taken place since 2003 continue and expand the parliament's relationship with Africa.

Table 3 – List of Bilateral Parliamentary Groups with African Countries until 2016

Year of Creation	Bilateral Parliamentary Group
1989	Brazil/Angola
1993	Brazil/South Africa
1993	Brazil/Morocco
1993	Brazil/Senegal
1997	Brazil/Egypt
1999	Brazil/Cabo Verde
2000	Brazil/Libya
2003	Brazil/Cameroon
2004	Brazil/Africa

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2005	Brazil/Algeria
2006	Brazil/Mozambique
2008	Brazil/Nigeria
2013	Brazil/Kenya

Source: Compiled based on Brasil (2019b).

Despite the diversity of initiatives, literature perceives legislative action as suboptimal when it comes to international affairs. Among other factors, it is argued that this may be due to the Executive's strength in shaping agendas and acting independently (Lima & Santos, 2001; Figueira, 2011; Diniz, 2012; Anastasia et al., 2012), or that foreign policy does not maximize electoral results for legislators (Diniz & Ribeiro, 2008). The Executive's agenda-setting capacity suggests an extension of the bureaucratic insulation thesis of the Ministry of Foreign Affairs (Itamaraty) (Cheibub, 1985; Faria, 2012) and its implications for the limited domestic debate on foreign policy. After all, there is always the shadow of an Executive highly qualified for conceiving international relations without resorting to other actors, even though one might consider the impossibility of insulation to such radicality (Silva & Spohr, 2016; Diniz & Ribeiro, 2008).

From another perspective, Figueira (2011) argues that there is a historical tendency for limited legislative action, which can be observed in the Brazilian Constitutions since 1824. In the first Constitution, foreign policy responsibilities were primarily concentrated in the emperor's hands; in the second (1891), despite decision-making being concentrated in the Executive, all actions of this branch were to be subject to legislative approval, no matter how minor the adjustments or negotiations of treaties, conventions, and related matters. This did not persist in the following Constitution (1934), which excluded parliament from ratifying secondary adjustments. Subsequently, the Constitution of 1937 maintained the previous Constitution's provisions, but the Legislative Branch was dissolved, and it was only in 1946, under representative democracy, that responsibilities were restored. As for the sixth Constitution (1967), there were few modifications compared to the previous one; however, in the following year, the National Congress suffered the consequences of AI-5. Finally, the seventh Constitution (1988) carries remnants of the earlier ones, making the parliament merely a ratifier regarding Brazilian foreign policy. Considering this historical tendency, from the 2000s onward, relations between the two branches are believed to have intensified, but not enough to change the decision-making pattern (Figueira, 2011).

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Recognizing the limited legislative action as discussed in the literature, the following sections provide qualitative evidence regarding Brazil's African agenda. With the extensive use of primary sources, the aim is to provide information to understand the suboptimal performance of the parliament concerning foreign policy matters.

Ideas and Interests: Politicization of Foreign Policy, Lack of Interest from the Opposition?

Considering the information presented so far regarding the ways in which the Legislature acts concerning foreign policy, specifically regarding the relations between Brazil and the African continent, this section provides qualitative indications that align with the predictions of the literature on legislative behavior in foreign policy. It understands that, concerning the country's African policy, legislative behavior is influenced by the Executive's agenda (Diniz, 2012; Anastasia et al., 2012; Figueira, 2011).

Nevertheless, there is a flourishing of criticisms directed at the Executive, specifically the Presidency of the Republic, alleging the ideologization, politicization, or partisanization of Brazilian foreign policy. This debate was at the core of the polarization between the government and the opposition in legislative production, highlighting their distinct perceptions of the continent as a strategic option. Opposition representatives criticized the direction of the "active and assertive foreign policy" (Amorim, 2015) as a whole, claiming that this international strategy was permeated by partisan elements (Lima & Duarte, 2013), and Africa was allegedly following this trend (Santiago, 2018).

Ideologization, politicization, and partisanization are recurring terms in the literature, almost used synonymously to portray the opposition's criticism of foreign policy. In this sense, according to Belém Lopes (2013), partisanization would be the growing influence of political parties in shaping foreign policy (Belém Lopes, 2013). Similarly, the author refers to 'noisy politicization' to emphasize the positions of diplomats opposed to the foreign policy carried out by the Workers' Party (PT). Lima and Duarte (2013), on the other hand, acknowledge the use of the terms "ideological," "partisan," and "politicized" in the opposition's discourse to refer to the thesis of moving away from the pursuit of permanent national interests.

This thesis suggests that focusing on the South would automatically lead to distancing from the North, from the democratic-liberal tradition, and consequently from the interests of the Brazilian state (Lima & Duarte, 2013). According to Santiago's

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findings (2018), the discussion about the foreign policy profile reached parliament in terms of both the government and the opposition, even though legislative action is more complex than that. Although it does not aim to generalize, the author recognizes patterns in ideological behavior regarding foreign policy towards Africa. According to Santiago (2018):

In the case of the right-wing, legislators focus on the Brazil-Africa relationship concerning the commercial gains of this connection. The center, represented by the person of Deputy Gilberto Mestrinho of PMDB/AM, argues that black people do not need our culture and, therefore, Africa is clearly backward. Finally, left-wing parties, in relation to Africa, highlight the problems faced by South Africa during apartheid, celebrate African culture, particularly through the caucus of black deputies, specifically that of the PT (Santiago, 2018, 244, translated by authors).

It is argued that the argument about ideologization, politicization, and partisanization, as used by the opposition, represented a conceptual confusion (Lima & Duarte, 2013) and should, in fact, refer to the framing of foreign policy as public policy in a democratic context. As Milani and Pinheiro (2013, p. 30) point out, politicization means an intensification of the debate over ideas, values, and interests concerning political choices, as well as intra and inter-bureaucratic disputes, debates among different social actors about the best way to address their demands. It is possible to argue that such confusion also lies in the failure to recognize, or intentional omission of what Mouffe (2015) defines as the antagonistic dimension of the "political," namely, the us/them dichotomy and the indispensable conflictual nature required to conceive objectives of democratic politics. The problem for the opposition is to define one side as ideologized and characterize the "us" as technocratic or neutral, as it denaturalizes that foreign policy is constituted by language, ideas, and values related to the decision-makers' worldview in connection with interested actors (Hill, 2003).

Therefore, Lima (2000) argues that a fundamental part of foreign policy deserves to be understood as government policy because it depends on the ability of decision-makers and the electorally victorious political coalition to represent and reconcile multiple interests. Globalization and democratization have resulted in a reconfiguration of the nature of foreign policy, expanding this second aspect, as the country, in addition to representing collective interests on a global scale, must negotiate sectoral interests arising from the internationalization of domestic aspects (Lima, 2000). Moreover, it must

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deal with the internationalization of issues such as health, education, and development (Milani & Pinheiro, 2013).

Considering the conclusions of Foreign Policy Analysis (APE) regarding the characterization of Brazilian foreign policy as public policy, the discussion should point to new directions. As suggested by Milani and Pinheiro (2013), it is necessary to broaden the discussion about the participation of other actors beyond the Executive, reconsidering whether the current political and legal arrangement is suitable for the empirical and democratic reality of foreign policy as public policy.

In this regard, in a first step, expressions of parliamentarians in the plenary sessions of their respective houses were sought, considering this as the central platform for conveying ideas and positions of parliamentarians to their respective constituents, as well as to society in general. The statements were obtained through the website of the Chamber of Deputies, by searching for the word "Africa" in the database of speeches and debates⁴, and on the Senate's website using the same strategy, through the tool for searching for speeches in the plenary⁵.

One expression that reflects a critical perspective on African policy is seen in 2007, during the same period as Abdenur's interview when Deputy Pannunzio (PSDB-SP) complained in the plenary about Brazilian policy toward the IBAS (an articulation between India, Brazil, and South Africa) and the African continent because South Africa would be one of the main supporters of the dictatorial government of Mugabe in Zimbabwe: "President Lula, in fact, was the one who announced that Africa would also be a priority: but we do not accept the priority to honor a dictator" (Brasil, 2007). The deputy proposed a comprehensive review of Brazilian foreign policy, a pressure that was repeated throughout the Lula and Rousseff administrations, until the political crisis. The opposition sought to spread the idea that the PT had a particular preference for dictatorships, generalizing such a typology of regime to the entire continent, without any considerations about the diversity of countries, cultures, and political regimes (Brasil, 2010).

In line with this logic, in 2015, opposition deputies Onix Lorenzoni (DEM - RS) and Efraim Filho (DEM - PB) made a parliamentary request to Petrobras and its

⁴ Research tool available through the address: <https://www2.camara.leg.br/atividade-legislativa/discursos-e-notas-taquigraficas>

⁵ Research tool available through the address: <https://www25.senado.leg.br/web/atividade/pronunciamentos>

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subsidiaries for copies of contracts signed between 2005 and 2015 for the execution of works and services in the African continent. However, the justification did not mention any evidence or indications, only a partisan discourse, reproducing a report from the *Época* magazine about the involvement of party lobbyists in presidential missions led by Lula da Silva.

Business diplomacy in Africa was central to the foreign policy of the Lula government. There was a leftist ideological component in the approach to Africa, evident in Lula and the PT's desire to help these countries overcome chronic social problems. However, Brazil also gained significantly, and no one benefited more than Brazilian construction companies. They began to do business in 70% of African countries. Even if this meant, for Brazilians, seeing Lula shake hands with dictators like Obiang Nguema of Equatorial Guinea, who has violently held power for 35 years, or Muammar Gaddafi of Libya, who was ousted during the Arab Spring. (Brasil, 2015b, 4, translated by authors).

The understanding of the African continent based on the thesis of ideologization often left the opposition mainly positioned between the center and the right, in a representation limbo, relegating two perceptions of Africa that had space within the Executive. These perceptions corresponded to the perspective of the business sector, attentive to commercial opportunities and integration into globalization, and that of black movements, seeking identity recovery as one of the needs for promoting racial equality. Consequently, the perception of the African continent was constructed from a very particular perspective, without support in society.

This disconnection occurred at a time when not only Brazil, but also emerging countries and the rest of the world were looking at the continent in a renewed way, recognizing a growing market, promoting cooperation, and acknowledging the resurgence of African identities. The opposition from the center-right focused its criticism on helping the poorest and financing dictatorial governments. This reveals a significant disconnect between discourse and the constitutional principles governing international relations: non-intervention, equality among states, self-determination of peoples, and cooperation among peoples for the progress of humanity (Brasil, 1988).

In this context, criticism was directed at the forgiveness of debts to African countries by the Brazilian government, which was a necessary step for the BNDES to provide support for the private sector's initiatives on the continent. In 2015, Senator Flexa Ribeiro (PSDB-PA) used relations with Africa as a bad example of a relationship that could happen again in Cuba: "We, Brazilians, are certain that this money will not return.

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Eventually, there will be an amnesty, just like the ones we have already approved for various African countries where Brazil invested resources and did not get a return" (Brazil, 2015a). Similarly, in 2013, Aloysio Nunes (PSDB-SP) referred to debt forgiveness as "amnesty for corrupt African dictatorships, riddled with unjustifiable interests" (Brazil, 2013b), omitting from the debate that the Brazilian entrepreneurs would benefit from that and, consequently, the country's economy. He also overlooked the fact that these loans had been a practice since the administration of Fernando Henrique Cardoso, from the same party as the senator (Lima, 2015). Within the government's base, a faction of the PMDB aligned with the opposition. Senator Jarbas Vasconcelos (PMDB-PE) characterized Lula da Silva's mission to the continent as "global racial marketing" (Brazil, 2014b). Meanwhile, Congressperson Édio Lopes (PMDB-RR) complained that choosing Africa was benevolence toward dictatorships (Brazil, 2013a).

In addition to the speeches in plenary, an attempt was made to evaluate the discussions resulting from public hearings in the Committee on Foreign Affairs and National Defense of the Chamber of Deputies, in the hope of finding a technical debate among legislators from various geographical backgrounds who have an interest in and expertise on Brazilian foreign policy. The documents evaluated in this stage were the result of research on the website of the aforementioned committee, in shorthand notes of open sessions. These documents encompass the files for the period under analysis made available on the website until December 2019.

Committees are important arenas in the face of the complexity of legislative production, to assess the balance of forces and social interests regarding specific agendas (Mancuso, 2007). To reach this conclusion, Mancuso (2007) analyzes the case of the Brazilian business community. According to the author, nearly 90% of this organized group prefers to resort to committee members, including the rapporteur, to request approval, rejection, acceptance of bills or amendments. Similarly, almost 80% of those interviewed by the author also participate in public hearings promoted in Congress to be informed of the main debates, demand direct action from lawmakers, or appeal for silences or to prevent the emergence of debate, conflict, and deliberation on controversial issues related to their interests.

In the context of this case studied, it is evident that in these specialized spheres, the PT and its base take a prominent role in Brazilian foreign policy for the African continent. Therefore, this is a good space to understand the perspective of the party and

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the government's base during the period regarding the continent. On the other hand, the opposition presents itself differently from the plenary, silencing or approaching specific discussions, which leads to the thesis that omission and silence are also a reflection of pressure from stakeholders such as the business community (Mancuso, 2007).

For the Committee on Foreign Affairs and National Defense (CREDN), among the scarce transcripts about Africa available on the website, there were debates and celebrations of the anniversaries of peace agreements in Angola (Brazil, 2012, 2013b), promoted by the government's base, revealing the symbolic nature of the continent for Brazil. In 2012 and 2013, hearings were held, inviting Brazilian diplomats and representatives of the Special Secretariat for the Promotion of Racial Equality (SEPPIR). Representatives from African countries in Brazil, Portugal, Cuba, Russia, and other countries from the Global South were also present, bringing to the parliament the idea of Brazil as a leader among developing countries and a bridge builder between the north and the south (Burgess, 2013; Brazil, 2012).

In both years, the Federal Deputy Janete Pietá (PT-SP) proposed the hearings supported by other deputies, such as Edson Santos (PT-RJ), coordinator of the Brazil-Angola parliamentary group, as well as parliamentary fronts and former SEPPIR officials. The perspective of PT deputies reflected the views of Black movements, identity recovery, and the bridge between Brazil and the continent through cultural and social valorization, corroborated by the speeches of SEPPIR representatives and diplomats (Ribeiro, 2020). In this context, Deputy Luiz Alberto (PT-BA) pointed out that Angola and Brazil connect in everyday life, such as the case of Angolan capoeira in Bahia, which in the African country is called 'capoeira of resistance' (Brazil, 2012; 2013b).

Likewise, Benedita da Silva (PT-RJ), with the support of African diplomats, emphasized that Brazil has a long history of supporting Angola's independence, as well as struggles for autonomy and human rights in other African countries. She stated that the contemporary legacy of foreign policy was transforming these commitments into technical cooperation, technology transfer, among others. This perspective was also supported by opposition deputies Leonardo Gadelha and Marcondes Gadelha (PSC-PB), characterizing Brazil's actions as a natural soft power in its relations with Lusophone and African countries. PSC deputies praised the government base and government initiatives regarding African policy (Brazil, 2012).

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At different moments, however, there was an attempt to strike a similar tone to the plenary when Fernando Gabeira (PV-RJ) questioned the chancellor in a public hearing about the supposed inconsistency of Brazil reaffirming its support for the International Criminal Court (ICC) while also maintaining relations with Sudan, whose president, Omar Hassan Ahmad Al-Bashir, had recently been convicted by the organization. To do so, the deputy thoughtfully reflected on the country's commercial interests, particularly in the agricultural sector, to suggest that he still understood Brazil's need to maintain good relations with Sudan. In his answer, the chancellor argued that Brazil supported the autonomy of African countries to resolve their crises without interference from former colonial powers, a principle that would not compromise Brazil's status as a signatory to the ICC, as it would uphold its decisions (Brazil, 2009). During this hearing, the opposition aimed to introduce a series of arguments about the Sudanese dictatorial regime, while the government base countered with a positive agenda related to the African continent and the African diaspora, seeking further clarification about the Durban Review Conference against racism, although this did not lead to deeper discussions among other parliamentarians.

On another occasion, the opposition, represented by Cláudio Cajado (DEM-BA), requested a special hearing to discuss the export of engineering services and clarify controversies. The central figure in this hearing was the representative from BNDES, the director of the international area, accompanied by foreign trade professionals and consultants. Although the agenda suggested a certain degree of politicization, there was no immediate debate with the deputies following the presentations by the guests. In this hearing, Africa gained significant attention, as the BNDES representative highlighted his experience at the NEPAD ⁶ summit for the development of African infrastructure. Furthermore, he emphasized that the BNDES "does not engage in charity" but rather facilitates the export of high-value Brazilian products to the continent (Brasil, 2014a), providing an anticipatory response to the polarized environment.

Practices: Relationship between the legislative and the Ministry of Foreign Affairs.

⁶ The New Partnership for Africa's Development (NEPAD) is an economic development program led by the African Union.

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Once the legislative production related to the African theme has been discussed, this section aims to analyze the relations between the parliament and the Ministry of Foreign Affairs (Itamaraty) through a series of diplomatic communications between 2003 and 2016. These communications were available to the public until 2018, as stipulated by the Access to Information Law in November of that year. The series covers the archives of the intradocs system for the exchange of documents between Itamaraty in Brazil and its representations abroad, including inter-ministerial bodies, such as the legislature (Brasil, 2018).

Next, approximately 467 documents were filtered based on the following keywords identified through a literature review, along with their variants in the plural and acronyms, when applicable: Parliamentary Front, Parliamentary Group, Committee on Foreign Affairs and National Defense, Committee on Foreign Affairs, Special Office for Federal and Parliamentary Affairs. From this sample, it was found that about 30% of the documents were repeated, and there were also a series of procedural and administrative documents that contributed little to the purpose of this study, which is to understand the essential nuances of the legislature's participation in the development of Brazil's African policy. These documents represent part of the bureaucratic routine of foreign affairs.

Simultaneously, the reading and analytical/descriptive coding of the documentation were carried out (Gibbs, 2009). After reviewing the coding, as performed at the end of the researcher's exposure to the documentation, 23 documents remained, which were analyzed based on common codes among them, as presented in the table below. The selection of codes considered the existence of at least three pieces of evidence supporting the argument ⁷(Gibbs, 2009), as well as the results of triangulating the documentary findings with the literature. The codes are not entirely disconnected from each other; they are linked, constructing a narrative about the daily practices of the relationship between the Legislature and diplomacy⁸.

Table 4 - Codes Used in the Section

Code	Classification
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⁷ The analytical codes are understood as themes resulting from the researcher's identification of a presumed point of interpretive convergence among a series of sources. The descriptive codes are those that in communication expose activities that were carried out or that were not, according to the description provided in the document. When all codifications are combined, we have, therefore, an interpretive conclusion (GIBBS, 2009).

⁸ The documents that directly contributed to the development of this text had their headers described in footnotes, making it easier for subsequent identification in the respective source.

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Parliamentary Diplomacy	Analytical-Descriptive
Limits of international interest	Analytical
Polarized perception	Analytical
Brazil as a leader of the Global South	Analytical-Descriptive
Continuities between Lula and Dilma	Analytical

Source: our own elaboration based on Brazil (2018).

As mentioned, there is a considerable volume of bureaucratic and protocol content, including communications regarding requests for visits by representatives of African countries interested in learning about the Brazilian Congress⁹. However, these communications do not provide details on how these experiences unfolded. The lack of detailed information raises some reflections. Primarily, it is observed that, in practice, the interaction between the Executive and the Legislature in the context of Brazilian Foreign Policy (PEB), especially concerning Africa, still needs to be further developed. Additionally, it is possible that there are classified communications with a higher level of secrecy that are not yet available to the public, which could change the landscape. On the other hand, the evidence already indicates that the Brazilian Parliament is focusing on Africa. It is important to note that, by analyzing the Itamaraty documentation, we are also examining the narrative constructed by the foreign ministry regarding the daily interaction between the Executive and the Legislature, as well as the relations between Brazil and the African continent. However, this emphasis also allows for a balanced analysis of the legislative debate discussed in the previous section.

The interest of African countries is related to the leadership profile that Brazil managed to establish in the Global South during the period under analysis. It is important to highlight that the deepening of relations between Brazil and Africa was made possible by a combination of domestic and international factors, the result of which was amplified compared to other periods (Silva, 2015). This occurred within the context of a foreign policy project aimed at positioning Brazil as a leader in the Global South (Amorim, 2015; Burges, 2013; Silva, 2015).

⁹ FROM SERE TO CRE SENADO FEDERAL ON 28/05/2013;FROM SERE TO CRE SENADO ON 27/04/2015; FROM SERE TO ASSESSORIA INTERNACIONAL E CERIMONIAL DA C MARA DOS DEPUTADOS ON 19/11/2014.

