



LEGAL FRAMEWORK ON EARLY CHILDHOOD: A STUDY BASED ON THE CONCEPT OF INTERSECTORIALITY

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Abstract: This study has the Legal Framework on Early Childhood as guiding legislative reference. The Law establishes the principles and guidelines for public policies for children up to six years. Seeks to analyze the intersectoriality proposed by the Legal Framework on Early Childhood, in addition to presenting the process of developing the Law, until its sanction - a path that has not yet been explored academically. Using qualitative methodology and case study as a research method, it is expected to have a broader understanding of the use of intersectoriality as a concept and the Legal Framework as the main legislative framework for the theme of early childhood. After going through the specialized literature and analyzing the Law, it is possible to consider that the intersectoriality proposed by the Legal Framework is consistent with the literature, in addition to being a concept that has great prominence within the Law.

Keywords: Intersectoriality; Early childhood; Legal Framework on Early Childhood.

1. Introduction

Treating early childhood is very rewarding. It refers to hope, innocence, and learning. Children are not citizens of the future, as they are often treated. They are citizens of the present and subject to rights. Thus, early childhood is a stage of life that has its essence and fullness.

The Legal Framework for Early Childhood, a law enacted in 2016, is considered a significant advance in early childhood and the framework of Brazilian legislation. Although this theme addresses many subjects, it is still little analyzed from an academic perspective. Early childhood entails the importance of a comprehensive view and intersectoriality as a precondition for children not to be treated as a fraction of a person but as a whole.

Studies on the concept of intersectoriality have been gaining space as a challenging discussion (BRONZO, 2007). Although the Legal Framework for Early Childhood brings the concept as one of its main pillars, it is uncommon to be analyzed from an intersectoral perspective. This paper's objective is that intersectoriality be worked as the central theoretical concept to subsidize the discussions involving the Legal Framework of Early Childhood.

Thus, in addition to establishing a dialogue with the existing literature, this study is expected to fill a few gaps concerning the intersectoral relationship with the Legal Framework for Early Childhood, requiring studies that delve deeper into the Legal Framework.

This article is organized into seven sections, including this introduction. The second

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section regards the concept of intersectoriality, and the third presents the methodology used. The fourth section explains what early childhood is and the importance of public policies for this age group. The fifth section is dedicated to the Legal Framework for Early Childhood, in which the process of building the Law is detailed. The section contributes to the discussion by showing how the Law has been structured over time, the actors present, and its challenges. The sixth section analyzes the intersectoriality proposed by the Legal Framework of Early Childhood seeking to indicate how much it dialogues with the literature. The seventh section presents the final considerations.

2. Intersectoriality

The most recent studies that approach intersectoriality and analyze the country's intersectoral policies have shown the importance of addressing problems and solutions from an integrated perspective. Criticisms are made of the more sectorial dynamics of public policies in most of the reviewed literature.

Reality shows its complex and poorly structured problems. At the same time, institutions continue to organize themselves into sectors, and universities continue to fragment knowledge into departments (MONNERAT AND SOUZA, 2011). Both economic and social policies constituted working relationships and organizations with a verticalized and sectorialized organizational structure, independently segmenting the intervention areas (DUARTE E LEITE, 2006). However, this does not imply a consensus or single orientation within an industry. On the contrary, everyday life is marked by conflicts and discussions on the ideas and strategies that integrate this sectoral logic (SANTOS, 2011).

Most social policies do not act together or dialogue with each other. Therefore, there is no proposal to develop an institutionalized and systematic effort to make actions compatible or for synergies and complementarities to be created, which results in verticalization (DUARTE; LEITE, 2006). Policies based on themes such as combating poverty or ethnic diversity cannot be limited to each sector's borders since these are tenuous and overlapping borders (SANTOS, 2011). Thus, there is a concern with integrating problems and solutions so that the intervention does not occur in an isolated manner, mainly in social policies, with multidimensional problems demanding articulated responses.

2.1 Contextualizing the concept

The theme of intersectoriality was strengthened as a concept in the 1980s, focusing, at the time, on the health sector (CUNILL-GRAU, 2014). However, Repetto (2009) indicates that a concern with intersectoriality only emerged in the mid-1990s, when the lack of synergy and complementarity between the various sectors responsible for public policies was detected.

Regarding national policies, Cunill-Grau (2014) believes the emergence of a trend in

Latin America of new social policies focused on rights is evident, especially from the 2000s onwards, adopting intersectoriality as one of its principal axes. Cruz and Farah (2016) show that the Brazilian health movement in the 1970s already incorporates intersectoriality in their discourse, especially regarding comprehensive care. In any case, during the period of redemocratization, policy decentralization, and strengthening of local governments, the theme of intersectoriality stands out in the country. This context of expanding the agenda of local governments and the emergence of multilevel networks brings intersectoriality into the debate. The emerging governance indicates another management paradigm opposed to the traditional government's support bases, weakening the characteristics that supported the traditional government models (BRONZO, 2007). The relationship between intersectoriality and the context of decentralization after redemocratization is relevant in reinforcing the horizontal character of the concept in the opposite direction of the rigid and hierarchical relations that prevailed until then.