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It is evident that this identification also extends to the Brazilian Legislature, as African countries recognize it as a model to be exported in terms of institutions and the conduct of public policies. This can be observed in examples such as the report from the ambassador in Cape Verde in 2012 when he learned of the visit of parliamentarians from that country to the Brazilian Congress. According to the visitors, contacts were established with the aim of seeking consultancy to modernize the National Assembly and support for the training of its technical staff. Furthermore, they reiterated the recognition of Brazil as an agent with the potential to promote development on the African continent and expressed interest, primarily, in the Parliamentary Front for Racial Equality, bilateral parliamentary cooperation of a broader nature, and the model of the Parliamentary Code of Conduct and the Ethics Council¹⁰.

On another occasion, the Embassy in Luanda reported the significant impact¹¹ of local media on negotiations for a visa agreement between countries, highlighting its recognition because of cooperative efforts within the parliamentary sphere. Following this trend, South Africa was one of the countries, like Angola and Cabo Verde, that sought support from the Brazilian parliament. In 2008, there were two separate visits with the aim of gathering information on how parliamentarians dealt with national policy and drug control legislation¹². On another occasion, they discussed issues related to racial equality, gender, and African roots with the Parliamentary Front for Racial Equality and the President of the Chamber¹³. Furthermore, the Brazilian parliament received significant invitations to participate in discussions on public policies, such as the meeting of the PALOP on child labor¹⁴¹⁵; and the debate on AIDS in Mozambique¹⁶. Although these elements do not establish a causal relationship, they raise important indications of Brazil's leadership in the Global South and in relation to certain African countries.

Despite reasonable engagement in parliamentary diplomacy with the continent, there were still some limitations due to disinterest among lawmakers or lack of information about international affairs. In a management report from the Brazilian Embassy in Mozambique submitted to the National Congress, it was emphasized that,

¹⁰ FROM SERE TO SENADO FEDERAL ON 10/10/2012.

¹¹ FROM BRASEMB LUANDA TO SERE ON 26/12/2012.

¹² FROM SERE TO C MARA DOS DEPUTADOS ON 01/07/2008.

¹³ FROM SERE TO COMISSÃO DE TURISMO E DESPORTO DA C MARA DOS DEPUTADOS ON 24/02/2006.

¹⁴ FROM SERE TO BRASEMB PRAIA ON 18/04/2012.

¹⁵ FROM BRASEMB PRAIA TO SERE ON 04/05/2012.

¹⁶ FROM SERE TO C MARA DOS DEPUTADOS – Deputy TELMA DE SOUZA – ON 03/04/2006.

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despite the pioneering and extensive relationship between the two countries and the substantial Brazilian investments, both public and private, there was still much room for improvement in parliamentary matters. This was particularly evident considering Mozambique's interest in greater exchange, which was not adequately reciprocated by their Brazilian counterparts¹⁷.

On another occasion, the same Embassy had already reported that the President of the International Relations Committee of the National Assembly sought the Brazilian representation to request mediation with the National Congress due to difficulties in reaching out the parliament¹⁸. In addition to these complaints, there was another grievance addressed to the Chief of the International and Ceremonial Advisory Office of the Chamber of Deputies by the Special Secretariat for International Relations and Ceremonial (SERE). For the second time in Brazil, the President of the National Assembly of Côte d'Ivoire was seeking agenda to be received in the Congress¹⁹. These examples demonstrate that the Ministry of Foreign Affairs continued to play a significant role in foreign policy at least by mediating relationships among parliamentarians when low activism prevailed.

The limits to international interest are related to the lack of knowledge among parliamentarians about opportunities to build a network of international affairs. It can be said, at the very least, that there is underutilization of these opportunities. During the visit of the President of the National Assembly of South Africa, Deputy Maleka Mbete, the President of the Chamber, Arlindo Chinaglia (PT-SP), expressed concern about the proliferation of parliamentary forums and advocated for the existence of a single international organization that would bring together legislative bodies and regional parliamentary associations²⁰. On the other hand, there are reports of Brazilian parliamentary delegations participating in the assemblies of the Inter-Parliamentary Union (IPU)²¹, where Brazil limited its involvement to the Latin American and Caribbean Group (GRULAC), missing out on opportunities for dialogue with Africa, unless in 2008,

¹⁷ FROM BRASEMB MAPUTO TO SERE ON 16/06/2015.

¹⁸ FROM SERE TO ASSESSORIA INTERNACIONAL E CERIMONIAL DA PRESIDÊNCIA DA C MARA DOS DEPUTADOS ON 14/05/2013.

¹⁹ FROM SERE TO CHEFIA DA ASSESSORIA INTERNACIONAL E CERIMONIAL DA C MARA DOS DEPUTADOS ON 19/11/2014.

²⁰ FROM SERE TO BRASEMB PRETÓRIA ON 24/04/2008.

²¹ Heterogeneous from a party-ideological point of view.

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Brazil coordinated support from neighboring countries for Namibia's candidacy for the presidency of the IPU²².

Another demonstration of underutilization occurred during the parliamentary mission led by Senator Heráclito Fortes (DEM-PI) in 2008 when the delegation, consisting of representatives from the government and the opposition, visited São Tomé and Príncipe. When received by parliamentarians from the host country, the Brazilians suggested cooperation for the qualification and modernization of the local parliament²³. However, they were informed by the other hosts that such cooperation was already in place, and that two years earlier, the Brazilian Chamber of Deputies had sent a technical mission to implement a digital recording system for speeches in plenary sessions and parliamentary committees in São Tomé and Príncipe. They were also reminded of efforts for parliamentary integration through the CPLP. Furthermore, during the same occasion, Senator Marconi Perillo (PSDB-GO) suggested that each Brazilian state establish cooperative relations with an African country, reinforcing the opposition's perspective that Africa was a continent with many challenges, and Brazilian relations should involve a sort of charity assistance.

Furthermore, signs of alleged politicization emerged but delicately aligned with the interests of strategic actors, such as the business community and black movements. During Nilson Mourão's (PT-AC) visit to Sudan in 2009, opportunities for cultural exchange focusing on racial equality and soccer were discussed. From a partisan perspective, the top leadership of the local government acknowledged that many ongoing social policies in Brazil were the result of a specific program by the PT²⁴. However, it is important to highlight the posture of the visiting legislator, who, despite the receptivity, did not refrain from questioning the arrest warrant issued by the International Criminal Court against the President and visited critical areas of displacement and political tension.

An important episode during the period encompassing parliamentary diplomacy, Brazil's leadership profile in the Global South, and the different perceptions of the African continent was the aforementioned mission led by Senator Heráclito Fortes to the Atlantic region of Africa, which included Angola, Nigeria, Senegal, Cabo Verde, and São Tomé

²² FROM SERE TO SENADO FEDERAL ON 16/05/2007; FROM SERE TO C MARA DOS DEPUTADOS ON 18/10/2007; FROM SERE TO C MARA DOS DEPUTADOS ON 21/10/2008; FROM SERE TO C MARA DOS DEPUTADOS ON 25/04/2011.

²³ FROM BRASEMB SÃO TOMÉ TO SERE ON 20/05/2008.

²⁴ FROM SERE TO C MARA DOS DEPUTADOS – Deputy NILSON MOURÃO – ON 17/09/2009.

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and Príncipe. This mission aimed to strengthen ties and deepen understanding of the countries prioritized in the BFP under the government of Luiz Inácio Lula da Silva²⁵. During the mission, the parliamentarians had the opportunity to hear from Nigerians and Brazilian businesspeople about business opportunities in the oil sector.

In Dakar, Senegal, the parliamentarians were able to explore the market potential for Brazilian rice exports, as well as Senegal's interest in technical cooperation in agriculture, sports, and energy generation. In Angola, the delegation visited projects undertaken by Brazilian companies such as Odebrecht and Andrade Gutierrez, and the deputies met with the Association of Brazilian Entrepreneurs and Executives in Angola (AEBRAN), which requested better support for small and medium-sized businesses interested in the continent and the simplification of visa procedures and export operations. In Cabo Verde, discussions revolved around cooperation to combat drug trafficking, and both in Cabo Verde and São Tomé and Príncipe, the importance of cooperation for maintaining democracy was reaffirmed.

On the same occasion, local partners sought to emphasize that many actions are hindered by the slowness of the Brazilian parliament, which frequently neglects the approval of bilateral cooperation agreements. This was evident in the case of the protocol signed with Nigeria in 2005, which remained stalled in the National Congress until 2008. Brazilian lawmakers committed to expedite the process, as well as answered to similar complaints in São Tomé²⁶. Such delays have impacts on both the state and the elite interested in expanding their international activities in the African continent, as reported by the Embassy in Mauritania²⁷ during a meeting with representatives from Tramontina and PB Construções companies. When the visitors suggested the possibility of the National Bank for Economic and Social Development (BNDES) providing support to companies interested in the local market, the ambassador reminded them that there was an ongoing process of renegotiating the public debt between the Ministry of Finance and the Senate Foreign Relations Committee.

²⁵ FROM SERE TO COMISSÃO DE RELAÇÕES EXTERIORES DO SENADO FEDERAL ON 16/06/2008; FROM BRASEMB ABUJA TO SERE ON 28/05/2008; FROM BRASEMB SÃO TOMÉ TO SERE ON 20/05/2008; FROM BRASEMB LUANDA TO SERE ON 23/05/2008.

²⁶ The absence of information about the entry into force of these agreements in the chronology of Brazil-Nigeria relations on the Itamaraty website is noteworthy. Additionally, we found news from 2018 regarding discussions about bilateral agreements between the Brazilian and Nigerian Foreign Ministers, Aloysio Nunes and Geoffrey.

²⁷ FROM BRASEMB NOUAKCHOTT TO SERE ON 15/01/2014.

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Parliamentary diplomacy proves to be an important mechanism for moderating criticism, as legislators encounter feedback not only from African partners but also from other actors. Similarly, in 2011, during the parliamentary mission to London funded by the National Confederation of Industries, a group of senators from various parties received compliments from the President of the Foreign Affairs Committee of the British Parliament, Mr. Richard Ottaway, for Brazil's increased presence in Africa.

Conclusion

In this study, we aimed to analyze the legislative debate on Brazilian foreign policy towards Africa between 2003 and 2016. We have highlighted the existence of institutional instruments that grant the Legislative Branch the capacity to, as an actor, monitor and intervene in Brazilian foreign policy before, during, and after Executive decisions. Besides the Foreign Affairs Committees, lawmakers have at their disposal other platforms that allow actions on an individual or party basis, through government or opposition coalitions, or even through Parliamentary Fronts and Groups.

Regarding foreign policy towards the African continent, we identified continuous interests through interactions with and via the Ministry of Foreign Affairs (Itamaraty) and through the creation of Parliamentary Fronts and Groups. This phenomenon predates the period analyzed here. In addition to this structure, it is worth noting that the debate on Africa in the parliament suggests a dispute over the alleged ideologization of foreign policy. However, this clash often blurs with what the literature describes as an expansion of the discussion on foreign policy, considering its nature as public policy to incorporate it into the democratization and globalization phenomena that have been prevalent since the late 1980s. Parliamentary activity on the analyzed topic, however, still has the potential for expansion and presents a certain contradiction with the profile of foreign policy as public policy, as legislators' interest and knowledge about the issue still seem limited.

Concerning the perception of the government's base, especially left-wing parties and consequently the Workers' Party (PT), they remained concerned with maintaining consistency with the Executive's agenda. On the other hand, the opposition is associated with a mixed perception of Africa, while producing a generalized discourse in both houses of parliament about the continent as a place of dictatorships and associating South-South cooperation with mere charity. However, in the Foreign Affairs Committees, this group

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remained silent or approached the government moderately. The position of the opposition leads to some considerations. First, about the obsolescence of the perception of Africa as a continent of woes, which is not entirely supported by domestic social actors or the international context. In an external context, there is no way to characterize relations with the continent as an act of charity at a time when emerging powers establish horizontal relationships in this space, connections that are responsible for mutual benefits.

Regarding ruptures and continuities between Lula and Dilma, it was initially assumed that, with the political crisis in the final years of the PT administration, criticism of Africa as an ideologically driven choice could have intensified, but this was not confirmed. It can be suggested that relations with Africa did not significantly mobilize the Legislative Branch, as is expected for the foreign policy agenda. On the other hand, it also suggests that, even in the face of the crisis, interested actors had enough weight to ensure that technical discussion, rather than mass discourse, prevailed in the more specialized instances of parliamentary debate.

We conclude this work by encouraging research that can provide further details and discussions about the organized representation of the Black population in the Brazilian parliament - historically and currently underrepresented - and their engagement in discussions about foreign policy towards the continent. Finally, literature lacks studies that address the specific content produced by Parliamentary Fronts and Groups and differences between the content produced through the multiple resources that lawmakers have to influence foreign policy.

References

Amorim, C. (2015). Teerã, Ramalá e Doha: memórias da política externa ativa e altiva. Benvirá.

Amorim Neto, O. (2006). *Presidencialismo e governabilidade nas Américas*. FGV Editora.

Anastasia, F., Mendonça, C., & Almeida, H. (2012). Poder Legislativo e Política Externa no Brasil: Jogando com as Regras. *Contexto Internacional*, 34(2).

Belém Lopes, D. (2013). *Política externa e democracia no Brasil: ensaio de interpretação histórica*. Editora da UNESP.

Brasil. (1988). *Constituição Federal*. Brasília.

Amorim & Silva. The relations between Brazil and the African Continent: a summary of legislative debate between 2003 and 2016.

Brasil. (2007). Câmara dos Deputados. Sessão 165.1.53.O: Pronunciamento do Sr. Antônio Carlos Pannunzio (PSDB-SP). Available at: <https://www.camara.leg.br/>. Accessed on: dec. 2019.

Brasil. (2009). Câmara dos Deputados. Debate sobre a política externa brasileira em 13/05/2009. Comissão de Relações Exteriores e Defesa Nacional. Departamento de Taquigrafia, Revisão e Redação. Núcleo de Redação Final em Comissões. Texto com Redação Final.

Brasil. (2010). Senado Federal. Pronunciamento de Arthur Virgílio (PSDB-AM) em 16/03/2010. Available at: www25.senado.leg.br/web/atividade/pronunciamentos/-/p/texto/383429. Accessed on 10 dec. 2019.

Brasil. (2012). Câmara dos Deputados. Audiência Pública para debate acerca dos 10 anos dos acordos de paz em Angola em 04/04/2012. Comissão de Relações Exteriores e Defesa Nacional. Departamento de Taquigrafia, Revisão e Redação. Núcleo de Redação Final em Comissões. Versão para registro histórico.

Brasil. (2013a). Câmara dos Deputados. Sessão 156.3.54.O: Posicionamento contrário à política externa adotada pelo Governo brasileiro em relação a países da América Latina e da África – Pronunciamento do Sr. Édio Lopes (PMDB-RR). available at: <https://www.camara.leg.br/>. Accessed on: dec. 2019.

Brasil. (2013b). Senado Federal. Pronunciamento de Aloysio Nunes Ferreira (Bloco/PSDB-SP) em 05/08/2013. Available at: www25.senado.leg.br/web/atividade/pronunciamentos/-/p/texto/401550. Accessed on 10 dec. 2019.

Brasil. (2014a). Câmara dos Deputados. Audiência Pública para debate acerca da exposição de serviços de engenharia no Brasil em 02/07/2014. Comissão de Relações Exteriores e Defesa Nacional. Departamento de Taquigrafia, Revisão e Redação. Núcleo de Redação Final em Comissões. Versão para registro histórico.

Brasil. (2014b). Senado Federal. Pronunciamento de Jarbas Vasconcelos (Bloco Maioria/PMDB-PE) de comunicação inadiável em 03/06/2014. Available at: www25.senado.leg.br/web/atividade/pronunciamentos/-/p/texto/407881 Accessed on 10 dec. 2019.

Brasil. (2015a). Senado Federal. Pronunciamento de Ronaldo Caiado, líder do Bloco Oposição/DEM, em 19/03/2015. Available at: www25.senado.leg.br/web/atividade/pronunciamentos/-/p/texto/411424 Accessed on 10 dec. 2019.

Brasil. (2015b). Câmara dos Deputados. Requerimento 695 de 2015 apresentado em 23/04/2015. Comissão Parlamentar de Inquérito da Petrobras.

Brasil. (2018). Ministério das Relações Exteriores. Série de comunicação diplomática sobre o período entre 2003-2016: Documentação disponível para acesso público até novembro de 2018. Brasília-DF: Arquivo Central do Itamaraty.

Amorim & Silva. The relations between Brazil and the African Continent: a summary of legislative debate between 2003 and 2016.

Brasil. (2019a). Ministério das Relações Exteriores. República Federal da Nigéria. Available at: <http://www.itamaraty.gov.br/pt-BR/ficha-pais/5602-republica-federal-danigeria>.

Brasil. (2019b). Câmara dos Deputados. Frentes e grupos parlamentares. Available at: <https://www2.camara.leg.br/deputados/frentes-e-grupos-parlamentares>. Accessed on 01 dec. 2020.

Burges, S. W. (2013). Brazil as a bridge between old and new powers? *International Affairs*, 89(3), 577-594. doi: 10.1111/1468-2346.12036

Canson, J., & Power, T. J. W. (2019). Presidentialization, pluralization, and the rollback of Itamaraty: explaining change in Brazilian Foreign Policymaking in the Cardoso-Lula Era. *International Political Science Review*, 30(2), 117-140. doi: 10.1177/0192512118762867

Carlsnaes, W. (2013). Foreign Policy. In W. Carlsnaes, T. Risse, & B. A. Simmons (Eds.), *Handbook of International Relations* (pp. 171-192). Sage Publications.

Cheibub, Z. B. (1985). Diplomacia e construção institucional: o Itamaraty em uma perspectiva histórica. *Dados*, 28(1), 113-131.

Diniz, S. (2012). O Senado Federal e a deliberação de atos internacionais no presidencialismo brasileiro. *Revista Brasileira de Ciências Sociais*, 27(80), 169-184. doi: 10.1590/S0102-69092012000300011

Diniz, S., & Ribeiro, C. O. (2008). The role of the Brazilian Congress in foreign policy: an empirical contribution to the debate. *Brazilian Political Science Review (Online)*, 3(SE), 0-0.

Faria, C. A. P. (2012). O Itamaraty e a política externa brasileira: do insulamento à busca de coordenação dos atores governamentais e de cooperação com os agentes societários. *Contexto Internacional*, 34(1), 311-355. doi: 10.1590/S0102-85292012000100010

Figueira, A. (2011). *Introdução à Análise de Política Externa*. Saraiva.

Figueiredo, A., & Limongi, F. (1998). Bases institucionais do presidencialismo de coalizão. *Lua Nova*, 44, 81-106.

Gibbs, G. (2009). *Análise de dados qualitativos: coleção pesquisa qualitativa*. Bookman.

Hill, C. (2003). *The changing politics of foreign policy*. Palgrave Macmillan.

Lima, G. N. (2015). *Análise das relações comerciais do Brasil com a África durante os governos de Fernando Henrique Cardoso (1995-2002) e Luiz Inácio Lula da Silva (2003-2010)* (master's thesis). Universidade de Brasília.

Lima, M. R. S. (2000). Instituições democráticas e política exterior. *Contexto Internacional*, 22(2), 265-301. doi: 10.1590/S0102-85292000000200005

Amorim & Silva. The relations between Brazil and the African Continent: a summary of legislative debate between 2003 and 2016.

Lima, M. R. S., & Santos, F. (2001). O congresso e a política de comércio exterior. *Lua Nova*, 52, 121-149.

Lima, M. R. S., & Duarte, R. (2013). Diplomacia presidencial e politização da política externa: Uma comparação dos governos FHC e Lula. *Observador On-Line*, 8, 1-24.

Mancuso, W. P. (2007). O lobby da indústria no Congresso Nacional. *Humanitas/Edusp/Fapesp*.

Milani, C., & Pinheiro, L. (2013). Política externa brasileira: os desafios de sua caracterização como política pública. *Contexto Internacional*, 35(1), 11-41.

Mouffe, C. (2015). *Sobre o político*. (F. Santos, Trad.) São Paulo: WMF Martins Fontes.

Oliveira, A. J. de, & Onuki, J. (2010). Eleições, partidos políticos e política externa no Brasil. *Revista Política Hoje*, 19(1), 144-185.

Ribeiro, C. A. L. (2020). *As múltiplas percepções sobre o continente africano na política externa dos governos Lula da Silva e Rousseff (2003-2016)* (Dissertação de mestrado). Repositório Lume, UFRGS (Universidade Federal do Rio Grande do Sul).