2.2 Debate in the literature

In much of the literature, the complexity of the problems and their various dimensions and multi-causalities are directly related to intersectoriality, based on the need for a comprehensive view: integrality (BRONZO, 2007). Duarte and Leite (2006) attribute the emergence of intersectoriality from dissatisfaction regarding social organizations' capacity to provide answers to the complex problems that arise with the new world order. According to Jaccoud (2016, p. 15, our translation), it is a theme that "has been gaining prominence as a relevant strategy for public management, especially in the face of problems characterized as complex and of audiences marked by vulnerabilities".

However, it is a concept employed by both managers and academics with little clarity (BRONZO, 2007), commonly treated ambiguously and generically. In much of the literature, including those that have become references on the topic, there is no consensus regarding the concept's definition and scope. Cruz and Farah (2016) show that it is possible to identify a restricted and expanded sense of the concept of intersectoriality in the literature. The strict sense defines intersectoriality as "sharing actions and the sum of efforts between different sectors and agencies within the same government sphere" (CRUZ; FARAHA, 2016, p. 6, our translation), considering only the public sector's internal relations. On the other hand, the expanded sense encompasses other actors than just the State, such as the private and civil society.

In this broader sense of the term, Teodósio (2008) uses the terminology "Tri-Sector Partnerships" to precisely address the interactions between State actors, civil society organizations, and companies, including the issue of private social investment in the dimension of intersectoriality. In the same context, Bronzo (2007, p. 01, our translation) analyzes intersectoriality from the perspective of governance, indicating that the term can also "refer the

interaction between the different sectors - State, market, and society - in view of relational and multilevel government".

There is also some controversy regarding the coordination character that intersectoriality can bring. Some authors directly or indirectly link intersectoral articulation with action coordination. Repetto (2009) uses the term "*coordinación pro-integralidad*", reinforcing the complex character of coordination that promotes integrality, understanding this coordination as a state function, which can be translated into an intersectoral articulation. When addressing transversality, Serra (2005) relates horizontal coordination, intersectoral project, and shared management, emphasizing that intersectoriality has a few specificities concerning coordination. In the same line as the latter, Cunill-Grau (2014) recognizes that coordination is always necessary to ensure that various sectors responsible for implementing a policy do not present inconsistencies, reinforcing that coordination alone does not translate into integration and cannot be treated exclusively as a synonym for intersectoriality. Bronzo is more emphatic in specifying and differentiating the concepts:

(...) intersectoriality differs, albeit subtly, from the articulation or coordination of actions since, in a "strong" version, it would involve changes in institutional dynamics and processes and the design and content of sectoral policies. Coordination is a term that signals a process of institutional articulation that does not necessarily imply changes in the structures or dynamics existing in the different sectors. (2007, p. 15, our translation).

A common point in the literature is that reality is multifaceted, with problems of different dimensions, which interact and reinforce each other. Therefore, such problems demand solutions that involve not only one sector but also a collective strategy involving several sectors, areas, and actors. According to Pires (2016), intersectoriality appears in debates even intuitively when the real social problems, for which public policies are aimed, are found to be necessarily multifaceted and disobey the sectoral divisions of public bureaucracies.

2.3 Types and intensities of integration

Cunill-Grau (2014) is dedicated to exploring integration as a result and expression of intersectoral work. According to the author, the relationship between sectors can occur in different forms, and integration results in its most intense and complex way as if it were an integrality variable. According to Cunill-Grau (2014), the definitions of intersectoriality express different facets of integration - collaboration, convergence, consolidation, and integration - and some questions can help guide this understanding, such as what is integrated, who intervenes in integration, where does integration take place, and how integration takes place.

In this sense, Lotta and Favareto (2016) show that intersectoriality materializes when programs or themes of public policies are organized horizontally, with integration between them. The authors indicate that the degree to which this intersectoriality occurs varies according to the

themes articulated and how they materialize. In other words, it depends on whether there is an effective integration or just a juxtaposition of policies. Bronzo (2016) also states that the integration between the sectors is, in itself, intersectoriality and that this integration is necessary when it is intended to go beyond a provision of goods and services, such as, when one wants to develop capacities or change behaviors.

2.4 Intersectoriality and the idea of network

The network concept is also widely used in this type of literature. In addition to reconciling diverse knowledge in an integrated manner, an intersectoral policy must rely on the relationship of different professionals and bureaucrats, politicians, and citizens. The network system brings the idea of bonding, connection, and, mainly, horizontal relationships (CKAGNAZAROFF; MOTA, 2003). The idea is for relations to be established between sectors, governmental, and non-governmental institutions to face complex social problems beyond the scope of a single government sector or field of public policy (MONNERAT; SOUZA, 2011).