Rodrigues, Alexandre. (2018). Chanceleres do Brasil e Nigéria se reúnem para tratar de cooperação. Agência Brasil, Brasília, 12 jun. 2018. *Internacional*. Disponível em: <http://agenciabrasil.etc.com.br/internacional/2018-06/chanceleres-do-brasil-e-nigeria-sereunem-para-tratar-de-cooperacao>. Acesso em: 02 out. 2019.

Santiago, R. (2018). Ideologia explica tudo? O embate no legislativo brasileiro em matérias de política externa. *Revista Carta Internacional*, 13(2), 223-258.

Santos, F. (2002). Partidos e comissões no presidencialismo de coalizão. *Dados*, 45(2), 237-264.

Saraiva, J. F. S. (2015). *A África no Século XXI: um ensaio acadêmico*. Brasília: FUNAG.

Silva, A. L. R. da. (2015). Geometria variável e parcerias estratégicas: a diplomacia multidimensional do governo Lula (2003-2010). *Contexto Internacional*, 37(1), 143-184. <https://doi.org/10.1590/S0102-85292015000100005>

Silva, A. L. R., & Spohr, A. P. (2016). A relação entre Executivo e Legislativo na formulação de política externa no Brasil. *Relações Internacionais*, (50), 123-140.

Stolte, C. (2015). *Brazil's Africa strategy: role conception and the drive for international status*. Springer.

Assessment of the level of operational safety culture in the perception of professionals in air navigation service provider organizations in the Brazilian context

Avaliação do nível de cultura de segurança operacional na percepção dos profissionais de organizações provedoras de serviços de navegação aérea no contexto brasileiro

Thereza Christina Gama Prado Freire¹ 
Ana Carolina Kruta de Araújo Bispo² 
Flavio Perazzo Barbosa Mota³ 

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Abstract: This study evaluates the operational safety culture as perceived by professionals in air navigation service provider organizations within the Brazilian context. To achieve this, the theoretical review served as a basis for defining the dimensions of the operational safety culture that were investigated: Flexible Culture, Informed Culture, Learning and Reporting Culture, Managerial Attitudes towards Safety, and Just Culture. Measurement items for these dimensions were translated, adapted, and validated, including translator reviews, face and content validation, convergent validity, and reliability indicators. The analysis of results considered the perceptions of Air Traffic Professionals (ATPs) and Air Navigation Professionals (ANPs). It was identified that the mean scores attributed by ANPs were higher in all dimensions compared to ATPs. This result could be attributed to the nature of the roles of each group. From both theoretical and practical perspectives, applying this scale within the Brazilian context has advanced the study of this theme within national air traffic management. It is appropriate to consider that scores below 8.0, given the 11-point scale, should necessitate a higher level of attention in planning actions to improve safety performance.

Keywords: operational safety culture; air navigation, measurement scale.

¹ E-mail: thereza.prado@gmail.com.

² Universidade Federal da Paraíba. E-mail: ana.kruta@academico.ufpb.br.

³ Universidade Federal da Paraíba. E-mail: flavioperazzo@ccsa.ufpb.br.

Resumo: Este estudo avalia a cultura de segurança operacional na percepção dos profissionais de organizações provedoras de serviços de navegação aérea no contexto brasileiro. Para tanto, a revisão teórica serviu de base para delimitar as dimensões da cultura de segurança operacional que foram investigadas: Cultura Flexível, Cultura Informada, Cultura de Aprendizado e Reporte, Atitudes dos Gestores com Relação à Segurança e Cultura Justa. Os itens de mensuração das dimensões foram traduzidos, adaptados e validados, incluindo: revisão por tradutores, validação de face e conteúdo, de validade convergente e indicadores de confiabilidade. A análise dos resultados considerou a percepção de Profissionais de Tráfego Aéreo (PTA) e Profissionais de Navegação Aérea (PNA). Identificou-se que as médias atribuídas pelos PNA foram, em todas as dimensões, maiores do que as dos PTA. Tal resultado pode decorrer da natureza da função de cada um dos grupos. Do ponto de vista teórico e prático, a aplicação da escala no contexto brasileiro possibilitou avançar nos estudos sobre a temática no gerenciamento de tráfego aéreo nacional. É apropriado considerar que médias inferiores à 8,0, dada a amplitude de 11 pontos, devem requerer maior nível de atenção no que se refere ao planejamento de ações para melhoria do desempenho da segurança.

Palavras-chave: cultura de segurança operacional; navegação aérea, escala de mensuração.

1. Introduction

The current concept of operational safety recognizes that hazards, failures, and operational errors are inherent in activities in complex environments. This applies, for example, to Air Traffic Control. It is unlikely to guarantee that accidents will never occur. This is especially true due to the interaction between humans and machines, despite advanced technologies. In this understanding, an organization is considered safe if it is able to continuously and systematically identify hazards and control the risks of its operational processes. Such continuous and systematic hazard identification, as well as risk control, are key components of the concept of operational safety management, which aims to adopt proactive measures before accidents occur (Brasil, 2015; Icao, 2018).

The approach to operational safety in this perspective solidified as air transportation became more popular over the years. This strengthening resulted from the improvement of approaches focused on accident studies and contributing factors investigations. In this context, academic literature emphasizes the importance of implementing operational safety management systems in Air Traffic Management. However, the effectiveness of this safety can be compromised by vulnerabilities resulting from a fragile operational safety culture (Eurocontrol, 2008).

This realization implies that the mere existence of an Operational Safety Management System does not ensure effective risk control, including harm to people,

property, or the environment – elements that define safe operations. This is because operational effectiveness depends on individual actions and contributions to safety culture. According to Gill and Shergill (2004), safety performance is influenced by how people perform their tasks, as they either adopt or do not adopt positive safety attitudes. This understanding has fueled the debate in the theoretical field of safety in high-risk industries and among regulatory authorities about the relationship between operational safety systems and safety culture (Gill & Shergill, 2004).

The operational safety culture, or simply safety culture, plays a recognized role in achieving high safety performance rates (Berg & Kopisch, 2012; Schwarz et al., 2016). When strengthened, this culture aligns norms with actual practices (values and attitudes), influencing safety outcomes (Eurocontrol, 2008). Therefore, it is essential to develop a tool to assess the operational safety culture as it allows for the identification of unobservable weaknesses in formal environments (Mearns et al., 2013).

In the context of air traffic management, this is especially critical compared to other high-risk industries. After all, air traffic controllers have direct and real-time contact with aircraft. They need to make quick decisions to resolve conflicts and deal with daily non-routine situations, in a matter of seconds. Consequently, flight safety depends directly on their work practices (Mearns et al., 2013). Therefore, the culture of operational safety must be measured, so that failures can be identified and corrected, maintaining acceptable levels of safety and the inherent reliability of Air Traffic Management (Brasil, 2017).

To that end, it is observed that some instruments have been developed for measuring the culture of operational safety in air traffic. Most of the tools developed have a quantitative focus (Mearns et al., 2013; Schwarz & Kallus, 2015), using questionnaires due to their ease of application. Qualitative approaches have also been used, through interviews or observations (Fruhen et al., 2013; Gordon et al., 2007). Additionally, there is academic literature documenting that the understanding of the culture of operational safety has advanced to study its relationship with other factors such as resilient behavior and psychological stress (Schwarz et al., 2016).

However, despite significant advances abroad, no records of the application of a scale in the context of Brazilian air traffic have been identified. Therefore, considering the issue presented, the guiding question of this study is as follows: What is the level of

operational safety culture in the perception of professionals from air navigation service provider organizations in the Brazilian context?

To answer this question, this work is organized as follows: first, a literature review is conducted on the evaluation of operational safety culture, outlining the concept and identifying the main metrics used in the literature. Next, methodological procedures for the selection, translation, and adaptation of a measurement scale are presented, applied to Air Traffic Professionals (ATP) and Air Navigation Professionals (ANP) within the context of an air traffic service provider organization in Brazil. Following this, the results and discussion are presented, including elements of validation, description, and comparison of perceptions between the two groups of respondents. Finally, concluding remarks are made, reflecting on the achievement of the objective, limitations, and suggestions for future research.

2. Evaluation of Operational Safety Culture in The Context of Air Navigation

The evaluation of the safety culture in organizations providing air navigation services has been the subject of various studies, particularly in the European continent, where most academic publications are concentrated. The research by Mearns et al. (2013) for the development of the Safety Culture Measurement Toolkit (SCMT) consisted of four phases, in which, in addition to the use of quantitative methods for questionnaire development, validation procedures were employed through interviews.

The first phase of Mearns et al. (2013) study involved a literature review from 2001 to 2005 to identify relevant themes contributing to the conceptual determination of the topic. In the second phase, interviews and focus group discussions were conducted within air navigation service organizations. The goal was to validate the themes identified in the first phase and construct the initial version of the questionnaire. In the third phase, the pilot questionnaire was administered, and item validity was tested through confirmatory and exploratory factor analysis. In the fourth and final phase, multiple interviews and focus groups were conducted to provide feedback. This phase not only allowed for the validation of issues arising from the questionnaire, but also facilitated the discussion of the subject with members of the organization (Mearns et al., 2013).

The model used by Mearns et al. (2013) considered three main themes: a) Reporting and Learning (incident reporting and change communication); b) Involvement in Safety Issues (team formation and management involvement); c) Safety Prioritization (support and commitment). The instrument developed by Mearns et al. (2013) was

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distributed in 2007 to four air navigation service provider organizations in different European countries. From the analysis of the research, the authors identified weaknesses in the questionnaire that possibly contributed to incomplete construct validity in statistical tests. Some of the reported weaknesses may be related to language differences, item complexity, or different cultural aspects inherent to the national groups analyzed. Nevertheless, the instrument proved to be useful in identifying problems and solutions in the adoption of safety improvement measures.

Another study on the subject was conducted in Sweden, in two Air Traffic Control Centers and an administrative office of an air navigation service provider. Ek et al. (2007) developed a questionnaire comprising nine dimensions of operational safety culture as assessment instruments. The first four dimensions considered in the research instrument were the same as those defined by Reason (1997): a learning culture, a reporting culture, a fair culture, and a flexible culture. The other five dimensions added were derived from previous work for culture evaluation: communication, safety-related behaviors, safety attitudes, job situation, and risk perception.

The main results of the study conducted by Ek et al. (2007) indicated that the administrative unit obtained lower scores related to communication, reporting, and risk perception than the operational units, which can be explained by the nature of the work performed. Furthermore, the two operational units showed different perceptions regarding reporting and learning. In general, aspects related to culture scored above average, and the study also revealed that perception of culture varies depending on the individual's position. Another result was that demographic variables (e.g., gender) did not impact perceptions of culture, which was interpreted as a reflection of the training and education provided, which uniformly encompassed the personnel involved (Ek et al., 2007).

Another study conducted in New Zealand aimed to assess the safety culture in the civil aviation industry (Gill & Shergill, 2004). The sample consisted of 464 valid questionnaires filled out by professionals in the field. The majority of respondents were employees of airlines and air traffic controllers (Gill & Shergill, 2004). In the study, the questionnaire included two sets of dimensions: an organizational perspective on safety management and safety management systems and safety culture. The questions in the first set sought to assess the respondents' perceptions of the organization's role in promoting

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safety. The second set also aimed to assess perceptions, with a focus on prevailing attitudes related to safety and how safety was managed in the organization.

The results indicated a possible lack of belief among respondents in safety management systems, as the personnel participating in safety activities and training themselves expressed the perception that "luck" and "safety" are the most important factors for aviation safety (Gill & Shergill, 2004). The collected data also revealed that managers did not assign adequate importance to recurrent training, safety activities, and the use of updated technologies for information management. This finding led the authors to emphasize the need for audits and the formulation of rules and policies to promote safety inherent to the activities of these professionals (Gill & Shergill, 2004).

On the other hand, Gonçalves Filho and Waterson's research (2018) was motivated by the observation that the use of safety culture maturity levels or stages has been growing. This research revealed that the most commonly used method to assess safety culture maturity levels is through questionnaires. Few studies have been conducted with the aim of applying the developed instruments, and an even smaller number has focused on verifying validity and reliability. Additionally, out of the selected works, only one was developed in the air traffic domain.

Gordon et al. (2007) conducted two safety research surveys at the Eurocontrol Experimental Centre (EEC), a Research and Development Center in the field of air traffic management in Europe. These authors compared two research methods to investigate their differences in terms of content and results presented, as well as to determine whether it was necessary to apply both methods to assess safety culture or if one of them alone would suffice.

The first questionnaire administered was the Safety Culture Survey (SCS), which contained items divided into dimensions such as management commitment, safety planning and organization, communication, trust and accountability, measurements, audits, and reviews (Gordon et al., 2007). The second instrument, named the River Diagram (RD), included items distributed across dimensions related to activities carried out at the EEC, such as policies, planning, scope, assurance, and promotion (Gordon et al., 2007). This instrument served as the basis for conducting semi-structured interviews, which helped identify the state of safety management system implementation at the EEC and potential measures for improvement (Gordon et al., 2007). Both instruments allowed for diagnosing safety culture in terms of maturity levels.

Despite recognizing a time gap between the applications of the two scales, which could have influenced the results obtained, Gordon et al. (2007) identified that each of the scales addressed different objectives, even though some of their content overlapped. The SCS proved to be more operational in identifying fundamental safety culture issues, with the anonymity it provided to respondents likely resulting in more realistic information. On the other hand, semi-structured interviews enabled clarification of possible questions related to survey items, indicating that the RD was more suitable for diagnosing the status of Safety Management System (SMS) implementation (Gordon et al., 2007).

Reader et al. (2015) investigated whether safety culture could be reliably assessed in an organization operating in different countries, with different national cultures, and if there was an association between safety cultures and national cultures. By researching 17 countries in four culturally distinct regions of Europe, the researchers collected data from questionnaires administered between 2011 and 2013 with over six thousand valid responses. The study revealed that safety culture models well adapted to a specific industry maintain satisfactory consistency beyond national borders and across occupational groups. Two questionnaires were used in the study, one for safety culture and another for national culture, and their metrics were compared. The safety culture questionnaire was structured around dimensions like management commitment to safety, collaboration for safety, incident reporting, communication, peer commitment to safety, and support for safety.

Based on the literature on the two subjects, Reader et al. (2015) formulated hypotheses to identify potential relationships between the safety culture construct and the sub-dimensions of the national culture variable. These sub-dimensions include collectivism, power distance, uncertainty avoidance, masculinity, and short-term orientation. In addition to finding that managers have more positive perceptions of safety compared to operators, the study indicated that five dimensions of safety culture, except for colleagues' commitment to safety, tend to be influenced by regional cultural norms. This led to the conclusion that safety culture is associated with features of national culture (Reader et al., 2015).

Another study related to safety culture assessment scales was conducted by Schwarz and Kallus (2015), who sought to validate the questionnaire developed by the Civil Air Navigation Services Organisation (CANSO). According to the authors, aside

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from the questionnaire used to assess safety culture in this study, only one other has been used to evaluate safety culture, which is the Safety Culture Measurement Toolkit (SCMT) (Mearns et al., 2013). Both questionnaires originally encompassed eight dimensions. However, Schwarz and Kallus (2015) report that, after the validation procedures of the initial questionnaire, they obtained a resulting scale composed of five factors: informed culture, reporting and learning culture, fair culture, flexible culture, and safety attitudes of managers.

Schwarz and Kallus (2015) also dedicated themselves to investigating the relationships between safety culture and safety-relevant behavior (SRB). This latter construct includes aspects related to safety communication, compliance with safety rules, resilient behavior, leadership, safety participative behavior, and safety knowledge. They were investigated through semi-structured interviews to collect reports of safety behaviors from the last shift. The study's hypothesis that safety culture predicted safety-relevant behaviors (SRB) was confirmed by the authors for the dimensions of reporting and learning culture, fair culture, and safety attitudes of managers.

In Schwarz et al.'s (2016) research, the relationships between safety culture, resilient behavior, and stress in Air Traffic Management were studied, as the literature reviewed in this study pointed to indications that human capacity to handle changes, unforeseen situations, or the need for procedure adjustments can affect the organization's acceptable safety levels.

In the study by Schwarz et al. (2016), safety culture was assessed in the dimensions: "informed culture," "communication and learning," "fair culture," "flexible culture," and "Safety Management Attitudes." The research findings indicated that safety culture is negatively affected by psychological stress and positively affected by the ability to recover in adverse situations, which leads the authors to suggest that air navigation service providers and regulatory bodies consider the assessment of these variables to ensure the maintenance of high safety levels in their organizations.

Considering the literature review conducted, it was possible to identify scales that can measure operational safety culture in air navigation service provider organizations. The next topic, therefore, presents the choices made for the operationalization of the field research in the current study.

3. Method

To address the proposed research question, the theoretical review served as the foundation for decisions related to the methodological approach employed in this study. Furthermore, it helped to define the dimensions of the operational safety culture that were investigated. Therefore, the choice of a quantitative approach to assess safety culture is justified by the characteristics of the context in which the study is conducted and the absence of records of scale application in the Brazilian air traffic context.

In light of this, email contacts were established with authors of studies conducted in the international air traffic management context whose theoretical models were in line with Brazilian legislation, which aligns with the recommendations of the International Civil Aviation Organization (ICAO). In December 2019, requests were made to five authors for the provision of their respective safety culture scales (Ek et al., 2007; Mearns et al., 2013; Reader et al., 2015; Schwarz & Kallus, 2015).

Initially, only one author responded, providing the scale that had been used in three air traffic control units in Sweden (Ek et al., 2007). However, during the course of the research, in February 2020, Schwarz et al. (2016) provided their work, in which they reported research conducted in the European air traffic context. To develop the scale used in their study, Schwarz et al. (2016) relied on the work of Ek (2007), which was divided into five dimensions: (1) Informed Culture; (2) Reporting and Learning Culture; (3) Just Culture; (4) Flexible Culture; and (5) Manager Safety Attitudes. Responses to the questions were expressed on a four-point Likert scale: "strongly disagree," "disagree," "agree," "strongly agree."

The decision to translate the instrument used by Schwarz and Kallus (2015) and Schwarz et al. (2016) proved to be more advantageous when considering the continental dimensions of Brazil and the feasibility of applying the instrument. Furthermore, the effort already expended in terms of the validity and reliability procedures for this scale was taken into account, allowing for the adaptation of its metrics to the Brazilian context.

In this regard, with regard to the procedures for translating the scale, certain precautions were taken to avoid issues such as a lack of semantic equivalence between the source and target languages, a lack of conceptual equivalence between cultures, and a lack of normative equivalence between societies (Behling & Law, 2000). In consideration of these precautions, the methodological procedures described by Dias (2016) for adapting and translating scales for the Brazilian context were adopted. The

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methodology presented by this author aims to overcome the limitations of the back-translation technique, one of the most well-known techniques used in the process of translating measurement instruments in the social and human sciences.

The first stage of the scale translation process involved the review of items by two translators with degrees in Literature and specialization in translation, considering the following dimensions: 1) "Flexible Culture"; 2) "Informed Culture"; 3) "Learning and Reporting Culture"; 4) "Fair Culture"; 5) "Managerial Attitudes Towards Safety". In the process, professionals were allowed to provide their own translation versions. After receiving the two proposed translations, a committee meeting was held to analyze and consolidate the received translations. The Committee consisted of three university professors with doctoral degrees from the institution the authors were affiliated with. It also included a student from the Doctoral program in Administration at the same university, who had experience in scale development and validation. Additionally, an external member with experience in operational safety and the researchers of this study were included.

The items resulting from the Committee's analysis were inserted into a Google Form for the next step of the process, related to face and content validation. In this form, two 5-point scales were assigned to each questionnaire item for the evaluation of clarity ("very poor," "poor," "fair," "good," and "very good") and content ("not suitable," "slightly suitable," "suitable," "quite suitable," and "completely suitable").

The face and content validation form was sent to Master's students and professors from a research group with which the authors were affiliated, as well as two other doctoral professors. After adjustments and decisions regarding item wording, a questionnaire pre-test was conducted. This stage took place through the Google Forms platform, in the workplace of one of the researchers of this article, who works in the air traffic control field. Thirteen responses were obtained, which indicated adjustments to items and the inclusion of sociodemographic variables.

Following the pre-test, the data collection phase began. An existing email distribution list in an air navigation service provider organization, which included individuals of interest to the research, was used. During the collection period, which occurred between July and August 2020, the organization was implementing COVID-19 pandemic response protocols, and all employees in administrative roles were working

remotely. In total, 258 respondents were obtained, of which 246 remained after removing duplicate cases and atypical observations.

Furthermore, it was decided to only consider respondents who held the positions of Air Traffic Professionals (ATP) and Air Navigation Professionals (ANP), as they represented the largest number of respondents in the sample, ensuring a balance in the number of cases obtained. This decision allowed for comparisons between the groups and was in line with the studies (Ek et al., 2007; Schwarz & Kallus, 2015) that informed the choice of the scale used. It should be noted that the metric used has a generalist character, with the anticipation of application to the entire air navigation sector. After this selection criterion, the final sample resulted in 191 valid cases. The following section presents the results, starting with the descriptive profile, followed by evidence of scale validity and group comparisons.