Ambrózio (2013) works with the idea of relationship networks, which are informal in circulation and articulation and often influenced by topics of interest and bureaucrats' previous performance. According to the author, these networks can enhance intersectoriality. In this same sense, Junqueira reports that:

Social networks - as a set of people and organizations that interact to respond to the population's demands and needs in an integrated manner while respecting the knowledge and autonomy of each member- constitute a means of making policy management more effective, optimizing the use of available resources. They enable intersectoral articulation and action and overcome the inability to manage the micro-processes isolated from social policies to the extent that they preserve each member's identity and their competence, with public, state, and private actors (2016, p. 10, our translation).

Pereira and Teixeira (2013) indicate that intersectoriality and network are linked concepts that propose integration and articulation of knowledge and services instead of sectorization and specialization. In a logic of the networks acting as a support, Bronzo (2010, p. 132, our translation) shows that the idea of a network "presupposes a backing of services and support capable of mobilizing by public agents and combined in the face of each specific situation". Responding to these situations or demands appropriately and effectively means being subject to the availability of governmental and non-governmental services, programs, and actions.

Also regarding governance networks, Bichir, Oliveira, and Canato (2016) report that understanding how intersectoral arrangements are effective is also linked to the understanding of the different networks and patterns of connection between the organizations and actors involved in the decision and implementation processes. Thus, the common understanding is that there is no hierarchy or centralized power in the network since it is the relationships that matter. The objective is to generate synergy, integrating and articulating institutions, people, knowledge, and

experiences (JUNQUEIRA, 2016).

2.5 Challenges

Bronzo (2007) reports numerous challenges related to intersectoral work, but clarifies the difficulty of presenting solutions to face them. As a more concrete challenge, the author cites the articulation from a financial perspective, which demands strong political adherence and adequate institutional structures and practices, considering budgeting under headings as a central node for the development of intersectorality. Thus, as shown by Cruz and Farah (2016), the implementation of intersectorality requires changing the organizational culture, the established processes, and the interaction between the various actors involved. Furthermore, the demand for integrated actions between different areas breaks with the fragmented vision and requires the objectives, goals, and procedures of different government agencies to be integrated, which implies reformulating their action strategies, forms of allocating public resources, and organizational and bureaucratic structures. Such changes are even more complex for the most structured and consolidated bodies regarding financing and regulation (DUARTE; LEITE, 2006).

To problematize intersectorality, it is necessary to develop integrative models of government management. The sectors involved interact little, and the link between them is still weak, with a low exchange of information, experiences, and teamwork (SANTOS, 2011). Teodósio (2008, p. 8, our translation) shows the complexity surrounding intersectoral relations in the interactions between actors from civil society, the State, and the market, bringing the hegemonic disputes that the struggles in civil society allow and the relations permeated by non-linear practices and the occurrence of simultaneous processes "of conflict and cooperation, engagement and distance, and resistance and adhesion". There are many reasons for resistance, often associated with the displacement of power, decisions and knowledge, or even changes in work processes (DUARTE; LEITE, 2006). Even when intersectorality is consensus and a guideline, with the participation of an expressive set of actors, there is a great chance of problems in its implementation:

Therefore, the challenge of intersectorality consists of how to unite institutions with different organizational objectives, dynamics, and cultures in joint action. More or less obvious, the answer is in the common objectives that can be identified or in the results aimed to produce together. The elaboration of common or agreed diagnoses of the problems can allow intersectorality. The perspective of co-accountability gains relevance since the different institutions are responsible for achieving the agreed results or common objectives (BRONZO, 2007, p. 17, our translation).

Bichir (2015) discusses precisely the challenges of intersectoral coordination when analyzing the implementation of cash transfer programs. According to the author, the intersectoral articulation of programs and policies involves the design of capacities to effect intersectorality, which depend heavily on mechanisms and institutionalities built, or not, over time. Still on

intersectoral coordination, Falcão (2016) justifies the difficulty of overcoming the coordination model and reaching another level of intersectoriality when studying some MDS programs. The author indicates a complexity in the current model, namely, to arrive at an ideal format, it is necessary to review the division of responsibilities and competencies and readjust the teams of public policies, legislation, and financing. Also in this logic of analyzing policies and programs, Bichir *et al.* (2018, p. 1, our translation) discuss the challenges of implementing São Paulo Carinhosa, a municipal policy for the integral development of early childhood in the city of São Paulo, discussing "implementation dimensions that must be considered to improve intersectoral agendas". Thus, it is possible to observe that the analysis and studies of public policies entail the challenges encountered. The specialized literature clearly shows that different areas and actors involved in the process have high levels of conflict, political disputes, and competition around power structures (MONNERAT; SOUZA, 2011).