4. Results and Discussion

In descriptive terms (Table 1), the majority of research participants were male (70%), had completed higher education (54%), and did not hold a position of trust (79%). There was a reasonable balance in terms of time in the position, age range, and professional areas of operation. With regard to the position, 51% of the sample consisted of Air Traffic Professionals, and 49% were Air Navigation Professionals.

Table 01: Sample Description

Profile	n	%
Gender		
Female	58	30
Male	133	70
Education		
High School Completed	37	19
College Degree Completed	104	54
Postgraduate (Completed Specialization, Master's, or Ongoing Doctorate)	50	26
Trust Position		
Yes	41	21
No	150	79
Time in Position		
Less than 10 years	52	27
Between 10 and 20 years	55	29
Between 20 and 30 years	61	32
More than 30 years	23	12
Age Group		
Up to 30 years	10	5
Between 30 and 40 years	40	21
Between 41 and 50 years	61	32
More than 51 years	80	42
Region		
NASE-4 (Belém)	8	9

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NASE-6 (Recife)	32	17
NASE-8 (Belo Horizonte)	33	17
NASE-10 (São Paulo)	63	33
NASE-12 (Porto Alegre)	30	16
Others	15	8

In order to obtain validity evidence for the scale (Table 2), it is expected that the extracted variance exceeds 50% in each dimension of the operational safety culture construct, and the factor scores are above 0.5 in the factor analysis (Costa, 2011; Hair et al., 2005). Additionally, internal consistency (reliability) was assessed through Cronbach's alpha, with values expected to be above 0.6 (Costa, 2011). Considering that the checks performed in this stage involve procedures for variable reduction by verifying the fit of the item set to the factors (Costa, 2011), the Fair Culture dimension (FC) was not included in the analysis, as it consists of only two items.

It was found that all dimensions met the validity criteria in this stage. In all dimensions, only one iteration of principal component analysis and varimax rotation was required to achieve a proper fit. Good reliability was also demonstrated, indicating an improvement compared to the studies that served as the basis for the scale applied in this research.

Table 02: Summary of the psychometric consistency of the Safety Culture Scale

Dimension	Number of Items	Variance extraction (%)	Lower score	Cronbach's Alpha
Flexible Culture	8	74,36	0,73	0,95
Informed Culture	7	71,90	0,82	0,93
Learning and Reporting Culture	5	76,73	0,85	0,92
Managerial Attitudes Toward Safety	6	81,87	0,83	0,95

Table 3 summarizes the descriptive measures and correlations between the constructs. It presents the aggregated means of the items and the standard deviation (SD). The fair culture scored the highest, while the flexible culture received the lowest evaluation. The results are consistent with the analyzed context. The fair culture is related to not punishing errors inherent to human nature and treating violations rigorously. The flexible culture is related to the ability to adapt to unforeseen situations. The analyzed context, due to its essentially standardized nature and the fact that employees undergo various training, may contribute to these levels of perception. These levels can be

exacerbated by a misinterpretation of the requirements, considering that in the organization, there is no flexibility, and errors are not allowed.

Table 03: Descriptive measures and discriminant validity summary of the Safety Culture

Dimension	Mean	SD	1	2	3	4
1 Flexible Culture	6,77	2,40	-			
2 Informed Culture	7,47	2,05	0,88	-		
3 Learning and Reporting Culture	7,66	2,18	0,75	0,78	-	
4 Managerial Attitudes Regarding Safety	8,28	2,12	0,64	0,73	0,79	-
5 Fair Culture	8,84	1,35	0,53	0,61	0,54	0,52

The next stage of analysis corresponds to comparisons between the groups (Table 4) of Air Traffic Professionals (ATP) and Air Navigation Professionals (ANP), using the student's t-test. When analyzing the responses of air traffic professionals (ATP), it was found that flexible culture obtained the lowest mean among the safety culture dimensions, and fair culture the highest mean.

Table 04: Comparison between ANP and ATP by dimension

Dimension	Group	Mean	SD	t	gl	p-value
FC	ANP	7,47	2,00	4,10	189	0,001
	ATP	6,10	2,56			
IC	ANP	8,10	1,51	4,30	189	0,001
	ATP	6,87	2,31			
LRC	ANP	8,14	1,70	3,04	189	0,003
	ATP	7,20	2,48			
FC	ANP	9,13	0,98	2,93	189	0,004
	ATP	8,57	1,59			
MARS	ANP	8,59	1,76	2,01	189	0,046
	ATP	7,98	2,38			

The item of flexible culture that obtained the lowest results was: "Top management explicitly values employees' knowledge and experiences." It is worth noting that this item on Ek et al.'s scale (2007) also received negative results from approximately 20% of respondents in two control centers studied. It is understood that the valuation of knowledge and experiences contributes to better adaptation of individuals to changes, producing resilient behavior (Heese, 2012). This aspect is particularly relevant in the context of air traffic control, where unexpected situations may require immediate decisions.

Although the negative perception regarding this item is similar to the Swedish study (Ek et al., 2007), it is possible that, in the context of this research, this result is related to the scenario faced by the aviation sector during data collection. This was due

to a significant decrease in air traffic movement due to the COVID-19 pandemic, resulting in a reduction in operational staff in ATC organizations due to disease prevention and containment measures.

Additionally, the organization where data collection took place is undergoing a major change process, involving the privatization of airports. In this process, many employees were reassigned to other public agencies and encouraged to participate in voluntary resignation plans. Therefore, it is understood that this context disadvantages the perception of employee appreciation and recognition.

Regarding the dimension "Management Attitudes toward Safety," the average obtained from air traffic controllers was positive, as managers have an influence on developing a positive safety culture (Fruhen et al., 2013; Tear et al., 2020). The "just culture" dimension, despite consisting of only two items, had the highest average of all the dimensions analyzed in the perception of air traffic controllers. This result aligns with the results of Ek et al.'s study (2007), where the corresponding items in this dimension received 20% or more negative responses. This positive evaluation of just culture in the Brazilian context may be related to the extensive dissemination of policies addressing the topic and incident handling processes.

In addition, it was identified that the averages assigned by Air Navigation Professionals (PNA) were higher than those of Air Traffic Professionals (PTA) in all dimensions. PNA professionals do not perform front-line air traffic control activities. However, these professionals interact daily with the air traffic control service and are involved in various operational safety processes, which may explain their high perception of safety culture. Another factor that may explain the high scores, especially among PNA professionals, is related to the portion of these professionals who previously worked in the Aeronautical Information Service. They were recently reassigned to work in the company's operational safety areas due to changes in the mode of service provision in several Brazilian AIS rooms, which resulted in the elimination of operational work positions for these professionals.

The adaptation to the new scenario and dedication to learning the new activity may have contributed to the result. However, further investigation is recommended, including determining to what extent the safety climate influenced this result. A recent study conducted in Europe involving 13,616 air traffic controllers from 21 countries

corroborated that there are differences in safety culture perceptions among professionals with different hierarchical positions (Tear et al., 2020).

In addition, the averages obtained by respondents, according to their statements of having or not having a position of trust in the context of the organization where data was collected, were examined, implying a higher hierarchical position compared to the total workforce. It was observed that, for all dimensions of this study, the group holding positions of trust, namely, the management, had more positive perceptions compared to the group without positions of trust.

In the Brazilian context, this result may be related to the direct involvement of management in handling operational safety matters and processes, such as incident and accident analysis, statistical data analysis, and participation in operational safety committee meetings. In this sense, the actions to promote operational safety developed within the company, involving all hierarchical levels, may be a promising path to align perceptions between the two groups.

5. Considerations

The concept of a safety culture in aviation is considered a key factor in preventing accidents and incidents. In other words, it drives the use of processes and tools capable of promoting operational oversight and learning before aviation disasters occur. In this context, safety culture focuses on the operational perspective. This means that it's important to assess how this culture affects the safe performance of aviation operations. In such operations, people have the responsibility of ensuring the smooth and safe operation of the aircraft under their control.

The application of the scale in the Brazilian context has allowed for advancements in the study of this topic in national air traffic management. The instrument, which showed evidence of validity in the Brazilian context, aimed to fill the gap in research predominantly conducted in Europe on the subject, as identified by Reader et al. (2015). However, it should be noted that the "fair culture" dimension, composed of only two items, was not included in the validity and reliability checks.

In the studies by Ek et al. (2007), the reliability test, through the analysis of Cronbach's alpha on the data, returned a value of 0.65 for this dimension. This dimension also posed problems in the studies of Schwarz and Kallus (2015), showing an alpha of 0.54 for the sample of air traffic controllers involved in the research. Considering that European air traffic control regulations require a just culture as one of the safety

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performance indicators, these authors proposed that future studies proceed with new rounds of validation, including new items. Therefore, in the use of the scale for future assessments, it is recommended to pay attention to and carefully analyze this dimension in the Brazilian scenario.

From a practical perspective, since the instrument used an 11-point Likert scale to assess perceptions of safety culture, where respondents assign lower scores to "Strongly Disagree" and higher scores to "Strongly Agree," it is appropriate to consider items with averages above 8.0 as high levels. In other words, averages below this value should require more attention from the organization in terms of planning actions to improve safety performance.

Despite achieving the intended goal in this study, there were limitations. The data collection period's context, affected by the COVID-19 pandemic, had a significant impact on the aviation sector, leading to a 90% reduction in the national air network and direct effects on the population under study. This may have contributed to the perceptions being influenced by contextual factors, typical in questionnaire-based surveys. For example, the distancing from the work environment may have led to a detachment from the actual perception being measured. Therefore, the replication of this scale is necessary in future studies.

Furthermore, the research models used by Ek et al. (2007) and Schwarz et al. (2016) assume that safety culture should be measured using multiple methods, including questionnaires, interviews guided by psychologists, and observation of real operations, to obtain confirmation and a better understanding of the data obtained with objective tools. This suggests that future studies in the Brazilian context should use the scale developed in this research to guide investigations through the complementary methods mentioned (Ek et al., 2007; Schwarz et al., 2016). This is expected to lead to improvements in operational safety performance in each unit being evaluated for safety culture.

Finally, it's worth noting that the study was limited to comparing the profiles of PTA and PNA positions. A more in-depth investigation could include potential differences in other sociodemographic variables (e.g., gender, age, years of experience in the role, location of work, occupation of a position of trust, and regions of the country). It's understood that this type of analysis can provide valuable information about how respondents' perceptions are influenced by these factors. Tear et al. (2020) report that safety culture perceptions are influenced by an individual's position within the hierarchy

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and national values regarding power distance. Therefore, considering that the study by these researchers involved multiple countries and that Brazil is a country with continental proportions, with each region having its specific cultural values, it's reasonable to suggest that similar investigations conducted at the national level can be explored in future studies. This is particularly relevant for guiding the organization's actions in a relevant and appropriate manner to the needs of each region.

Referencias

Behling, O., & Law, K. S. (2000). Translating questionnaires and other research instruments: problems and solutions. Sage Publications.

Berg, H. P., & Kopisch, C. (2012). Safety Culture and its Influence on Safety. *Journal of KONBiN*, 23(1), 17–28.

Brasil. Ministério da Defesa. Comando da Aeronáutica. (2015). Sistema de Gerenciamento da Segurança Operacional no SISCEAB: DCA 63-3.

Brasil. Ministério da Defesa. Comando da Aeronáutica. Departamento de Controle do Espaço Aéreo. (2017). Cultura de Segurança Operacional no SISCEAB: MCA 63-19.

Costa, F. J. (2011). Mensuração e Desenvolvimento de Escalas. Editora Ciência Moderna.

Dias, J. J. L. (2016). Adaptação e Tradução de Escalas de Mensuração para o Contexto Brasileiro: um Método Sistemático como Alternativa a Técnica Back-Translation. *Métodos e Pesquisa em Administração*, 1(2).

Ek, Å., Akselsson, R., Arvidsson, M., & Johansson, C. R. (2007). Safety culture in Swedish air traffic control. *Safety Science*, 45(7), 791-811.

Eurocontrol. (2008). Safety culture in air traffic management: A white paper. <https://www.skybrary.aero/bookshelf/books/564.pdf>

Fruhen, L. S., Mearns, K. J., Flin, R. H., & Kirwan, B. (2013). From the surface to the underlying meaning-an analysis of senior managers' safety culture perceptions. *Safety science*, 57, 326-334.

Gill, G. K., & Shergill, G. S. (2004). Perceptions of safety management and safety culture in the aviation industry in New Zealand. *Journal of Air Transport Management*, 10(4), 231-237.

Goncalves Filho, A. P., & Waterson, P. (2018). Maturity models and safety culture: A critical review. *Safety science*, 105, 192-211.

Freire, Bispo & Mota. *Assessment of the level of operational safety culture in the perception of professionals in air navigation service provider organizations in the Brazilian context*

Gordon, R., Kirwan, B., & Perrin, E. (2007). Measuring safety culture in a research and development centre: A comparison of two methods in the Air Traffic Management domain. *Safety Science*, 45(6), 669-695.

Hair, J. F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L. (2005). *Multivariate Data Analysis* (6th ed.). Prentice-Hall International.

Heese, M. (2012). Got the Results, Now What Do You Do?: Safety Culture Transformation From Theory Into Practice. *Aviation Psychology and Applied Human Factors*, 2(1), 25–33.

Icao. INTERNATIONAL CIVIL AVIATION ORGANIZATION. (2018). DOC 9859: Safety Management Manual. International Civil Aviation Organization.

Mearns, K., Kirwan, B., Reader, T. W., Jackson, J., Kennedy, R., & Gordon, R. (2013). Development of a methodology for understanding and enhancing safety culture in Air Traffic Management. *Safety science*, 53, 123-133.

Reader, T. W., Noort, M. C., Shorrock, S., & Kirwan, B. (2015). Safety sans Frontières: an international safety culture model. *Risk analysis*, 35(5), 770-789.

Reason, J. T. (1997) *Managing the risks of organizational accidents*. Ashgate.

Schwarz, M., & Kallus, K. W. (2015). Safety culture and safety-relevant behavior in air traffic management. *Aviation Psychology and Applied Human Factors*, 5(1), 3-17.

Schwarz, M., Kallus, K. W., & Gaisbachgrabner, K. (2016). Safety culture, resilient behavior, and stress in air traffic management. *Aviation Psychology and Applied Human Factors*, 6(1), 12.

Tear, M. J., Reader, T. W., Shorrock, S., & Kirwan, B. (2020). Safety culture and power: Interactions between perceptions of safety culture, organisational hierarchy, and national culture. *Safety science*, 121, 550-561.

Public tax policies and inductive tax rules

Políticas públicas tributárias e normas tributárias indutoras

Edemar Rotta¹ 
Rodrigo Severo² 

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Abstract: Public tax policies (PPT) promote inductive tax standards (NTI), aiming to achieve State objectives and promote tax justice by inducing behaviors. And NTIs, species of the extrafiscal genre, present themselves as forms of intervention in the social and economic domain. The delimitation of the study, in taxes, is based on the principles of equality, contributory capacity, proportionality and essentiality; and analyzes the promotion of PPTs using NTIs as a means. It is in this context that the question emerges: What is the constitutional basis and the relationship between PPTs and NTIs? And as an objective, it proposes to know the fundamentals and identify their points of equivalence. The qualitative methodology is carried out based on document analysis and literature review. The investigation revealed that amid the double limitations – tax and economic – of NTIs, equality and contributory capacity lose intensity, but are not completely removed, seeking compatibility, as extra-fiscality presupposes taxation, and the tax can be used as an instrument for achieving public purposes, not only linked to fundraising, through the promotion of PPTs defined based on a public problem, demonstrating the relationship between PPTs and NTIs.

Keywords: Extrafiscality; Inducing tax rules; Tax public policies.

Resumo: As políticas públicas tributárias (PPT) promovem normas tributárias indutoras (NTI), visando concretizar objetivos do Estado e promover justiça fiscal pela indução de comportamentos. E as NTIs, espécies do gênero extrafiscal, apresentam-se como formas de intervenção sobre o domínio social e econômico. A delimitação do estudo, nos impostos, tem como base os princípios da isonomia, capacidade contributiva, proporcionalidade e essencialidade; e analisa a promoção de PPTs tendo como meio as NTIs. É nesse contexto que emerge a questão: Qual a fundamentação constitucional e a relação entre as PPTs e as NTIs? E como objetivo, se propõe a conhecer os fundamentos e identificar seus pontos de equivalência. A metodologia qualitativa é realizada a partir da análise de documentos e revisão de literatura. A investigação revelou que em meio à

¹ Universidade Federal da Fronteira Sul (UFFS) – E-mail: erotta@uffs.edu.br.

² Universidade Federal da Fronteira Sul (UFFS) – E-mail: severo.rodri1@gmail.com.

dupla limitação – tributária e econômica – das NTIs, a isonomia e a capacidade contributiva perdem intensidade, mas não são por completo afastadas, buscando a compatibilização, pois a extrafiscalidade pressupõe a fiscalidade, e o tributo pode ser usado como instrumento para a realização de finalidades públicas, não só vinculadas à arrecadação, por meio da promoção de PPTs definidas a partir de um problema público, demonstrando a relação entre as PPTs e as NTIs. [Texto em LS, 12 pts, justificado e espaçamento simples.

Palavras-chave: Extrafiscalidade; Normas tributárias indutoras; políticas públicas tributárias.

1. Initial Considerations

Law is an instrument for achieving the goals pursued by the State, and this instrumental vision brings it closer to the idea of regulating social life, being present in the different areas of collective and individual life, including public tax policies. By establishing them, oriented and designed to solve a public problem, the State is using means that aim to achieve constitutional objectives and promote fiscal justice, inducing behavior to achieve the State's purpose in the public interest. This gives rise to inductive tax rules, which, in the context of taxes, have a collection function and a tax justice function (Schoueri, 2005).

Inductive tax rules are presented as rules that aim to induce taxpayer behavior, as in the case of the Rural Property Tax (RPT) exemption for those who preserve green areas, and/or as a means of promoting health, when, through the taxes levied, they induce lower consumption, such as the Tax on Industrialized Products (TIP) and on the Circulation of Goods and Services (CGS), by imposing rates according to the essentiality of the products and services, being higher for those that are superfluous (alcoholic beverages, perfumes, etc.) and lower for those considered more essential.) and lower for those considered more essential (food and medicines).

In the end, the realization of the State's purpose – attributed to the convenience and opportunity of the Public Administration – is achieved through the promotion of final public policies – end-activity policies – which are aimed at society; and public tax policies, which are also end-activity policies, but which promote the institution of inductive tax rules; or they can also contribute to revenue, funding the implementation of final public policies. Public tax policies should not be confused with public management policies, which are middle-activity policies and promote instrumental actions and

measures that enable management conditions, making the Public Administration proficient.

This article is limited to understanding the role of the science of Tax Law in state intervention in the economic and social order – an approximation with Economic Law –, in the field of extra-fiscality through public tax policies that promote inductive tax rules, which induce taxpayer behavior, having as limits and foundations the principles and values set out in the Federal Constitution of 1988 (FC/88).

Taxation can affect society and the economy through direct or indirect induction or tax planning. Inductive tax rules are presented as forms of state intervention in the social and economic domain. This situation grows as the government uses taxes to stimulate or discourage behavior.

For Martha Toribio Leão (2015, p. 21), inductive tax rules are species of the extra-fiscality genre and have an inductive effect on the social and economic domain, serving as an instrument for achieving constitutional objectives. Inductive use – in tax rules – which doctrine and jurisprudence find challenging to conceptualize and distinguish from other tax rules, is not only permitted but encouraged by the constitution. This effect coexists in tax rules, to a greater or lesser extent, and not in isolation. This inducing effect would be related to "[...] the notion that the very incidence of taxation is not neutral on the economy [...] after all, taxation is linked to human behavior, and the incidence of taxation becomes a factor to be considered in the decision itself [...]" (2015, p. 15).

Luis Schoueri (2005, p. 43-46) makes an essential distinction between rules of direction and induction, where the difference lies in the degree of freedom granted to the administrator. While the former binds a single consequence to a given hypothesis, the latter provides alternatives, giving stimuli/disincentives that act on their field of will, leading them to adopt the behavior desired by the legislator.

The inductive tax rule, a type of tax rule, neither obliges nor prohibits but encourages (induces) the adoption of behaviors, given the possibility of some consequent, such as an advantage (e.g., tax reduction) or disadvantage (e.g., tax increase), influencing the conduct of taxpayers. These tax rules have a dual structure, with the hypothesis of incidence and its consequence.