3. Methodological options

According to Webster and Watson (2002), the literature review helps design the research and verify possible gaps involving the selected theme. Thus, there is a gap in the literature regarding works that explore deeper into the Legal Framework of Early Childhood, especially in public administration. Even less common are those works that link the Legal Framework with intersectoriality. Thus, this article's objective was to establish a dialogue with the existing literature and fill this gap.

Using a qualitative methodology and a case study (STAKE, 2000) as a research method, we expect to better understand intersectoriality as a concept and the Legal Framework as the main legislative framework for early childhood. According to Godoy (1995, p. 58, our translation), qualitative research, "begins from questions or focuses of broad interests, which are defined as the study develops". By reading Godoy (1995), this research has a qualitative approach, focusing on the broad understanding of the object to be studied and on the concern with the entire process and not simply with the results.

Thus, research and document analysis are essential in this study. Godoy (1995, p. 21, our translation) states that documentary research involves the "examination of materials of a different nature, which have not yet received an analytical treatment, or which can be reexamined, seeking complementary interpretations". Furthermore, intersectoriality is the main theoretical framework and concept of this paper. Thus, we conducted a literature review to contribute to the discussion of the concept of intersectoriality, without intending to present a finished or unique definition of the concept. Moreover, the article seeks to contextualize and present the debate found in the literature regarding the intersectoral issue to provide subsidies for analyzing the Legal Framework of Early Childhood.

The Legal Framework for Early Childhood was fully analyzed so that the Law's main

characteristics and advances were highlighted, having its construction process detailed. For this, documents, opinions, requests, and news were reviewed, in addition to the original project and the documents that reflect the discussion of the proposal in Congress, comparing them to the enacted text. At first, the research took place on the Chamber of Deputies website, which is where the Early Childhood Bill (PL) was delivered. PL 6,998/2013 was inserted in the search field of the website. The results could be improved with the filter options and allowed us to access the proposals that the Bill was receiving, the speeches and pronouncements, and news related to the theme. Subsequently, the research focused on the Federal Senate website, where the Bill was sent in early 2015. By inserting the new designation of the project - PLC 014/2015 – we had access to the procedure form, with the orders, legislative actions, opinions, reports, and related documents.

4. Early Childhood

4.1 The social construction of the concept of childhood

The Social and Human Sciences took a long time to include childhood as an object of research, to understand the child as a historical subject with rights (Nascimento, Brancher, and Oliveira, 2008). The concept of childhood as a social construct reinforces the idea that belonging to a certain age group means following the rules of these groups and is connected to a process of differentiation between the world of children and the world of adults, two distinct categories regarding not only biological age, but also cultural investments that materialize in clothing, habits, and daily activities (Ramos, 2013). Early childhood corresponded to an early age in the Middle Ages, which, like the second age and the third age - stages that went up to 21 years of age - were not valued by society. It was only in the 19th and 20th centuries that a real understanding of childhood took place. In present times, this social construct is realized from the moment when moral values and expectations of conduct for children are established (NASCIMENTO; BRANCHER; OLIVEIRA, 2008).

Early childhood is the first stage of childhood, comprising from zero to six years of age. In this period, the brain undergoes an intense maturation, and motor, cognitive, and linguistic development, as well as social and affective learning occurs (BARAN; SAUMA; SIQUEIRA, 2014). Thus, the idea of healthy development in early childhood is linked to the structure of a prosperous and sustainable society. It is a period that brings the ambivalence of "present and future" (RNPI, 2010), making the care of an individual's childhood a determining factor for the rest of his/her life. Early childhood becomes a crucial stage in development, a moment in which the foundations for later learning and, consequently, the basis of a lifetime, are consolidated (CAMPOS, 2010).

4.2 Public Policies for Early Childhood

Based on the scientific evidence, the importance of investments in public policies that

promote comprehensive childcare in the first six years of life is clear. The State must establish guidelines and criteria to guide all those who work for early childhood, knowing that childhood deficiencies can result in a mark for life and that trying to correct this later, during maturity, it is not always successful (QUEIROZ, 2016). Recognizing children as citizens is essential so that early childhood policies are effective and permanent, remaining independent from any government or political party (ALMEIDA, 2016).

When bringing public policies for early childhood to the debate, it is clear that intersectoriality must be one of the main pillars if the focus is on the child's integral development, so that it is respected and fully attended. Thus, intersectoriality is important in public policies aimed at the integral development of early childhood, addressing the problems from understanding the child as a person, a citizen, and a subject of rights.