The concept of an inductive tax rule is presented by Leão (2015, p. 136) as a species of the genre "tax rules," whose determining criterion for its legitimacy is not the ability to pay but a certain public purpose of induction, distinct and independent from the

mere collection, presupposing the adoption of lawful alternative conduct, in the face of the taxpayer's right to freedom. Therefore, the inductive rule, which is not sanctioning, goes far beyond establishing a tax obligation; it establishes an alternative, which will be encouraged/induced through the stimulus (Bernardes; Lemos, 2017, p. 107-120).

Inductive tax rules are recognized by doctrine and legislation, with repercussions on other types of taxes. Still, the scope of this work will only be limited to taxes, using the principles of tax equality, contributory capacity, proportionality, and essentiality as a reference point in the search for an understanding of inductive tax rules and their relationship with public tax policies. By introducing purposes other than the primary one of collection, extra-fiscal taxes end up causing a restriction on the principle of contributory capacity insofar as they alter the main criterion of balance between taxpayers (Bernardes; Lemos, 2017, p. 23).

Having conceptualized inductive tax rules, the subject of the study seeks to understand the promotion of public tax policies – based on the normative density of constitutional principles – using inductive tax rules as a means, which induce taxpayer behavior due to taxes' extra-fiscality (social and economic) function. In this context, a question arises, which will guide and instigate the construction of the answer we intend to present: What are the constitutional basis and the relationship between public tax policies and inductive tax rules?

Regarding methodology, the approach to the problem is qualitative, based on document analysis and a literature review. The article is organized into sections, with the first section covering the institutes of public policy and public tax policy; the second section deals with the fiscal and extra-fiscal function of tax rules; and finally, the third section focuses on the inductive tax rules that play a leading role.

2. Public policies and public tax policies

There are various concepts of public policies and their relationships, and the role of institutions, especially the State, in defining development strategies and organizing community life. However, to overcome incapacity, the State needs to redefine its role, no longer as a hegemonic agent, but above all as an articulator of collective actions based on expanding the public sphere, forming the basis for the agreed establishment of public policies. The term "public policies" was recently introduced into the FC/88, in articles 216-A and 227, just over two decades after its enactment.

Thus, public policies are a set of government instruments or actions. In this context of public policies, public tax policies emerge since the preamble to our "guiding Constitution" already shows the intention to create an economic and social order. This state is not neutral, with programmatic rules. A state that is not just limited to regulating the market but directing it through instruments – directing tax rules – and with an active stance to achieve the objectives set out by the constitution, especially in articles 3 and 170 of the FC/88 (Nusdeo, 1995).

Therefore, social, and economic goals should also serve as guidelines for tax rules, albeit in a complementary way, carrying out a "cyclical tax policy" (Torres, 1986, p. 637), and we humbly choose to replace Torres' expression with "public tax policies", due to the conceptualization itself, which encompasses the approach to public policies in the current context.

The absence of a leading role in public tax policies, as well as an understanding of their programs, which should be oriented, presenting guidelines for tackling a public problem, can lead to incomprehensible and conflicting misunderstandings in the context of a public policy, as is the case with Ordinance No. 08/91 of the Ministry of Finance, which prohibits the import of used vehicles, and Bill No. 237/2020, presented in the federal legislature authorizing the import of used cars. The question remains as to which public tax policy the State is promoting.

Therefore, due to the complexity of its object, the achievement of such tax public policies requires the concatenation of various administrative axes and, consequently, can be analyzed from different perspectives, making it understand a network of possibilities that must converge on the same magnetic north, otherwise, in the absence of public policies, different paths will be traced without any orientation and convergence of public purposes. This is the role of public policies, especially tax policies.

Thus, it is the extra-fiscality function that has the effect of inducing taxpayer behavior, decreasing or increasing the tax to be paid, as is the case with property taxation, in the case of IPTU or IPVA, when the taxpayer is induced to invest in solar panels on his property (generating sustainable energy) or to purchase less polluting vehicles; or even, in the case of discouraging the consumption of cigarettes, alcoholic beverages, stimulating a healthy behavior of the taxpayer, who will not need to use the SUS.

At this specific point, according to Sacha Calmon Coelho (2009), knowing what is superfluous or not, especially in extra-fiscality, is of unusual importance because when

we look back, we see public tax policies with specific intentions and purposes, which have guided and established guidelines for the development of these inductive tax rules. The goal of public tax policies using a tax rule is to give direction to a public intention and respond to a public problem seen as collectively relevant. This intentionality, in concrete terms, is related to the purpose of the rule and its effectiveness since there is a lack of this effectiveness:

[...] In other words, the lack of practical verification of the expected effects on the economic and social order affects the very validity of the rule [...] if the rule is not capable, in practice, of achieving the desired extra-fiscality objectives, it will prove to be disproportionate, as there will no longer be any justification for using taxation as an instrument of intervention (LEÃO, 2015, p. 23).

Furthermore, the very division and isolation of the sciences, in this case between Tax and Economic Law, may be an answer to the difficulty in giving the extra-fiscality of inductive tax rules their due importance, given that these rules have not only a fiscal function but also an extra-fiscal one, serving as an instrument of state intervention in the social and economic order. It is this inductive aspect of tax rules – which have fiscality in their DNA and do not dispense with the regime laid down for tax rules – that deserves to be highlighted in this study, because as well as providing for the fundamental duty to pay tax, they also provide for the duty to pay extra-fiscal tax.

Thus, there should be no differentiation between inductive tax rules (extra-fiscality) and collection tax rules (fiscal). Still, they should be treated only as tax rules, since, as a means, either would have a function, present to a greater or lesser degree, of collection and induction. The recognition of these two fiscals and extra-fiscality functions invokes proportionality – which will be discussed later – indicating a combination of principles, such as the ability to pay and the principles of the economic and social order (art. 3 and 170, FC/88).

3. The fiscal and extrafiscal function of tax rules

The extra-fiscality, along with taxes, has changed historically, according to the different features that the State has taken on from the other models of economic and social policies, whether in liberal, social-democratic, or neoliberal versions. Taxes have performed economic, social, and political functions since their inception, emerging as a mechanism for intervening in people's behavior, whether by collecting or inducing it. In ancient times, taxation was already seen as an instrument of extra-fiscality when taxes were imposed on luxury goods, single people, and beards, among others, which aimed

not only to raise revenue but also to discourage the consumption of luxury goods, not starting a family or wearing a beard, either because Tsar Peter I of Russia couldn't grow a big beard, or because his citizens looked less Western.

Regarding the extra-fiscality function of taxes, Alfredo Augusto Becker (2007, p. 623) explains that "the main purpose of many taxes will not be that of an instrument for collecting funds to cover public expenses, but that of an instrument of state intervention in the social environment and the private economy." The fiscal and extra-fiscal functions of taxes, which are not mutually exclusive, as they coexist in inductive tax rules, can dominate either one or the other, and there is no need to speak of a law that is exclusively fiscal.

Thus, the extra-fiscality function does not mean the abandonment of tax collection since it is conveyed through a tax rule. Still, instead, an addition of a process to that said, guided by the principles that govern the power to tax. Also, due to extra-fiscal, it must be added to the guidelines, programs, and purposes to be carried out by the State and society, informed by the constitutional precepts of articles 3 and 170 of the FC/88.

According to Pimenta, Lima, and Moura (2017, p. 92), this association of matrices from different constitutional subsystems – tax, social and economic – is what corroborates the existence of extra-fiscal in inductive tax rules since the understanding of part of the doctrine leads to the conclusion that the use of a tax instrument for the priority realization of a non-tax interventional/regulatory purpose requires integrated observance of the principles and rules that may apply in each subsystem. In this sense, Leão refers to Moschetti's doctrine:

Therefore, the close relationship between the tax system and the economic system is evident when it comes to inductive tax rules. The legal regime specific to inducement tax rules, therefore, involves both the principles and regulations relating to the economic and social order and those relating to tax law (LEÃO, 2015, p. 63).

Therefore, the extra-fiscality phenomenon is legitimized because it primarily aims to fulfill constitutional purposes other than the mere collection function of taxes. The intervening effects, through the induction of the extra-fiscality rule, are natural and ultimately lead to revenue for the treasury; however, what must be retained is the primary intention of the extra-fiscality law, which is to achieve its social or economic purpose. An extra-fiscal function, stimulating, inducing/inhibiting behavior, giving concrete form to public tax policies (Pimenta; Lima; Moura, 2017, p. 97).

Tax extra-fiscal and its social and economic effect are introduced right from the opening articles of the FC/88, as in the case of Article 1, which, in addition to presenting the structure of the Democratic State of Law, imposes its foundations, such as the dignity of the human person, the social values of work and free enterprise, which are guiding principles for all the values protected by the FC/88; and, from which others derive, such as Article 170, when it brings free economic initiative, recognized by the Constituent, because business activity is fundamental for the growth of the State.

Therefore, state activity is eminently instrumental, which occurs in terms of taxation in two senses: the first about collection, seeking to enable the realization of finalistic public policies, to give concrete form to the State's objectives, and the second, in favor of the social and economic interest, when taxation can also be used in terms of inducing behavior, as mentioned above, through inductive tax rules, which limit tax imposition in an exercise of negative tax competence, which occurs primarily through immunities.

Thus, extra-fiscality represents a public tax policy to the extent that taxes are used to achieve public – social, and economic – goals. These purposes, as a rule, are performed by stimulating or discouraging certain behaviors, for example, as a means of environmental protection in the RPT exemption for those who preserve green areas or when there is a reduction in the IPVA rate for less polluting vehicles; or in the protection of national industry, by increasing the rates of import or export tax; or even in the increased rates for products that are not essential, excessive or harmful to health; and finally, as an instrument to stimulate consumption, as in the reduction of TIP rates for the purchase of white goods and vehicles. In other words, the tax is a means of achieving one of the two desired ends- fiscal or extra-fiscality - or even both.

In this environment of tax extra-fiscal, in article 170 of the Federal Constitution of 1988, it is possible to locate the purposes that legitimize extra-fiscality as an inducer of social and economic effects, which can be promoted – the purposes – through public tax policies, which will be materialized in the inductive tax rules. The principles of national and economic sovereignty give legitimacy to the modernization of the economy and the search for independence from more developed economies, ensuring a dignified life for all and enabling economic development.

In the quest to understand public tax policies and their relationship with inductive tax rules, the approximation between tax law – taxation – and economic law – intervention

– is part of this study because alongside taxation and intervention, free initiative and competition express values of financial freedom, not subject to any state restriction except by law, since free competition is nothing more than the manifestation of freedom of initiative, with the valorization of work as a realization of the principle of human dignity.

Free competition and initiative can indeed be interfered with by tax law, as in the case of exemptions, tax incentives, and immunities that favor the State's objectives, as well as being conveyed through inductive tax rules. Still, within the weighting of constitutional values and principles – and in this weighting, the focus of proportionality will play an important role, which will be the subject of consideration throughout this study.

The pursuit of full employment, which stems from the constitutional foundations set out in the FC/88, brings as a value, in addition to free initiative, work to provide and create work for all. This principle leads the FC/88, in paragraph 9 of article 195, to admit differentiated rates in social contributions to give concrete expression to this value through a payroll tax exemption. This is a public tax policy, which is instrumentalized through an inductive tax rule. It can also be seen in the case of the quest to reduce regional and social inequalities, dealt with by the constituent in section III of article 3, enabling tax and financial mechanisms to solve these inequalities while at the same time providing, in section I of article 151, for the principle of geographical uniformity, allowing for tax benefits.

Furthermore, the prohibition of taxes with a confiscatory character, annihilating the property right, stems from a choice made by the constituent based on a public tax policy, in which private property and its social function are defined as a fundamental right in sections XXII and XXIII of article 5 of the FC/88, and areas II and III of article 170 include these values in the spectrum of the economic order, being corroborated by section IV of article 150 of the FC/88.

In addition to consumer protection, as provided for in Article 5 (XXXII) of the Federal Constitution of 1988, the safety of the environment for the dignified existence and perpetuation of species has also been enshrined as a fundamental value, conditioning productive activity on respect for an ecologically balanced environment, using ecologically inducing taxes on taxpayers' behavior, either by encouraging them to carry out actions – installing solar panels, buying less polluting vehicles, carbon offsetting – or by discouraging harmful behavior.

Finally, among other principles, and to ensure a dignified existence for all, in keeping with social justice, the FC/88 guarantees the defense of public health in article 6 and item II of article 23, by increasing or reducing the tax burden on certain products, which are sometimes encouraged to be consumed, and sometimes discouraged, as they are harmful to public health; as well as the defense of the family, in article 226 of the FC/88, in the case of IRPF deductions, all with an extra-fiscal purpose, promoted by public tax policies and instrumentalized through inductive tax rules.

In this context, the existence of inductive tax rules is enshrined, whether "positive" or "negative," permeated by the extra-fiscality purpose and compliance with constitutional principles. The doctrine leaves no doubt as to the application of the principle of contributory capacity to extra-fiscality in "tax" inducing rules, albeit indirectly, to carry out the control of the tax rule of incidence on a compatible manifestation of wealth without affecting the existential minimum and affronting the principle of non-confiscation.

In this way, the ability to pay, a sub-principle derived from the principle of equality, ensures that the taxpayer is aware of how much wealth they have so that they can be taxed and, consequently, guaranteed the maintenance of the minimum necessary for survival.

4. Inductive tax rules

Martha Toribio Leão (2015, p. 42-43), when conceptualizing inductive tax rules, states that they are located in the field of alternative recommendations and do not result in a penalty arising from an illegal act, acting as stimuli or disincentives in taxpayers' behavior. They are instruments that can be used to promote social and economic objectives and are placed halfway between tax law and financial law.

While most taxes strive for neutrality as much as possible, in this case, taxes that are "[...] marked by extra-fiscality have the purpose of aggravating this effect, so that it represents a stimulus that causes a behavior change" (Leão, 2015, p. 43).

Fernando Aurélio Zilveti (2005, p. 26), stating that "induction is the antithesis of neutrality e," corroborates that the induction of the taxpayer's conduct is to act by the social and economic purpose intended by the public tax policy. Lobo Torres (1986) concludes by saying that extra-fiscality is a deliberate and conscious stimulus by the legislator, referring to a finalist and interventionist dimension of the tax using an instrument, the inductive tax rule. In other words, extra-fiscality is characterized by the

deliberate will of the legislator to adopt a tax rule with a function that is not only fiscal but also extra-fiscality and induces behavior on the part of the taxpayer, who is the recipient of the tax rule. Since every tax has some inductive effect – not just accidental, but purposeful – this effect is also considered when the taxpayer makes a decision.

In this context of understanding the inductive tax rule, in a preface to Leão's work (2015, p. 12-13), Shoueri questions whether it would be tolerable to have an inductive tax rule which, with a clear tax collection bias, respected the ability to pay, but which "incidentally discriminated against taxpayers in such a way as to induce them to behave contrary to the economic order"; and concludes, in response, that in the case of the "[...] inductive effect, [an] examination of proportionality should be considered [...]" since the tax rule touches on guarantees such as property and freedom, and it would be intolerable for tax rules to connect on securities such as property and liberty.]" since the tax rule touches on guarantees such as property and freedom, and it would be intolerable for inductive tax rules to serve only to increase revenue, deviating from their initial purpose – extra-fiscality –, and violating constitutional guarantees in disproportion to proportionality, which is nothing more than the relationship between the means (inducing tax rule) and the end (inducing – extra-fiscality – effectiveness), since it is more appropriate than looking for the purpose of the law to check whether the inducing effectiveness is pursued by the rule that conveys it.

Shoueri goes on to say that when examining proportionality, it is necessary to take into account three stages: i) adequacy, in which it is analyzed whether the tax rule lends itself to achieving the extra-fiscality purpose that justifies it; ii) necessity, in which it is asked whether there would be the possibility of restricting fundamental rights to a lesser degree, including considering non-tax measures; and, finally, iii) proportionality in the strict sense, in which it is asked whether the rule is reasonable, considering the relationship between means and ends.

Thus, contrary to the public tax policies that guide it, an inducing tax rule would not meet the proportionality/necessity test. Furthermore, when the inducing tax rule achieves its purpose, its inducing effect (effectiveness) becomes unnecessary, considering that the behavior no longer needs to be induced, making the inducing tax rule unnecessary in terms of proportionality/adequacy (Leão, 2015, p. 14-15).

To achieve this inductive purpose of the rule, the legislator can use the technique of aggravation, inducing and burdening the taxpayer more severely. This aggravation can

occur through the institution of a previously non-existent tax or its increase, reaching the undesired behavior, or it can also use advantages for the taxpayer, such as incentives (exemption) for taxpayers who adopt the behaviors desired by the legislator (PASCALI; DELIGNE, 2017, p. 52-53).

José Casalta Nabais corroborates this understanding when he states that:

Extra-fiscality, in the proper sense, encompasses the legal and fiscal rules of taxation (tax and tax increases) and non-taxation (tax benefits), whose main function is not to raise revenue but to pursue economic and social objectives (2012, p. 695).

To understand inductive tax rules, their alternative behaviors to which taxpayers are induced, and their inductive effect with an extra-fiscal purpose within a conjecture and expectation to have social and economic effectiveness, Leão (2015, p. 130-155) suggests the following criteria: compliance with the principle of equality; effectiveness control; compliance with the principle of proportionality; the complementarity of tax law and its subsidiary application; and fulfillment of the purpose.

Inductive tax rules can be found throughout the legal system, such as exemptions and tax incentives at the legal level; and, in the FC/88, immunities stand out, as they are a negative rule of competence, which is directly linked to the promotion of the objectives outlined by the Constitution to Governments.

The following are examples of inductive tax rules at the legal exemption level: exemptions for the development of regions or to prevent the imbalance of competition by encouraging micro and small businesses; differentiated rates in the case of progressive IPTU and RPT, both of which expressly provide for an incentive to use the urban property or a disincentive to the underutilization of productive areas, in attention to the constitutional social function of property; differentiated rates for the IPVA, based on use, or for the IPTU itself, according to the location and service of the property; green IPTU; green IPVA; and green CGS, which encourages taxpayers to use sustainability tools by reducing rates.

There are also Import Taxes (IT), Export Taxes (ET), Taxes on Industrialized Products (TIP), and Taxes on Financial Transactions (TFT), all of which have a regulatory and interventionist nature and are instruments of the State to intervene in the social and economic order.

Therefore, the function of the inductive tax rule is different from the collection rule. Still, the instrument is the same: the law that establishes a tax species, as in the

present analogy, in which the car, a vehicle to drive to a specific place, can have Santa Rosa and/or Salvador as its destination; in this way, it is the inductive tax rules – cars/instrument/means – that have as their purpose – destination – the collection (fiscal) and/or the induction (extra-fiscality) of a particular behavior.

It is in this context that, for Leão (2015, p. 60), the duty imposed by the "inductive tax rule must be treated as a tax duty" since "every extra-fiscal tax is necessarily subject to the legal-tax regime," there being "no difference in legal essence between tax and extra-fiscal taxes" since they are "first and foremost of a tax nature." And "before their characterization as rules with the clear objective of influencing the behavior of taxpayers (using the term inducements), these rules are taxes," carrying out an "inductive purpose through tax incidence." This explains "why, to issue these rules, it is essential that the entity has tax jurisdiction" and does not leave aside the constitutional limitations on the power to tax.

Thus, inductive tax rules are doubly limited rules, combining, within constitutional proportionality, the principles and limits of tax law with economic law, corroborating Moschetti's reference in Leão:

[...] MOSCHETTI warns that the extra-fiscality use of taxes is doubly limited: extra-fiscal tax rules must respect not only the limits relating specifically to tax power (respect for the ability to pay, which means compliance with economic capacity and the collective interest deducible from constitutional principles) but also those that refer to the material fields indirectly influenced by them (2015, p. 53).

In this sense, it would be incomprehensible to disassociate the limitations on the power to tax, especially the principles and values enshrined in the FC/88, from these tax rules, even if they are of an extra-fiscality nature because they are vehicles for instituting taxes and should be governed by the principles that guide Tax Law and Economic Law, to a greater or lesser extent, duly adjusted to the necessary proportionality that they are subjected to in the face of the involvement of specific limitations and restrictions on freedom, property and equality, but due to the promotion of other public purposes.

This "wall" of limitations on the power to tax is solidly built with some "brick" principles, such as the principles of legality, equality, ability to pay, non-retroactivity, and anteriority, among others. However, they have many mitigations because of extra-fiscality in the face of the need to regulate the market for social and economic purposes,

such as the principle of prohibition of confiscation, which sets explicit limits on arbitrary discrimination, praising property rights, and must be a burden that can be borne by the taxpayer, without reaching the existential minimum that compromises dignified existence, with the regular satisfaction of vital needs.