5. Legal Framework of Early Childhood

5.1 History and law construction process

Law nº 13,257, better known as the Early Childhood Legal Framework or Early Childhood Statute, was enacted on March 8th, 2016, and is considered an innovation and a significant advance in early childhood. The Bill had a trajectory that began five years before reaching the Executive, in 2011, with the launch of the Parliamentary Front of Early Childhood, composed of more than 200 parliamentarians. This Front organized an international seminar on the theme of the Legal Framework for Early Childhood in April 2013 and, in December of the same year, presented the Bill on Early Childhood - PL 6,998/2013.

The text of the Bill brought in its content changes and inclusions in the Statute of Children and Adolescents (ECA), reinforcing the need for specific attention for children up to six years of age and the principles for elaborating public policies for early childhood. The project's relevance is justified through argumentative topics, such as children's rights, the pedagogical question, the return in economic terms, women's extra-family work, social justice, and neuroscience contributions. Furthermore, the nomination 'Legal Framework for Early Childhood' already appears in the Bill, emphasizing the role of the Legislative Power in this process.

In January 2014, the Bill was initially assigned to the following Commissions: Science and Technology, Communication and Informatics; Social Security and Family; Finance and Taxation; and Constitution, Justice, and Citizenship. The Human Rights and Minorities Commission was also included a few days later. Thus, due to the distribution to more than three commissions, the Chamber of Deputies' presidency decided to create a Special Commission to assess the matter and issue an opinion regarding PL 6,998/2013. Therefore, composed of 23 full members and an equal number of alternates, the Special Committee on Early Childhood was created by the Presidency. Deputy Cida Borghetti (PROS/PR) was elected to the presidency of the Commission, and Deputy João Ananias (PCdoB/CE) was appointed as rapporteur. It is worth

noting the short time in which the Commission was created, composed, and installed, encompassing the months of February and March 2014.

Ten amendments to the project were presented within the period established after the creation of the commission - two weeks -, one of which was presented by Mrs. Jandira Feghalli (PCdoB/RJ), four by Mr. Eduardo Barbosa (PSDB/MG), and five by Deputy Marcos Rogério (PDT/RO). The first amendment proposed to change the definition of childhood and early childhood, being accepted only regarding early childhood since the definition of childhood was later removed. The second amendment, which addressed reducing the deadline for the preparation of state and municipal plans for Early Childhood, was not approved. The third and fourth amendments, in turn, were contemplated when proposing the inclusion of the expressions "children with disabilities" and "existence of disabilities". The fifth and sixth amendments provided for the replacement of the expression "small child" for "child from zero to six years of age" and the deletion of the terms "promotion and participation", respectively. It is possible to consider them approved since the expressions were no longer included in the Substitute Amendment. However, the seventh amendment brought the discussion on sex and gender, even if indirectly. It was proposed that the word "gender" be excluded from the document, which was accepted and approved with the justification that it is not the Bill's function to address this controversy. The eighth and tenth amendments were impaired since both proposed to modify or remove expressions that were no longer contemplated in the Substitute Amendment. Finally, the ninth amendment, approved under the terms of the Substitute Amendment, aimed to add the expression "with commercial appeal" regarding the theme of advertising for children.

Throughout 2014, the Commission organized another international seminar on the subject, in addition to regional seminars in four capitals of the country - Porto Alegre, Curitiba, São Paulo, and Fortaleza -, and two public hearings. When analyzing the project's progress, it is noted that the regional seminars were the result of requests from deputies of the Commission to lead the discussion and discuss the project in their respective states. In turn, the public hearings took place in May 2014. They included representatives and debaters from the Executive Branch - especially at the 1st Public Hearing - and from civil society organizations working on early childhood - especially at the 2nd Public Hearing.

It is important to reinforce this representation from outside the Legislative Power in constructing the Legal Framework. In addition to being present at Public Hearings, the Executive Branch also contributed through several areas:

Successive meetings and contacts were performed with leaders and technicians from the Ministries of Education, Health, Social Development, and Fight against Hunger, the Secretariats for Human Rights, and Strategic Affairs. They provided valuable contributions, either in the form of reflections that led to adjustments in form or content or as specific suggestions for modified or added items. (BRASIL, 2016a, p. 16, our translation).

Other actors were equally active in this process in addition to the Legislative and Executive branches. Civil society, mainly represented by the National Early Childhood Network (RNPI), formed by more than 200 organizations that work directly or indirectly on the theme of early childhood, and councils such as the National Council for the Rights of Children and Adolescents (Conanda) strongly influenced the discussions and content produced, in addition to the Public Ministry and researchers from different areas related to early childhood.

In November 2014, five sessions were opened for submitting amendments to the Substitute Amendment, with 25 new amendments submitted within the established deadline, of which 20 were approved. The theme of paternity leave stands out among the approved amendments, which mostly presented suggestions for new wording and the changes made by the rapporteur, including the suggestions made by the Executive Branch. The Substitute Amendment established the license of thirty days, which was changed to fifteen days, in addition to the five days already granted.

The Special Committee on Early Childhood approved the Bill at the end of 2014. The rapporteur's opinion recognizes the legislative initiative to place early childhood in the debate and the focus of public attention, with undeniable and indisputable merit, supported by social justice arguments, the reduction of inequalities from early childhood, the construction of equity, and children's rights. The opinion analysis shows that some of the rejected points would mean even more advances in this topic. When analyzing the original Bill regarding children's advertising, its Art. 2 added to the ECA an excerpt that was the subject of debate during the entire process of Bill analysis and which subsequently disappears: "Advertising aimed at children is strictly prohibited in the media, especially television and broadcasting, between 8 am and 6 pm." (BRASIL, 2013, p. 2, our translation). The theme of advertising remains but is placed more comprehensively, without specifying schedules or means of communication. Furthermore, maternity and paternity leave was not included in the original project - it was included throughout the discussions in the Chamber - but was also not fully supported. An extension to twelve months of maternity leave was requested and argued, maintained as an extension for sixty days. Paternity leave, as stated above, was extended for fifteen days instead of thirty.

Moreover, the alteration of an important definition was perceived when comparing the original text with the version sent to the Senate and even with the final version of the Law. The original text defines early childhood as "the period of life that involves the gestational phase, the birth, and the first six full years, being fundamental in the formation of the person, in the construction of subjectivity, and social interactions" (BRASIL, 2013, p. 3, our translation). However, the final text is as follows: "For this Law, the period covering the first 6 (six) full years or 72 (seventy-two) months of the child's life is considered to be early childhood" (BRASIL, 2016b, not paginated, our translation). The gestation period was suppressed in the final wording, contrary to much of the literature that includes it within early childhood stages. This decision was

addressed in the opinion of Senator Fatima Bezerra, rapporteur for the Chamber of Deputies Bill (PLC) in the Senate: "Although there is no scientific consensus regarding the delimitation of this period of the child's life, the project adopted this understanding corroborated by the United Nations Children's Fund (UNICEF) and the National Early Childhood Network." (BRASIL, 2016d, p. 3, our translation).

Appeal n° 335/2014, authored by deputy Guilherme Campos (PSD/SP), who contested the conclusive character of the Special Committee on Early Childhood and requested that the Bill be submitted to the Plenary Session, is added to some of the setbacks in the text of the project (BRASIL, 2014). The argument is that the demand came from an important economic sector, most likely bothered by the expansion of paternity leave proposed by the Bill (BARROS, 2015), which, as stated above, had already changed concerning the original text. The appeal was filed on December 22nd, 2014, when the Chamber was already in recess and days before several deputies who signed the appeal, including its author, lost their mandate because they had not been reelected. In total, 66 deputies signed the document, which would pass the Bill on to the Senate but return to the Chamber of Deputies' plenary. For the maneuver to be unsuccessful, at least 50% of the deputies who signed the appeal, that is, 34 of them, should withdraw their signatures by January 30th, 2015. A collective effort by civil society and parliamentarians involved with the Bill succeeded that 39 parliamentarians sign a withdrawal request, which caused the Bill to follow the expected procedure and be sent to the Senate in February 2015 (MATTOS, 2015a; 2015b).

In the Senate, the project continued under the name PLC 014/2015. It was initially distributed to the Social Affairs Commission (CAS), the Human Rights and Participatory Legislation Commission (HRC), and the Constitution, Justice, and Citizenship Commission (CCJ), as shown in the official publication in the Federal Senate Gazette - DSF (BRASIL, 2015). In April 2015, Application n° 279 of 2015, signed by the then President of the Committee on Education, Culture, and Sport, successfully requested that PLC 014/2015 be sent to this committee. At the end of the same year, another application, n° 1,420 of 2015, also approved by vote, managed to get the project to proceed urgently.

In February 2016, the Rapporteur's opinion (BRASIL, 2016d) approved the project, reinforcing its merit and legal suitability. Both the text of the opinion and the Rapporteur's speech in the project approval session reinforce the care and concern of the amendments having only the character of writing. Thus, the amendments included, all of which were drafted, aimed at replacing the following expressions: "to the media" for "to marketing communication" (art. 5 of the Bill), "in human formation" for "in the development of being human" (art. 12 of the Bill), "Basic Care "and" Primary Care" for "Primary Care "(art. 19 of the Bill), "Basic Health Units" for "Primary Health Units "(art. 20 of Bill), "other relative technological resources" for "other relative assistive technologies", and "moral valuation" for "constraint" (art. 21 of the Bill). Then, the Bill was unanimously approved in the Senate and sent for sanction - without vetoes - of the

President of the Republic (BRASIL, 2016c).