Finally, in item I of article 151, the constituent law expressly makes it possible for tax rules to have an inductive effect by allowing "[...] the granting of tax incentives designed to promote the balance of socio-economic development between the country's different regions".

In this constitutional context, the social duty to pay taxes emerges, as in the case of a farmer who produces wheat on his property and exports it due to the more favorable trade balance, enjoying immunity for shipping this product. However, the same farmer pays more for wheat flour because it is imported from Argentina and manufactured in Brazil. It can be seen that the beneficiary of the inductive tax rule (immunity) that encourages Brazilian producers to export is the exact target of the inductive tax rule that discourages imports (IT) of products produced in Brazil, seeking to protect its domestic market. The question that emerges is: What will the public tax policy be?

Another example would be generating jobs in the automobile industry when the IT tax is raised, protecting the domestic market. The same taxpayer/consumer of the imported vehicle (who chooses to buy an imported car) benefits from employment and income generation in the automotive industry where he is employed.

Such examples corroborate Casalta Nabais' (2012) maxim that it is a fundamental duty to pay taxes, as in the case of smokers, whose high tax burden on cigarettes is a disincentive and, at the same time, a contribution to the health system if the State funds their treatment.

Leão (2015, p. 91), in his work dealing with the above-mentioned inductive tax rules, highlights a relevant aspect when he says that by "[...] establishing a purpose other than merely collection, these taxes end up departing, to a certain extent, from the criterion defined by the constituent for the differentiation of taxpayers, that is, contributory capacity". However, he states that:

[...] we will face a new purpose and, consequently, another criterion that differentiates between taxpayers, even though the ability to pay continues to play a role [...]. This different purpose, which brings with it an other criterion, must be controlled by the principle of equality insofar as it is a tax that restricts each citizen's rights to property, freedom, and equality (2015, p. 91-92).

In tax rules with the sole purpose of collecting taxes, the FC/88 has chosen contributory capacity as the criterion or measure for comparing taxpayers. And the bar (ability to pay) and the purpose (equal distribution of the tax burden) are close.

In this way, rules with a tax collection purpose must be evaluated by the ability to pay, and inductive rules that pursue a concrete public goal, stimulating/discouraging behavior, must be analyzed, taking into account the promotion of this purpose since inductive tax rules are justified by the goal of intervening in the social and economic order.

In this way, the tax, as a social divider of state costs and public services and goods financing, loses its intensity and becomes an instrument for promoting different state purposes. As the criterion of economic capacity loses its prominence in the field of extra-fiscality, the principle of equality begins to use a differentiation criterion linked to the extra-fiscality purpose since the difference in tax burden will take into account not only (or instead, not as a general criterion) the ability to pay, but the fulfillment or not of the extra-fiscality purpose pursued. (Leão, 2015, p. 94).

When it comes to understanding tax rules, Shoueri (2005) clarifies that the applicability of contributory capacity to inductive tax rules will act alongside other principles in a relationship of integration since they serve to achieve the same constitutional purpose, taking the latter position since inductive tax rules do not lose their tax nature.

In the same vein, Costa (2012) states that extra-fiscality reduces the effectiveness of the ability-to-pay principle since its observance is not entirely removed – it becomes more "elastic," according to Horvath (2002, p. 92) – since the legislator cannot neglect to pay attention to the limits required by ability-to-pay, such as maintaining the minimum standard of living, non-confiscation, and non-restriction of other constitutional rights.

For Londe and Guedes (2017, p. 226-227), it is from the moment that the criterion of economic capacity loses prominence in the field of extra-fiscality that the principle of equality begins to use a differentiation criterion linked to the extra-fiscality purpose since the difference in tax burden will take into account not only the contributory capacity but the fulfillment of the extra-fiscality purpose to be achieved. Thus, even though taxation can be linked to a social and economic sense, there must be a limit to the sacrifice imposed

in the name of the public purpose, however expensive it may be to society since the prohibition on taxing the existential minimum is also related to the ability to pay.

According to Leão, there is a double limitation, in addition to that related to Tax Law and Economic Law, about Moschetti, since allowing.

[...] discriminatory treatment of formally equal economic capacities, in the name of the collective interest, does not mean giving the legislator unlimited power. [...]. It is, in fact, a new limit for the legislator since, for this type of rule, as already mentioned, the limitation is twofold: both economic capacity and collective demands [...] (LEÃO, 2015, p. 112).

On the legitimacy of the ability to pay and its permeability in inductive tax rules, Leão (2015, p. 113) concludes that "economic capacity cannot be dispensed with, since this would mean emptying what the main foundation of the tax is and, consequently, would end up making the tax a denaturalized figure."

Once the issue of the ability to pay has been overcome, Fábio Canazaro presents the principle of essentiality from another point of view, which is no less important but contributes to understanding the legal nature of these inductive tax rules. He argues that equality and ability to pay have essentiality as a criterion, which is elevated by the author to the category of a principle, with selectivity as a taxation technique.

Thus, the rules are given a better meaning through their systematic interpretation. Essentiality is moved from a taxation technique to a principle, alongside the ability to pay – a limitation on the power to tax – since the legislator would not be "free to identify or conceptualize what is and what is not essential" (Canazaro, 2015, p. 153).

Since it is their guarantee, Selectivity has become an essential principle of tax justice for the legislator and the taxpayer. The legislator, when stipulating tax rates on a discretionary basis through a judgment of convenience and opportunity – presupposing a public tax policy – must be guided by proportionality and reasonableness since essentiality has a minimum content, by item IV of article 7 of the FC/88, which lists the basic needs that the minimum wage must meet. An example of the control of this minimum was the *Americanas/SC* case (RE 714.139/SC).

For Canazaro (2015, p. 154), tax essentiality is a principle. The legislator is not free to identify or conceptualize what is and what is not essential as an indicative factor to promote equality since two duties derive from the fundamental principle of equality: the duty of equal and diverse treatment and tax essentiality, which is characterized as a

limitation on the power to tax, in which tax equality and the ability to pay are express limitations on the power to tax.

Therefore, it is the existence of the primary purpose of influencing behavior that characterizes the inductive tax rule, and according to Schoueri (2005, p. 30), "the tax rule, by inducing behavior [...] must take into account its social and economic effects".

So, how does one identify an inductive tax rule? These rules are induced by a public tax policy to promote a solution to a social and economic problem.

It's worth noting that from its cause to its purpose, the inductive tax rule aims to induce behavior due to its extra-fiscal function. In an economic and social conjecture, this function has the inductive effect of achieving the purpose (expectation) promoted by the public tax policy, which is instrumentalized by the inductive tax rule.

Therefore, while we can affirm the evidence that taxation influences taxpayers' behavior, regardless of whether it is fiscal or extra-fiscality in nature, since the inducing tax acts as a reward for the taxpayer, who starts to act by the promotion of a specific purpose, it is public tax policies that, based on a public problem, promote alternatives to overcome this problem through the instrument that are the inducing tax rules.

5. Final considerations

Having concluded the research, it is pertinent to systematize the inferences drawn regarding the role and relationship between public tax policies and inductive tax rules.

In this sense, article 3 of the Federal Constitution of 1988 lists several fundamental objectives to be pursued by the State; to achieve these objectives, the State uses taxes as a way of raising funds to put public policies into practice and often also to intervene in the social and economic environment. This tax collection is of great importance to the State because there is only a point in providing for various social rights by actually implementing them through public policies, especially public tax policies.

Later on, in article 170, when dealing with the economic order, the constituent law highlights the following as the purpose of the State: "to ensure a dignified existence for all, by the dictates of social justice" and "by valuing human work and free enterprise." Thus, extra-fiscality is inserted to establish a just society in which the human person is valued and their dignity safeguarded.

This taxation, carried out using inductive tax rules, translates into an essential instrument in the realization of these objectives and principles enshrined in the FC/88, stimulating or inducing behavior, acting together not only in the economy but also in

sociology, politics, culture, the arts, etc., because they are tax rules that operate on the economic order, and which must follow the governing principles of both the tax order and the economic order, and must not exceed the limits imposed by the regulations of private property, prohibition of confiscation, free competition, tax legality, ability to pay, among countless others.

A vital paradox that stands out is the collection of revenue from inductive tax rules, since by stimulating/discouraging behavior, they can reduce payment depending on the situation. However, introducing this tax law is not solely and exclusively intended to raise revenue but rather to induce behavior.

Thus, the extra-fiscality promoted by public tax policies and instrumentalized through inductive tax rules emerges as a possible alternative connection between the State and the taxpayer in the search for the common public interest.

In addition, this investigation revealed that amid the double limitation – of Tax Law and Economic Law – of inductive tax rules, equality and the ability to pay lose their intensity but are not entirely removed. Compatibility is sought since it is impossible to admit that there is no relationship between extra-fiscality, equality, and ability to pay.

Therefore, by establishing a purpose other than pure collection, these taxes end up departing, to a certain extent, from the usual criterion for imposing tax rules, with the tax no longer being chosen solely as a social divider of state costs and the financing of public services and goods, but becoming an instrument for promoting different state purposes, led by inductive tax rules, which respond to the public problem that gave rise to a public tax policy, promoting the inductive tax rule to induce taxpayer behavior.

Therefore, it has become clear that, since taxation is an instrument with both fiscal and extra-fiscality functions, it cannot be seen as the only state instrument for promoting public purposes but must act in a complementary and subsidiary manner. It is a choice, within the scope of public tax policies, whereby the government chooses to stimulate or discourage a taxpayer's behavior rather than invest, as in the case of granting tax incentives for the purchase of electric vehicles, as a way of meeting the dictates of a public environmental tax policy, in the sense of ecological and balanced development, which can make it possible to reduce the price of these vehicles, boosting the increase in their production in national territory.

Thus, corroborating the fundamental duty to pay (extra)tax, since extra-fiscality presupposes taxation, and tax can be used as an instrument to achieve public purposes not

linked solely to tax collection through the promotion of defined public tax policies based on a public problem, the existence and relationship between public tax policies and inductive tax rules is demonstrated.

References

Bernardes, F. C., & Lemos, J. F. (2017). Análise da extrafiscalidade na estrutura da norma jurídica tributária. In V. de Souza Lobato (Ed.), *Extrafiscalidade: Conceito, interpretação, limites e alcance* (pp. 107-121). Belo Horizonte: Fórum.

Canazaro, F. (2015). *Essencialidade Tributária: igualdade, capacidade contributiva e extrafiscalidade na tributação do consumo*. Porto Alegre: Livraria do Advogado.

Coêlho, S. C. N. (2009). *Curso de Direito Tributário brasileiro*. Rio de Janeiro: Forense.

Costa, R. H. (2012). *Capacidade Contributiva* (4ª ed.). São Paulo: Malheiros.

Horvath, E. (2002). *O Princípio do Não Confisco no Direito Tributário*. São Paulo: Dialética.

Leão, M. T. (2015). *Controle da extrafiscalidade*. São Paulo: Quartier Latin.

Londe, C. R. O., & Guedes, F. A. (2017). Eventuais efeitos sancionatórios da extrafiscalidade e sua (in)adequação ao ordenamento jurídico pátrio. In V. de Souza Lobato (Ed.), *Extrafiscalidade: Conceito, interpretação, limites e alcance* (pp. 207-228). Belo Horizonte: Fórum.

Nabais, J. C. (2012). *O Dever Fundamental de Pagar Impostos: contributo para a compreensão constitucional do estado fiscal contemporâneo*. Coimbra: Almedina.

Nusdeo, F. (1995). *Fundamentos para uma codificação do Direito Econômico*. São Paulo: Revista dos Tribunais.

Pascali, A. de, & Deligne, M. de S. P. (2017). Poder judiciário e o controle das normas tributárias. In V. de Souza Lobato (Ed.), *Extrafiscalidade: Conceito, interpretação, limites e alcance* (pp. 49-66). Belo Horizonte: Fórum.

Pimenta, D. de M., Lima, L. R. de, & Moura, R. B. de. (2017). O alcance e os limites da extrafiscalidade. In V. de Souza Lobato (Ed.), *Extrafiscalidade: Conceito, interpretação, limites e alcance* (pp. 87-105). Belo Horizonte: Fórum.

Schoueri, L. E. (2005). *Normas tributárias indutoras e intervenção econômica*. Rio de Janeiro: Forense.

Torres, R. L. (1986). *Sistemas Tributários*. Rio de Janeiro: Forense.

Zilveti, F. A. (2005). Variações sobre o princípio da neutralidade no direito tributário. *Direito Tributário Internacional*, 19, 24-40. Recuperado de <https://revista.ibdt.org.br/index.php/RDTA/article/view/1701/1187>

Critical studies in public policy evaluation: main contributions to the field

Estudos críticos em avaliação de políticas públicas: principais contribuições para o campo

Ewerlane Tavares de Oliveira¹ 
Camila Gonçalves de Mario² 

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Abstract: The purpose of this article is, from a bibliographic review, to systematize the main contributions of authors of the Brazilian evaluation field that are aligned with what, for analytical purposes, we call "field of critical studies in public policy evaluation". The authors selected for the analysis are characterized by their criticism to the positivist definition commonly given to evaluation, denounce the disassociation between values and techniques, the idea of evaluators as neutral subjects, and the conception that the best evaluation methods are those inspired by the Natural Sciences, considered "gold standard". In this sense, they propose theoretical approaches and analytical methods that consider (1) the need for the subjects involved in the construction of the evaluation to make explicit their value matrixes and (2) the importance of replacing manuals with pre-defined methodologies using multiple methods and instruments, according to what the evaluative research asks for. At the end, we explore the "in-depth evaluation" method that favors an interpretative approach, using research tools from anthropology, as an alternative for the field of public policies evaluation.

Keywords: Public policies; critical evaluation; counter-hegemonic evaluation; critical studies.

Resumo: O intuito deste artigo é, a partir de um balanço bibliográfico, sistematizar as principais contribuições de autores do campo de avaliação brasileiro que se alinham ao que, para efeitos analíticos, denominamos "campo de estudos críticos em avaliação de políticas públicas". Os autores selecionados para a análise se caracterizam pela crítica à definição positivista comumente dada à avaliação, denunciam a desassociação entre valores e técnicas, a ideia de avaliadores como sujeitos neutros, e a concepção de que os melhores métodos avaliativos são aqueles inspirados nas Ciências Naturais, considerados "padrão-ouro". Nesse sentido, propõem abordagens teóricas e métodos analíticos que

¹ Instituto Universitário de Pesquisas do Rio de Janeiro– E-mail: ewerlane07@gmail.com.

² Instituto Universitário de Pesquisas do Rio de Janeiro– E-mail: camilagdemario@gmail.com.

consideram (1) a necessidade de os sujeitos envolvidos na construção da avaliação explicitarem suas matrizes de valor e (2) a importância de se substituir manuais com metodologias pré-definidas pela utilização de múltiplos métodos e instrumentos, segundo o que pede a pesquisa avaliativa. Ao final, explora-se o método de “avaliação em profundidade” que privilegia uma abordagem interpretativa, com uso de ferramentas de pesquisa da Antropologia, como alternativa para o campo da avaliação de políticas públicas.

Palavras-chave: Políticas públicas; avaliação crítica; avaliação contra-hegemônica; estudos críticos.

1. Introduction

This article presents the main contributions to the field of public policy evaluation based on the analysis of Brazilian authors who are characterized by adopting a counter-hegemonic theoretical-analytical stance, referred to here as the "field of critical evaluation studies". We suggest that understanding this field and its critique enables it to be strengthened and enhanced, collaborating more comprehensively with the reflection on evaluation practice and its meanings for the field of evaluation. Because, as Boullosa (2020) argues about the field of evaluation, the increase in critical studies has the potential to give rise to a movement of search for "positionality" by evaluators.

We adopted the notion of field from Bourdieu's (2004) perspective of the scientific field, for which the field is a relatively autonomous space, endowed with its own laws to which the actors who are part of it are subject. The field is always a field of forces, marked by struggles to preserve or transform it. The actors' practices are built in relation to its structure, as they internalize the field and incorporate its rules into their own practice. We understand that the field of public policy (Farah, 2016) and the field of evaluation are currently consolidated in Brazil and are permeated by disputes and conflicts over their meanings and practices. What we have observed from the practice and debate sparked by the authors we have listed in this article is the formation of a critical evaluation field that seeks to put a strain on entrenched meanings that are not subject to reflection, and therefore to the exercise of criticism.

The field of public policy evaluation in Brazil began to expand especially in the 1990s, in a scenario where the Brazilian state adopted a reformist agenda (Faria, 2005). This reform had a managerialist bias, with an emphasis on "[...] results and the de-responsibilization/devolution/privatization of the provision of social goods and services [...]" (Faria, 2005, p. 99). Evaluations in this period took center stage precisely because it was hoped that they would,

[...] guarantee the credibility of the reform process and the political sustainability of the guidelines for deregulation and reducing the size of government [...], and that [...] transparency in public management and user/client satisfaction could be fostered (Faria, 2005, p. 100).

According to Jannuzzi (2020, p. 40), this liberal logic of the 1990s persecuted Public Administration and "ended up shaping the field with a strong technical-formal-positivist bias and guided by economic criteria". The importance given to evaluation during this period was also due to Brazil's economic dependence on international funding agencies, which began to demand monitoring and evaluation systems for the projects they funded (Rodrigues, 2008). In this way, manuals in the field of Evaluation produced by these institutions ended up forming "[...] the heads and minds of a significant part of the epistemic and practical community in Ibero-American countries [...]" (Jannuzzi, 2020, p. 41). This mentality translates into the idea of evaluation as an instrument in the final stage of the public policy cycle, with a normative bias and prioritizing technical aspects, as well as an emphasis on its managerial role (Faria, 2005).

In this sense, a positivist conception was created that persists to this day in the field, where it is believed that public policy evaluations should be neutral, impartial, and based on the "unsuspected" precepts contained in the manuals produced by international agencies (Jannuzzi, 2016). From this perspective, the evaluator is,

[...] understood more than as a subject with a tendency towards neutral positionality [...], but [...] as someone who promotes the separation between politics and public policies, advocating for a management that is neutral (Boullosa, Oliveira, Araújo & Gussi, 2021a, p. 09).

In this conception, evaluation is understood as an objective, orderly phenomenon, capable of measuring results, efficacy, efficiency, effectiveness, impact, sustainability on some object of public policy, program and/or project (Boullosa et al., 2021a, p. 04). From a methodological and epistemological point of view, this strand is also characterized by the "[...] top-down paradigm of state action, on a macro scale for empirical investigations, with the clear primacy of the scientific-experimental method" (Boullosa, 2020, p. 15).

However, some authors have challenged these notions about evaluation, with critical studies on evaluation growing especially since 2010 (Boullosa, Peres, & Bessa, 2021b). The authors selected for the analysis in this article are characterized by their criticism of the positivist definition commonly given to evaluation and for denouncing: the disassociation between values and techniques; the idea of evaluators as neutral

subjects, and the conception that the best evaluation methods are those inspired by the Natural Sciences, considered the "gold standard". In this sense, they propose theoretical approaches and analytical methods that consider (1) the need for the subjects involved in the evaluation practice to make their value matrices explicit and (2) the importance of replacing manuals with pre-defined methodologies with the use of multiple methods and instruments, in a movement that claims a process of antimanualization of the evaluation field.

For the purposes of this article, it is understood that adopting a theoretical-analytical perspective aligned with critique implies a reflexive attitude, capable of elaborating a critique that is immanent to the context - aware that the critique elaborated results from that same context - while at the same time pointing beyond what is established. In other words, it is the task of criticism to reconstruct the justificatory narratives that organize and constitutes the actual order, seeking to demonstrate their contradictions. The authors who will be analyzed and who provide the basis for this reflection seek precisely to tension the meanings of evaluative practice, exposing it to the exercise of criticism by adopting a pluralistic and relational approach, as well as pointing to alternative methods that are built on a reflective evaluative practice.

In the first part of this article, we present the main arguments and approaches developed from the perspective of critical evaluation as opposed to the rational-positivist view, especially those related to the political character of evaluation and those related to the evaluative-deontological dimensions. Then, we discuss the methodology used in public policy evaluations and some alternatives proposed by authors from the critical field to overcome the problems generated by the positivist heritage. Finally, the final considerations.

2. Deontological dimensions of evaluation

Evaluation is not just a rational, technical, and procedural activity aimed at producing "neutral" and scientifically proven results. It is necessary to think about the evaluation of public policies beyond its technical aspect and problematize "[...] how evaluations influence (or not) the implementation, (dis)continuity and innovation of public policies" (Boullosa et al., 2021a, p. 03). It is not a simple task to present a single definition, (Boullosa et al., 2021a, p. 03). It is not a simple task to present a single definition of evaluation, considering that "the evaluation of public policies is a polysemic concept, which articulates different theoretical references and methodological approaches

from various areas of knowledge" (Boullosa et al., 2021a, p. 04). However, it is possible to identify the main contributions to the constitution of the field of critical evaluation studies in Brazil.