5.2 Characteristics and advances

The Legal Framework for Early Childhood consists of 43 articles and is based on and agrees with the Federal Constitution and the ECA. Five laws change throughout the text. The ECA from Article 18 to Article 36; the Consolidation of Labor Laws (CLT), in Article 37; Law n° 11,770 of 2008, in Article 38; the Code of Criminal Procedure (CCP), in Article 41; and Law n° 12,662 of 2012, in Article 43. The main objective of the Legal Framework is made clear in its first article: "This Law establishes principles and guidelines for the formulation and implementation of public policies for early childhood in attention to the specificity and relevance of the first years of life in child and human development" (BRASIL, 2016b, not paginated, our translation). Therefore, the Law aims to guide public policies for early childhood by supplying some of the gaps in the Statute of Children and Adolescents regarding the specificities of the first six years of life. Some topics, such as breastfeeding, paternity leave, and children who have their parents deprived of freedom, were not addressed in the ECA text and specifically appeared in the Legal Framework.

The points that address parents' labor rights are among those that had the most visibility and repercussions. The inclusion of new items in the CLT ensures the employer with two types of leave: one of up to two days to accompany medical appointments and other complementary exams during the pregnancy period of his/her wife or partner; and another of one day per year to accompany a child up to six years of age in medical consultations. Furthermore, amendments to Law n° 11,770 of 2008 extend paternity leave. This topic is one of the most sensitive among parliamentarians and the most publicized by the press when addressing the Legal Framework for Early Childhood.

Another theme addressed by the Legal Framework is participation, in its article 4. Through a participatory approach, children are included in the definition of actions that concern them, according to their age and development characteristics (BRASIL, 2016b). In the same sense, the Legal Framework treats children as citizens of today, of the present, and not as citizens of the future. While the ECA speaks of "preparation for the exercise of citizenship" (BRASIL, 1990, our translation), the Legal Framework already puts the child in the condition of a citizen (BRASIL, 2016b). Every child is a citizen and subject to rights.

6. Intersectoriality proposed by the Legal Framework for Early Childhood

This topic analyzes the intersectoriality proposed by the Legal Framework for Early Childhood in light of the literature. One of the points most often presented in the Legal Framework text considers the issue of intersectoriality. The concept appears in several forms, preceded by nouns such as 'strategy', 'committee', 'coordination', and 'approach' (BRASIL, 2016b). The Law

clarifies that intersectoriality must be one of the central themes in working with early childhood and in all government action in this field, being essential and indispensable for the sustainability of the Legal Framework.

Article 6 of the Legal Framework addresses an Integrated National Policy, which must have an intersectoral approach and coordination. The issue of integration often appears throughout the text, in the same sense that the literature uses when addressing intersectoriality related to integrated care (BRASIL, 2016b). Cunill-Grau (2014) analyzes the issue of integration as a result of and expression of intersectoral work. However, Santos (2011) shows that integrating sectoral logic is a strategy permeated by conflicts. Even with all the difficulties concerning integration, the Legal Framework text analysis makes it clear that the understanding, consistent with the literature, is that there is a direct relationship between integration and intersectoriality.

Another point that frequently appears in the Legal Framework text and which has a substantial connection with the subject of integration is the question of integrality. The term 'integral' appears 19 times in the Legal Framework text, often regarding child development (BRASIL, 2016b). As observed in the literature on early childhood and points inherent to public policies aimed at this age group, the development of children between zero and six years of age is an integral process of interaction between physical, neurological, biological, cognitive, and socioemotional aspects, as well as environmental influences (BARAN; SAUMA; SIQUEIRA, 2014). Thus, for the child to be seen in its entirety, respected, and fully served, it is necessary that the sectors dialogue to achieve the integral development of early childhood (CUNILL-GRAU, 2014). With this clarity, the Legal Framework is careful always to address the development and comprehensive care of children in early childhood. Furthermore, it is important to differentiate the terms, as they often appear in the same context. Integration refers to the idea of integrating, grouping, or sharing (CUNILL-GRAU, 2014), while integrality is connected to a multidimensional perspective necessary to enable a global view (BRONZO, 2007). The literature shows that the theme of intersectoriality is based on the need for a comprehensive view (BRONZO, 2007), with the integration between different sectors as a possible strategy to achieve integrality. Cunill-Grau (2014) reinforces that the relationship between sectors can occur in different forms and that integration results in its most intense and complex form, as if it were a variable of integrality.

Article 7 of the Legal Framework discusses creating an intersectoral committee for public policies for early childhood in the different federal entities. The literature considers the idea of intersectoral committees as a possible structure to ensure integrality in the design and execution of a policy. In this sense, Cunill-Grau (2014) points out that this type of collaboration shows a need to establish common governance arrangements, which means spaces or instances where the sectors involved in an intersectoral action can, at least, express their interests and resolve their differences or conflicts. In turn, Bichir, Oliveira, and Canato (2016), when analyzing instruments

and relationships that allow intersectoriality to be implemented, show the importance of institutional structures, as is the case with committees, but also reinforce that informal relationships in daily life are essential for the construction of joint agendas. Thus, as set out in Article 7 (BRASIL, 2016b), the initiative of intersectoral committees reflects the concern to establish arrangements between sectors. However, as also presented by Bichir, Oliveira, and Canato (2016, p. 96, our translation), "it is important to analyze what is being effectively shared between the many sectors and whether common action objectives are being built beyond protocol relationships".