The idea of evaluation as "[...] a systemic, pragmatic, aseptic and exclusively technical activity" (Boullosa et al., 2021a, p. 03) has been questioned by some authors in the field of critical evaluation studies, breaking with a rational-positivist tradition. As Jannuzzi (2020) points out, this hegemonic evaluation logic does not seem to be leading to more effective public policies.

As mentioned above, Faria (2005) already drew attention to the political dimension of public policy evaluation when he discussed how evaluation in the 1990s was instituted as an administrative instrument put at the service of state reform, giving it a managerialist tone and oblivious to political disputes. For the author, evaluation is not limited to its instrumental use, that is, it is not restricted to supporting decision-makers, but can be used, for example, to educate local program technicians, to "[...] mobilize support for the position that decision-makers already have on the changes needed in the policy or program" (Faria, 2005, p. 103).

In this way, the authors analyzed in this article indicate the need to discuss the deontological dimension, and at the same time politicize the idea of the field and evaluation. Initially, we would like to point out that the discussion about the deontological dimension of evaluations is centered around the need to think about the role of the analyst and the meanings of their analyses (Boullosa et al., 2021b). As Boullosa et al. (2021a) argue, the field of evaluation has been marked by little reflexivity, not imposing positionality on evaluators, not requiring them to position themselves on and in the field itself. Reflexivity is understood as

[...] the capacity for (self-)critical interpretation of the individual and social values defended, the theoretical and methodological understandings, the experiences lived and the formation of the identities of the evaluators in the development of their activities (Boullosa et al., 2021a, p. 02).

Reflexivity would precede positionality, which is in the existentiality of each being, and is given by identities and by a sensitive understanding of the social markers of vulnerabilities and oppressions experienced daily. In this sense, the authors draw attention to the importance and need to think from which positions "[...] evidence and arguments around evaluative studies are produced and reproduced" (Boullosa et al., 2021a, p. 02).

Unlike the hegemonic tradition's aseptic notion of evaluators, Boullosa et al. (2021a) and Boullosa et al. (2021b) consider them to be political subjects who are part of the policy process and must problematize their own value matrices to assume positions. According to the authors, the lack of "reflection-in-action" leads to the impoverishment of the field, since only the exercise of reflexivity can guarantee a critical positioning of the actors. Only in this way is it possible to think while acting in public policy processes, the exercise of reflexivity is what allows past experiences to inform and transform the future, enriching its quality (Boullosa et al., 2021b, p. 324).

Thus, according to Boullosa et al. (2021b, p. 325) evaluators, instead of thinking of themselves as subjects who only provide accurate data for politicians or policy makers, should see themselves as "[...] inserted in critical learning processes, in which they would play the role of facilitators of dialogue; producers of arguments and evidence that support public debate; advisors".

Along these lines, Bollousa (2020), Boullosa et al. (2021a), Jannuzzi (2020) and De Mario et al. (2016) point to the pedagogical dimension of the evaluation process. The authors adopt a perspective of evaluation as a producer of evaluative knowledge to support the improvement and management of programs, from their design to the analysis of their impact. In this understanding, "[...] knowledge is normative, subjective, socially constructed and, most importantly, implicitly anchored in active value structures" (Boullosa, 2020, p. 25). This perspective rejects the idea of evaluation as an instrument whose purpose is only to analyze results or simply produce data for accountability.

De Mario et al. (2016), by analyzing the process of producing accountability data for Public Ombudsman Offices, highlight how the pedagogical dimension of evaluation operates in practice and emphasize its potential because it is a process that considers the different aspects and voices of the various actors - from citizens to policy executors - included in the production of public policies relevant to the scope of the body's work. The accountability model adopted by the Public Ombudsman's Offices is configured as an endogenous evaluation process (De Mario, 2018), which enables the development of an epistemic diagnosis and a continuous evaluation of public policies, based on substantive criteria, and guided by the promotion of social justice (De Mario et al., 2016, p.59).

Based on the understanding that fact and value are inseparable dimensions of "doing science", authors from the critical field argue that techniques and values are inseparable from the evaluation process. Evaluating necessarily involves a value

judgment. Even if a given evaluation is considered neutral, there is always a framework of values that underlies it and validates it. In this sense, it is essential that the methodological design of the evaluation is anchored in a framework of values made explicit by the evaluation team (Boullosa, 2020). Thus, "[...] evaluation must articulate and reveal meanings, concepts, values, intentions and practices" (Boullosa et al., 2021a, p. 02), as well as "[...] revealing the matrix of values that underlies and structures the entire process" (Boullosa et al., 2021a, p. 10).

Therefore, contrary to the discourse based on the rational-positivist tradition, there is no neutral, value-free, or depoliticized evaluation of public policies (Boullosa, 2020, Boullosa et al., 2021a). This paradigm shift took a few decades and went through a number of schools of thought. Boullosa et al. (2021b) describe the path taken by the social sciences on the notion of evaluating public policies, from a rational-positivist perspective to a critical (or post-positivist) perspective. It is within this horizon of explaining the value framework that Boullosa et al. (2021a) argue that these values should consider the construction of a democratic society and the promotion of processes to make invisible subjects visible. Similarly, Jannuzzi (2020) points to the importance of evaluation being driven by public values of democratization and the institutionalization of rights. Jannuzzi (2011) and Laisner and De Mario (2014) also point out that the goal of evaluation is to transform the quality of life of the beneficiaries of the programs being evaluated, which means looking for programs guided by issues of justice and concerned with promoting social justice.

Considering this logic of evaluation based on the idea of promoting a fairer society, De Mario (2016) proposes that, in addition to analyses and evaluations concerned with the institutional processes and procedures (and their effectiveness) adopted for the process of producing a policy, it is necessary for the analysis and evaluation of public policies to consider the values that justify and legitimize the policy. Thus, for the author, it is necessary for the evaluator to question,

[...] what conceptions of justice are expressed in the design of the policy, what procedures should ideally be adopted given the objectives of the policy and the intended results, whether these procedures are transparent and known to all, whether they really provide the fairest result - given the objectives of the policy - and whether the results achieved are consistent with what is understood to be fair (De Mario, 2016, p. 11).

Questioning the values supported by the policy makes it possible to adopt a substantive evaluative perspective that is concerned with ideas and values and the role of the actors involved in understanding the process of producing a public policy and its results, it is a perspective based on the notion that public policies contain values supported by society and removes the analytical emphasis from institutional processes, procedures and efficiency, understanding the institution's performance from the context and disputes over political projects that mark the role of the actors directly or indirectly involved with the public policy being evaluated or analyzed (De Mario, 2016).

Another important discussion on the values that underpin public policy evaluations is carried out by Jannuzzi (2016). According to the author, economic efficiency, procedural efficacy, and social effectiveness are the three values in dispute in the field of evaluation in contemporary Brazil. The first is preferred by those who advocate a less protagonist state, with its activities delegated to the markets, while procedural effectiveness concerns legal compliance with the administrative act, and is the value that guides audits, assessments, opinions, and recommendations. Social effectiveness is the value that aims to guarantee social rights and better living conditions for citizens, which also promotes a fairer and more socially cohesive society (Jannuzzi, 2016, p. 132). The author argues that,

[...] although all are republican values intrinsic to democratic societies, the primacy of one over the others is conditioned by the underlying conception of Social Justice and the way to achieve it; in turn, this conception points to the evaluation model to be used which, in the end, provides evidence that reinforces or not the worldviews and public policy choices made (Jannuzzi, 2016, p. 127).

It is in this sense that the author defends social effectiveness as the maximum value to be sought in the evaluation design of policies and programs. Economic efficiency and procedural effectiveness would then be "[...] means-criteria, applied to processes and activities, not the ultimate values of Policies" (Jannuzzi, 2016, p. 136). Thus, for Jannuzzi,

[...] as advocated by the 1988 Constitution and several other current normative documents that establish National Policies and International Treaties, values such as equity, justice, social well-being and, in time, environmental sustainability are the final criteria to inspire the Evaluations (Jannuzzi, 2016, p. 137).

Laisner and De Mario (2014) propose that the practice of evaluation should be participatory, that it should take place continuously, right from the formulation of the policy and that it should be adopted as an endogenous practice - not just external to the

institution responsible for producing the public policy. The authors emphasize its potential as an instrument of social control, since evaluation provides data and information that is fundamental for ensuring transparency, accountability in public management and public debate with civil society.

For this to happen, it is necessary for civil society to have spaces for participation at different moments in political life and government bodies, which should no longer be a bureaucratic procedure, but one of effective participation. According to the authors, these spaces "[...] also give a voice to new actors and issues, give visibility to conflict, allowing divergent interests and opinions to be recognized, and provide their participants with access to information, knowledge and power" (Laisner & De Mario, 2014, p. 625).

The participation of civil society enables an evaluation practice that is committed to producing data not only for managers and technicians, but also for social control. From this perspective, evaluation is seen as a democratic requirement, not restricted to technocratic spaces. It is a question of adopting an epistemic approach which, by considering the substantive aspects of what citizens and civil servants say, allows for the development of an evaluation model anchored in the process of policy legitimacy. For this reason, De Mario, Laisner & Granja (2016) emphasize the importance of publicizing the evaluation process and its criteria, which would ensure greater involvement by society.

De Mario et al. (2016, p. 58) also see the politicized participation of the population as an exercise in citizenship, capable of enabling the construction of a new culture of political participation. According to the authors, participation depends on

[...] of a set of skills of society and its pressure mechanisms, which we know that society itself often does not count on, which means that, above all, this evaluation paradigm, as an exercise of citizenship, must be based on a new culture of political participation, a new configuration of relations between society and the State, which we understand can be learned, if well constituted as an institutional practice.

Laisner & De Mario (2014, p. 625) also state that it is essential that the ethical debate on the manager's responsibilities towards society be incorporated into public policy, considering the impact of policy on social relations, on people's lives and on relationships that are built between these and public policies. It is in this way, according to the authors, that the dimensions of evaluation as social control and as a management

instrument intertwine, as the manager has data and information available to improve public policy.

3. Methodological dimension of evaluations

Just like the meanings and deontological dimension of evaluation, for authors in the field of critical studies in evaluation, the methodological dimension also needs to be questioned. Boullosa et al. (2021a) argue that the instruments used in evaluative research should not be naturalized, taken as obvious or neutral. In the same logic as the criticism of the supposed neutrality of evaluations, the authors also question the idea of “politically neutral” research methods.

Jannuzzi (2016, p. 125) points out that the questions to investigate and the methodological choices are related to the values shared by those involved in the design and evaluation of public policies. Data and indicators are the result of political choices that determine which aspects should be observed and with which methods. In this sense, “[...] facts become research choices and scientific truths become scientific interpretations directly linked to who observes, how they observe and from where they observe the object of analysis” (Boullosa et al., 2021b, p. 319, [authors’ emphasis]).

As Jannuzzi (2011) points out, there is a myth in the field of public policy evaluation: that the most appropriate and legitimate methods are those inspired by the natural sciences, considered the “gold standard” in evaluation research (generally experimental or quasi-experimental). Those who believe this,

[...] “advocate that good and scientific Public Policy is that produced in econometric laboratories, far from the subjective choices of managers or suspicious pressures from the public potentially favored or excluded from government benefits” (Jannuzzi, 2016, p. 122).

Jannuzzi (2020, p.57) points out that from this perspective, arguments are made that the use of techniques confers neutrality on the interpretation of evaluation research data, or that the complexity of the quantitative model can replace “the ‘sociological imagination’ of the researcher. However, the author argues that “there is no a priori universal method, more legitimate or with greater ‘scientific status’ for any and all evaluation research, just as there is no single procedure for academic research” (Jannuzzi, 2011, p. 270). He also rejects the idea that there is one method that is the “gold standard”, as the best method is the one that responds to the demands required, while respecting the decision-making timeframe in public management. (Jannuzzi, 2020, p. 55).

The author denounces the fallacy contained in the idea that an uncritical use of applied research techniques is possible, drawing attention to the fact that there is a certain fetishization of technique in the hegemonic field of evaluation, “[...] to the detriment of the methodological transparency, ethical smoothness and republican responsibility that program evaluations – even more than academic works – should have” (Jannuzzi, 2016, p. 120).

Thus, in some studies, it can be seen, the method determines what you want to answer, considering that the choice of the object to be analyzed is made by the possibility of applying methods that confer a supposed clarity and “aesthetic beauty” to the study. In addition, for the author, there is an overvaluation of impact evaluations in the field and a neglect of those of a more formative nature (Jannuzzi, 2011), the former being reinforced by multilateral institutions which, in general, only put resources into research evaluations that seek to analyze results and are willing to follow certain standards (Jannuzzi, 2016). In this sense, the use of certain evaluation models has been reinforced, to the detriment of research methods capable of answering relevant questions for the improvement of the policy or program being evaluated.

The use of "technique for technique's sake" is also observed in the choice of indicators. Guimarães and Jannuzzi (2005) discuss the oversizing of synthetic indicators (summary measures), such as the Human Development Index (HDI). According to the authors, in the field of evaluation, indicators seem to take the place of the concepts that originated them, in other words, concepts are replaced by the measures created to operationalize them. One of the consequences of this phenomenon is that it reinforces the tendency to think of indicators as if they existed by themselves, free of ideological values, “[...] as if their construction did not involve the theoretical orientations and methodological choices of their proponents” (Guimarães & Jannuzzi, 2005, p. 77). In addition, Jannuzzi (2016) points out that the combination of measures in the construction of these indicators does not always have a clear conceptual framework. According to the author, there is a compulsion for “precise” measures to assess the impact of programs, leaving efforts to obtain context and process indicators in the background.

Thus, Jannuzzi (2005) argues that the choice of indicators for evaluating public policies should be based on a critical assessment of a series of properties, and not simply on the tradition of their use. In other words, the choice of indicators needs to follow a

logic and not obey universalist evaluation models. It is from this perspective that Jannuzzi (2011, p. 254) discusses the problem of using very standardized evaluation models,

"[...] without the due 'customization' that they should have depending on the stage of maturity of the programs - or the moments of the 'life cycle' in which they find themselves - or, even, of conducting them without a prior analysis of the degree of evaluability of the programs [...]"

Along the same lines, Rodrigues (2008, p. 10) criticizes the adoption of universal assessment models that are usually applied to particular contexts, disregarding their local and situational specificities. A similar issue is pointed out by Boullosa et al. (2021a, p. 06), who point to a trend towards homogenization of assessment practices, approaches, and models, considered by manuals and booklets to be "good assessment practices". According to these authors, this trend is legitimized by the so-called "evaluation market", where evaluators produce and reproduce knowledge based on methodologies supported by supposed neutrality, leading to the impoverishment of the debate in the field.

The authors present some ways to circumvent the methodological standardization present in the field. Boullosa et al. (2021a, p. 06) put forward the idea of "antimanualization" of public policy evaluation, as a way of placing the normative-evaluative dimension at the center of the organization of the methodological dimension. For the authors, "by critically positioning ourselves on our own repertoire and practices, we will be better able to start decolonizing our own evaluation design processes that are more adherent to the Brazilian context" (Boullosa et al., 2021a, p. 06).

Boullosa (2020), Boullosa et al. (2021b) and Jannuzzi (2011) suggest adopting a multiplicity of methods, instruments, and analytical paths, which would move evaluators away from the "imprisoning formal logic" and towards "informal logics of practical reason" (Boullosa et al., 2021b, p. 323). Along these lines, Jannuzzi (2011, p. 272) points out the importance of employing "methodological pluralism, mixed evaluative approaches, triangulation of investigative approaches and complementarity of techniques", and the "[...] capacity for improvisation and technical malleability in the face of the complexity of the object of study".

In this way, the authors from the field of critical evaluation studies contribute to the importance of not sticking to certain techniques but using them according to the needs of the evaluation research. However, it is not a question of considering qualitative and quantitative approaches as mutually exclusive, but as complementary (Jannuzzi, 2011). According to the authors, it is necessary to prioritize methods and instruments that can

answer questions relevant to the improvement of social programs, rather than those that appear to be more scientific.

3.1 In-depth evaluation

Among the alternatives proposed by authors in the field of critical evaluation studies, we would highlight in-depth evaluation, an anthropological approach developed by Lea Rodrigues (2008, 2011, 2016), whose refinement includes contributions from authors such as Gussi (2008), who introduced the notion of trajectory, and Gonçalves (2008) and Gonçalves and Santos (2010), who affirm the need to build sociocultural indicators.

This approach is based on the premise that the knowledge produced has multiple dimensions and is built from different types of information. In this sense, Rodrigues (2008, p.11) points out that the evaluation should not only consider the issues that were the guiding principle of the policy, but that it should refuse to adopt universal models so that the specificities of each situation and the places affected by the policy are not disregarded.

In in-depth evaluation, multidisciplinary and interdisciplinarity are conditions for evaluative research, which must be extensive, detailed, dense, broad, and multidimensional. Favoring the interpretative approach, Rodrigues (2008) defends the importance of the social sciences, especially anthropology for the field of public policy studies.

The author highlights four areas of analysis for an in-depth evaluation: a) the content of the program, paying attention to its formulation, its conceptual bases (paradigms that guide it) and its internal coherence; b) the socio-economic, political and legal context in which the policy was formulated; c) the institutional trajectory, with a view to analyzing the "degree of coherence/dispersion of the program throughout its transit through the institutional channels" (Rodrigues, 2008, p. 12); d) the temporal spectrum of the program. 12); d) the temporal and territorial spectrum of the program, seeking to compare the objectives of the policy with local specificities and their historicity.

We highlight the notion of trajectory adopted by the approach. According to Gussi and Oliveira (2015, p. 17), trajectory is understood on the basis of Bourdieu's (1989) comprehensive sociology, for which one must consider both the positions of subjects (and institutions) in a given historical and social context, and the interpretations of these

positions, allowing their trajectories to be constructed from their own representations. In this way, it is possible to understand the social context in which the subjects are inserted from their narratives and life stories, as well as the representations they formulate (Gussi & Oliveira, 2015). In this sense, the authors' methodological proposal transposes this idea of trajectory to thinking about a policy/program. For Gussi and Oliveira (2015, p. 17),

[...] the idea is that the policy/program does not have a single meaning and is subject to re-significations, according to their different positions in the various institutional spaces (or outside of them) that they traverse, in other words, according to their movements in the institution or in the community that is the target of this policy or program.

According to the authors, based on a relativistic stance, a "dense description" should be made, as proposed by Geertz (2008), of the program's trajectory, understanding its meanings. This means that the evaluator needs to understand how the subjects involved conceive the policy and understand its results, based on their own cultural references. By adopting an ethnographic perspective, the analysis focuses on the dimension of the collective institutional trajectory of policies and programs, understood as a becoming, in constant transformation, caused by forces and intentions that are internal and external to it (Gussi & Oliveira, 2015). Regarding transformations, as Rodrigues (2008) points out, it is crucial to understand the moments in which what was initially planned is interrupted or redirected, causing breaks in the continuity of the flow between policy conception and action.

According to Gussi and Oliveira (2015, p. 15), the analytical dimension of in-depth evaluation should consider,

[...] the new configurations of contemporary patterns of state intervention; the interplay of social interests, in the context of power relations; the cultural universe, where the different subjects involved in this policy move and constitute themselves; and the public agendas and political actions of the different subjects.

Associated with the analytical dimension, the methodological dimension from the perspective of in-depth evaluation, "[...] does not obey a priori models, but rather constitutes a procedural construction of the researcher evaluator, who makes his methodological choices throughout the evaluation process" (Gussi & Oliveira, 2015, p. 16).

4. Final considerations

The aim of this article was to contribute to the systematization of the field of critical evaluation studies, and at the same time to contribute to the debate and the strengthening of this field by affirming the importance and the need for evaluators and researchers in the field of evaluation in Brazil to assume positionality.

We start from the assumption that the exercise of criticism imposes on us the task of adopting a reflexive stance, capable of questioning not only the narratives constructed about the field of evaluation and the established order, but also "your own action" as an agent in the field. In this context, the evaluation process and the procedures adopted should not be restricted to the public affirmation of a gold standard technique that would justify the results obtained, since there is no neutrality. The criteria adopted in the choice of parameters and analytical categories must be made public, highlighting the intentionality and position of the evaluator as an agent who takes on the responsibility of assigning value and interfering in the trajectory and destiny of a public policy or program. A political act.

In other words, as the authors analyzed here point out, adopting a critical stance that guides the debate and evaluation practice contributes to the necessary publicizing of the ethical debate that involves not only the relationship between public managers and civil society, but also the evaluator's own actions as a political subject. In this sense, the assumption of the political dimension of the evaluator's practice and of the evaluation process are fundamental to its democratization. The main contributions of the field of critical evaluation studies include the strengthening of the debate on the political dimension of public policies in the field of public policy, associated with the critique of the positivist perspective of evaluation. Another important discussion in this field deals with the relationship between techniques and values and the need to make them explicit in the evaluation process (Boullosa 2020, Boullosa et al., 2021a). Its authors also generally argue that these values should take into account the construction of a fairer and more democratic society (Boullosa et al., 2021b, Jannuzzi, 2020, Laisner & De Mario, 2014). The deontological dimension of evaluations is a fundamental point of discussion in the field of public policy evaluation. Boullosa et al. (2021a) and Boullosa et al. (2021b) think of evaluators as political subjects who must problematize their own conceptions of the world. For the authors, it is not possible for analysts to be devoid of values, so they must consider them in their analysis. In this sense, the notions of reflexivity and

positionality are central to the debate. Evaluation is thought of here as a producer of knowledge (Boullosa, 2020, Boullosa et al., 2021a, Jannuzzi, 2020), and in this way, evaluators are perceived more as advisors and facilitators of dialogue than producers of "hard data".

With regard to the values underlying public policy and evaluative practice, De Mario (2016) contributes to this debate with the possibility of analyzing public policies that take into account issues of justice, taking as a reference the normative debate of Rawlsian theories of justice. Jannuzzi (2016) also points out how economic efficiency, procedural effectiveness and social effectiveness are the three values in dispute in contemporary Brazil. The author concludes that the first two should be considered criteria-means, while social effectiveness should be the goal of a public policy. Evaluation is also thought of from a participatory perspective and the adoption of an epistemic approach, which allows it to be thought of as an instrument of social control (Laisner & De Mario, 2014), making it a democratic requirement (De Mario et al., 2016).

About the methodological dimension of public policy evaluations, Jannuzzi (2016), Boullosa et al. (2021a) and Boullosa et al. (2021b) discuss the need to problematize evaluation instruments, not considering them neutral and exempt. From this perspective, the authors argue that the use of data and indicators is the result of choices imbricated with values. Jannuzzi (2011, 2016, 2020) also questions the existence of a single method that is the "gold standard" in evaluation research, considering that the best method is the one that produces evidence according to the given research context. In this sense, the author (2016) points to the uncritical use of research methods, especially those inspired by the natural sciences, in order to supposedly make the research more scientific. This use of "technique for technique's sake" is also observed in the choice of indicators, as Guimarães and Januzzi (2005) point out when discussing the misuse of synthetic indicators. In this logic, Boullosa et al. (2021a), Jannuzzi (2011) and Rodrigues (2008) criticize the adoption of universal research models, in other words, standardized models that disregard the unique issues of policies and programs.

Some solutions to the methodological problems pointed out are presented. Boullosa et al. (2021a) advocate an "antimanualization" of the field, where epistemological normativity should guide the methodological dimension. Boullosa (2020), Boullosa et al. (2021b) and Jannuzzi (2011) suggest the adoption of multiple methods and instruments, avoiding a single path of analysis, with the more appropriate

use of a methodological pluralism that considers quantitative and qualitative techniques. For the authors, it is necessary to choose methodologies that respond to relevant research problems, and not those that simply seem "more scientific".

We believe that the alternative that establishes an evaluation practice consistent with the critical perspective of evaluation is the method developed by Lea Rodrigues (2008, 2011, 2016), whose refinement included proposals by authors such as Gussi (2008), Gonçalves (2008) and Gonçalves and Santos (2010). In proposing "in-depth evaluation", the authors favor an interpretive approach with a comprehensive analysis of the policy, covering the content of the program, the context in which it was formulated, its institutional trajectory, and its temporal and territorial spectrum. In in-depth evaluation, the methodology must be developed by the researcher throughout the evaluation process.

Finally, we would like to point out that in-depth evaluation has been worked on and applied in evaluations carried out by students linked to the master's degree in Public Policy Evaluation (MAPP) at the Federal University of Ceará (UFC) (Gussi, 2019). This enriching experience contributes to the refinement of the theoretical-methodological field of public policy evaluation, and especially to the political debate on the meanings of evaluative practice, as demanded by the field of critical evaluation studies. Its results show that it is possible to put pressure on the field of public policy evaluation and work on developing evaluations that contribute to the construction of other epistemologies and methodologies that allow for the democratization of evaluation practice in Brazil.

References

Boullosa, R. F. (2020). Por um olhar epistemológico para a avaliação em políticas públicas: história, teoria e método. *Revista AVAL*, 4(18), 9-37.

Boullosa, R. F., Oliveira, B. R., Araújo, E. T., & Gussi, A. F. (2021a). Por um antimanual de avaliação de políticas públicas. *Revista Brasileira de Avaliação*, 10(1), e100521. Recuperado de <https://doi.org/10.4322/rbaval202110005>

Boullosa, R. F., Peres, J. L. P., & Bessa, L. F. M. (2021b). Por dentro do campo: uma narração reflexiva dos estudos críticos em políticas públicas. *Organizações & Sociedade*, 28(97), 306-332.

Bourdieu, P. (1989). *O poder simbólico*. Rio de Janeiro, RJ: Bertrand Brasil.

De Mario, C. G. (2016). Concepções de justiça e a análise de políticas públicas. *Administração Pública e Gestão Social*, 8(1), 5-14.

De Mario, C. G., Laisner, R. C., & Granja, R. H. (2016). Avaliação de políticas sociais e participação popular: uma abordagem política. *O Social em questão*, 19(36), 39-64.

De Mario, C.G. (2018). Avaliação endógena e a legitimidade das políticas públicas: a experiência da Ouvidoria Geral do Município de Campinas (SP). *Desenvolvimento em Debate (INCT/PPED)*, v. 06, p. 43-63.

Faria, C. A. P. (2005). A política da avaliação de políticas públicas. *Revista brasileira de ciências sociais*, 20(59), 97-110.

Geertz, C. (2008). *A interpretação das culturas*. Rio de Janeiro, RJ: LTC.

Guimarães, J. R. S., & Jannuzzi, P. M. (2005). IDH, indicadores sintéticos e suas aplicações em políticas públicas: uma análise crítica. *Revista Brasileira de Estudos Urbanos e Regionais*, 7(1), 73-90.

Gonçalves, A. F. (2008). Políticas públicas, etnografia e a construção dos Indicadores socioculturais. *AVAL Revista Avaliação de Políticas Públicas*, ano I, vol.1, n.1, jan-jun.

Gonçalves, a.; Santos, C. S. (2010). Indicadores locais de sustentabilidade e a avaliação de políticas sociais: contribuições para a gestão pública. *Gestão pública: práticas e desafios*. Vol. IV. Recife: Editora da UFPE.

Gussi, A. F. (2008). Apontamentos teóricos e metodológicos para a avaliação de programas de microcrédito. *AVAL Revista Avaliação de Políticas Públicas*, ano I, vol.1, n.1, jan-jun, p 29-39.

Gussi, A. F. (2019). Outras epistemologias e metodologias: a experiência do Mestrado de Avaliação de Políticas Públicas. *Revista Aval*, 2(16), 168-183.

Gussi, A. F., & Oliveira, B. R. (2015). Discutindo paradigmas contra-hegemônicos de avaliação de políticas públicas. In: *Encontro Nacional de Ensino e Pesquisa do Campo de Públicas*, Brasília, DF.

Gussi, A. F., & Oliveira, B. R. (2016) Políticas públicas e outra perspectiva de avaliação: uma abordagem antropológica. *Desenvolvimento em Debate (INCT/PPED)*, v. 4, p. 83-101.

Jannuzzi, P. M. (2005). Indicadores para diagnóstico, monitoramento e avaliação de programas sociais no Brasil. *Revista do Serviço Público*, 56(2), 137-160.

Jannuzzi, P. M. (2011). Avaliação de programas sociais no Brasil: repensando práticas e metodologias das pesquisas avaliativas. *Planejamento e políticas públicas*, (36). Recuperado de [//www.ipea.gov.br/ppp/index.php/PPP/article/view/228](http://www.ipea.gov.br/ppp/index.php/PPP/article/view/228).

Jannuzzi, P. M. (2016). Eficiência econômica, eficácia procedural ou efetividade social: três valores em disputa na avaliação de políticas e programas sociais. *Desenvolvimento em Debate*, (4)1, 117-142.

Jannuzzi, P. M. (2020). Avaliação de programas sociais em uma perspectiva sistêmica, plural e progressista: conceitos, tipologias e etapas. *Revista Aval*, 4(18), 38-61.

Laisner, R. C., & De Mario, C. G. (2014). Os desafios da avaliação de políticas públicas como instrumento estratégico de gestão e de controle social. *Revista de Políticas Públicas*, 18(2), 619-630.

Rodrigues, L. C. (2008). Propostas para uma avaliação em profundidade de políticas sociais. *Revista Aval*, 1(1), 30-34.

Rodrigues, L. C. (2016). Método experiencial e avaliação em profundidade: novas perspectivas em políticas públicas. *Desenvolvimento em Debate (INCT/PPED)*, v.4, n.1, p.103-115.

Book Review

Disconnected: A Portrait of American Youth

Desconectados: um retrato da juventude norte-americana

Herbert Rodrigues¹ 

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For any individual above 18 years old, the idea of adulthood represents a source of anguish and anxiety. The process of maturing involves facing and adapting to new social situations, new challenges, and responsibilities. Consequently, young adults must adjust and learn new skills and competencies necessary to navigate this phase of intense life transformation. The book “Abandoned: America’s Lost Youth and the Crisis of Disconnection” (2020), by American researcher Anne Kim, presents an analysis of the transition process of young people into adulthood in the United States. The three main points discussed in the book are: the phenomenon of the disconnection crisis and the statistics behind the issue, the social forces pushing young people toward disconnection, and the possibilities of reconnection aiming for a productive adult life.

The author’s first challenge is to explain the phenomenon of the disconnection crisis in the concrete lives of young people as a broad social issue. According to Kim, 4.5 million young Americans between the ages of 16 and 24 neither study nor work. This number represents 11.5% of the total of more than 39 million young people in this age group (2020, p. 2). The author emphasizes that social and economic isolation hinders the formation of social, professional (and personal) networks, compromising the future of an entire generation and perpetuating failures throughout adulthood.

Comparatively, the situation in Brazil appears much more concerning. Currently, 12 million young people neither study nor work in the country. This category of young

¹ Missouri State University– E-mail: hrodrigues@missouristate.edu.

individuals, referred to as the “nem-nem” (“NEETs”) (Not in Education, Employment, or Training) generation or, according to IBGE, “discouraged,” now accounts for approximately 25.8% of the overall population of young people between 15 and 29 years old (IBGE, 2022). This highlights a clear failure in the country’s social and economic system, underscoring its inability to provide sufficient and suitable opportunities for a significant portion of the young population during a crucial period of development and growth (Silva Junior & Mayorga, 2019).

Before proceeding with the analysis of the work, it is necessary to clarify that the terms “disconnected” and “disconnection,” central to the author’s argument, do not refer to people without internet access, as they might seemingly suggest. It is not about individuals excluded from the digital world, but rather concerns a significant portion of youth disconnected from the economic opportunities of society. The term “disconnection” can be understood as disengagement, detachment, disaffiliation, uprooting, disbelonging, disadvantage, isolation, discouragement, among others. Sociologically, it is a social dynamic in which individuals, for institutional and structural reasons, become estranged from the bonds established within family, school, and work. The process of disconnection hinders and makes it impossible to form social ties, networks of friendships and professionals, and the sharing of meanings and worldviews for a significant portion of the population.

Anne Kim has structured the book into fourteen chapters, divided into four parts. The work also features a concise Introduction in which the author delineates the contrasts within American youth towards the end of the second decade of the 21st century. According to the author, there are two distinct profiles of youth in the United States: on one hand, the youth who embody the transformative and innovative forces of the country, represented by emerging political leaders and entrepreneurs in the fields of technology and knowledge; on the other hand, a significant portion of youth can be found disconnected from the best opportunities, lacking employment prospects, and with limited educational attainment.

The initial two chapters, constituting Part I, present the definitions of the discussion central terms and a diagnosis of the disconnection phenomenon, including recent developments in neuroscience. Part II contains five chapters that explain the social mechanisms of disconnection and the failed attempts of public policies. The five chapters of Part III encompass potential paths of reconnection and some successful social

programs aimed at young people. The two chapters in Part IV conclude the book. The last chapter, in particular, serves as a kind of conclusion in which the author presents seven suggestions aimed at reducing, or perhaps eliminating, the problem of youth disconnection, as we will discuss shortly.

The author begins the book with an excellent explanation of the meaning of adulthood, relating it to social status and the differences between the lower, middle, and upper strata of society. In an analysis similar to that conducted by Bourdieu and Passeron in *A Reprodução* (1992), Anne Kim dedicates particularly to observing how a young person's experience in higher education will be influenced by their social class background. Although higher education is conceived as an instrument of social mobility, it is often observed that, instead, it tends to perpetuate disparities and obstacles faced by those already in disadvantaged positions. For example, choosing to intern during undergraduate studies represents a gateway to a successful career after college. However, if the person belongs to the lower classes, this possibility will likely be discarded, as internships are generally unpaid and require long working hours.

Incidentally, the internship issue illustrates what the author refers to as "opportunity hoarding," referring to the mechanisms used by privileged social groups to control and monopolize access to resources that drive social mobility, such as quality education and assurance of better jobs. Especially in the American context, internships represent a professional experience for a minority of young people who, by the way, already have the material means and social and cultural capital.

Kim explains that disconnection does not appear as an isolated phenomenon whose responsibility should fall on unmotivated individuals, as if they simply decided to stop studying and working on their own. Disconnection is the product of "deliberate policy choices that make it impossible for some of the nation's most vulnerable young people to succeed" (2020, p. 24). It is a hidden aspect of the structural inequalities in access to education and employment that significantly affect the lower strata of the population. The author emphasizes that there is a promise of social mobility when a young person, especially from lower classes, accesses university in the United States. However, most of the time, what is observed is that many young people incur unmanageable debts to finance their studies. Thus, the effects of the "opportunity hoarding" combined with the absence of social programs result in both the reproduction of privileges for young people from wealthy families and the perpetuation of poverty for young people from

impoverished backgrounds. In theory, it does not mean that an individual from a lower class could not have a chance to achieve economic upward mobility, but rather that rich children receive advantages from a very early age, the author points out.

The book leaves no doubt that education represents one of the few available resources enabling social mobility. However, completing high school, entering college, participating in internships, and engaging in other culturally significant activities do not seem tangible in the face of the need for full-time employment to ensure the basic resources for a dignified life. Financial support from the family and the privilege of receiving cultural capital make all the difference in the lives of young people. For instance, the simple fact of not having to work all day already leads to better nights of sleep and a positive impact on college grades.

The portrait presented by Kim of young Americans is concerning. The phenomenon of disconnection represents a situation of social disadvantage for nearly five million individuals in school age and at the beginning of their careers. In many regions of the U.S., especially in rural areas (but not exclusively), young people are disconnected, without school and without work, simply because neither of these options is available. These are regions that the author refers to as “opportunity deserts.” Therefore, these are desolate spaces resulting from a process of increasing economic and social inequalities in the country in recent decades, and the absence of public policies for this population can have disastrous consequences for the country’s future.

Kim presents several life stories in order to broaden the issue of disconnection. The narrated stories represent different perspectives that help readers grasp the extent of the problem and make connections with reality. Usually, when we hear young people’s life stories, we only become aware of the situation. However, Kim makes analytical efforts to offer alternatives, concepts, and proposals that can prevent the reproduction of the same outcomes for other young people in challenging situations. The author emphasizes the need for more accessible social programs that help young people to continue studying and working. Kim mentions, for example, the “transitional living” program, developed by the Federal Government in all states since 1990, aiming to provide housing for young people during their transition into adulthood. Annually, the project assists more than two thousand homeless youth.

Although the author presents potential solutions to the problems faced by young people, she acknowledges that the programs do not always work as expected. Using the

example of housing programs for young people, according to the Department of Health and Human Services (HHS) (equivalent to the Ministry of Health in Brazil), the federal government spends approximately 45 million dollars annually on housing program subsidies (which represents less than 3% of the total HHS budget). In the year 2016, these programs benefited around five thousand young people in the country, but data indicates that there are more than 3.5 million homeless young people in the USA (Kim, 2020, p. 110).

The author mentions, more than once, that during the process of maturation, young people often encounter problems at school, in the workplace, and even within the justice system. However, young people from middle and upper classes, in addition to being generally infantilized, receive the benefits of “second chances” and, if necessary, the assistance of professionals (such as psychologists and tutors). On the other hand, young people from lower-income backgrounds, often prematurely “forced into adulthood,” have few opportunities and do not benefit from “second chances” simply because it is not an available option for the majority of young people from low-income families.

Anne Kim draws an interesting parallel between early childhood and the beginning of adulthood. Research shows that late adolescence marks a decisive period in people’s lives and has determining consequences for the rest of their lives. However, unlike early childhood, which in some ways receives some attention, very little is thought of in terms of public policies for individuals between the ages of 18 and 25. The author warns that without accurate diagnoses, it becomes impossible to know what policies are necessary for this portion of the population. What often happens is that at the age of 18, benefits and social programs simply disappear, and young people find themselves left to their own devices.

Kim hypothesizes that the absence of specific public policies for young people results from a significant generational difference since the majority of American legislators still belong to the “baby boomer” generation, born between 1945 and 1964, characterized by their attachment to work and the nuclear family as primary lifestyle references. According to the author, legislators (at various government levels) focus only on what they perceive as most relevant to themselves, essentially legislating in their own self-interest.

In the final part of the book, the author lists a series of programs aimed at overcoming the disconnection crisis. These programs include basic resources (food,

housing, and security), training (vocational and higher education courses), internship and job opportunities, as well as the provision of counseling services and the availability of mentors (or “super mentors,” as the author refers to in chapter ten) to guide young people. Programs of this nature can foster a support network and provide both material and symbolic resources that enable young people to reconnect.

In the final chapter, Kim presents seven suggestions aimed at drastically reducing the disconnection phenomenon: i) establishing public policies that reach all vulnerable young people and provide accurate data on the disconnection phenomenon; ii) investing in social programs that have been proven to yield positive results; iii) engaging businesses through tax incentives to ensure more paid internship positions and qualified jobs for young people; iv) creating opportunities for connection (school and work) to as many places as possible, aiming to eradicate “opportunity deserts;” v) reducing the gap between school and work; vi) a comprehensive reform the justice system to interrupt the school-to-prison pipeline, which is also responsible for perpetuating structural racism; vii) listening to young people and understand from their perspective the main challenges they face in developing into adulthood.

The statistics presented by Kim to characterize the disconnection phenomenon do not suggest signs of change in the near future. As time passes and the population increases, the problems become more extensive and accumulate. The author helps readers understand the seriousness of the issue, as the transition to adulthood can either be successful, leading individuals toward self-sufficiency, or a detrimental period that hinders individuals from achieving any goals. Disconnected youth can be a harmful aspect to the current generation, future generations, and society as a whole.

Anne Kim’s book is recommended for diverse audiences, especially Sociology, Education, Psychology, Social Work students, and professionals affiliated with fields related to public policy development. The author provides valuable information that aids in a better understanding of the field of various actors involved in the education and professional qualification of young people. The work can serve as a tool for comprehending the issues faced in contemporary Brazil as well, particularly in discussions regarding the so-called “NEETs” (“nem-nem”) and the precariousness of working conditions. It also proves to be important reading for teenagers and young adults interested in decoding present-day issues.

Finally, the book is recommended for all those who wish to live in a more just society. The author concludes the work by emphasizing that our investments in youth in the present reflect our collective vision of the country's future. The world we live in (and the one we want to live in) is collectively constructed. In this sense, it becomes necessary to critically reflect on the structural conditions of a generation of disconnected, disadvantaged, and abandoned young people. Therefore, it is essential to begin correcting the social mechanisms that lead an entire generation to failure.

References

Bourdieu, P., & Passeron, J-C. (1992). *A reprodução: elementos para uma teoria do sistema de ensino*. Rio de Janeiro: Francisco Alves.

IBGE – INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA. (2022). Em 2021, país tinha 12,7 milhões de jovens que não estudavam nem estavam ocupados. Rio de Janeiro: Agência IBGE Notícias. Disponível em: <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/35686-em-2021-pais-tinha-12-7-milhoes-de-jovens-que-nao-estudavam-nem-estavam-ocupados>

Kim, A. (2020). *Abandoned: America's Lost Youth and the Crisis of Disconnection*. New York: The New Press.

Silva Junior, P. R., & Mayorga, C. (2019). Jovens nem nem brasileiros/as: entre desconhecimento das experiências, espetacularização e intervenções. *Desidades*, 23(7), 10-23.