The sole paragraph of Article 8 focuses on a multi and intersectoral approach to addressing children's rights in early childhood. Multi-sectoriality was not a term that frequently appeared in the literature, except in Cunill-Grau (2014), who states that there are no arrangements for intersectoral action in a low integration action apart from some type of technical multi-sectoral instance approach. When analyzing health promotion strategies in Argentina, Cunill-Grau (2005), treats multi-sectorality as the integration of different sectors and actors in diagnosis, planning, execution, and decision-making. Furthermore, Cunill-Grau (2005) uses both concepts interchangeably, recognizing that some authors differentiate intersectoral action from multi-sectoral action.

Further, Article 10 places the intersectoral strategy as one of the themes to be considered in the qualification of professionals who work in different environments to implement policies and programs aimed at children in early childhood (BRASIL, 2016b). In this context, when addressing the federal construction of intersectoriality in the Bolsa Família Program, Ambrózio states that:

The political body's leadership capacity is decisive for the inclusion of the theme of intersectoriality on the agenda, and the prioritization by the ministers is also essential. However, as or even more important than the engagement of the political body shall be the engagement of bureaucracies and the formation of cohesion between them (2013, p. 344, our translation).

The changes in the ECA brought by Article 30 of the Legal Framework are consistent when adding the issue of professional training in a way that favors intersectoriality. It is important to recall that among the different facets of integration intersectoriality can express - collaboration, convergence, consolidation, and integration - 'staff qualification standards' is inserted at the level of collaboration (CUNILL-GRAU, 2014).

Intersectoriality appears in Article 24 of the ECA when addressing how the Unified Health System should promote oral health care. Bönecker *et al.* (2016, p. 281, our translation) reinforce this point by promoting oral health as an important part of comprehensive care in early childhood and by emphasizing that "unlike other public health systems with universal coverage, in Brazil, we chose to insert oral health in the Unified Health System". According to the authors,

oral health is part of integral health, and its problems should not be seen as something fragmented since they can alter the development of interpersonal relationships and the child's self-esteem.

The question of intersectoriality still appears in other parts of the Law, even if not literally, but with possible interpretations, as is the case of the "collaboration regime between the Federal Government, the States, the Federal District, and the Municipalities" in Article 8. (BRASIL, 2016b, not paginated, our translation). According to Cunill-Grau (2014), collaboration is one of the possible integrations intersectoriality can express. However, the author warns that collaboration strategies must be aligned with their specific purposes.

Still in the sense of bringing references to intersectoriality, Articles 9 and 14 emphasize the theme of articulation, respectively indicating that policies for early childhood shall be articulated with professional training institutions and that government policies and programs support to families shall seek the articulation of many areas aiming at the comprehensive development of the child (BRASIL, 2016b). The issue of articulation appears quite frequently in the literature, closely related to the degree of intersectoriality. As previously mentioned, Lotta and Favareto (2016) indicate that the degree to which intersectoriality takes place varies according to the themes articulated and how they materialize. Furthermore, Pires (2016, p. 67, our translation) points out that it is common for specialized literature to "understand intersectoriality as the articulation of knowledge and experiences of the many governmental actors that plan, execute, and evaluate actions". On the other hand, it is important to return to Bronzo (2007), who slightly distances himself from this relationship, considering that a stronger version of intersectoriality presupposes changes in the structures or dynamics of the sectors not necessarily found with the institutional articulation.

Article 23 of the Legal Framework added paragraph 2, to Article 13 of the ECA. This new paragraph considers a network intervention in children's care in early childhood with suspicion or confirmation of violence, be it of any nature. As noted in the literature, intersectoriality and network are connected concepts, which propose the integration and articulation of knowledge and services (PEREIRA E TEIXEIRA, 2013), which is what this paragraph of the Law suggests when citing the different services that can prioritize child care. These relationships must be further strengthened when addressing complex problems beyond the scope of a single sector (MONNERAT; SOUZA, 2011), as is the case with violence against children.

It is worth noting that the intersectoriality present in the Legal Framework for Early Childhood is presented in the most restricted sense of the concept. Intersectoriality, in a restricted perspective, does not include actors from the private sector and civil society. This view coincides with the intersectoriality presented in the Legal Framework, in which internal public sector relations predominate. Although the Law brings the private sector in some sections, such as when addressing the Citizen Company Program - Article 38 -, and also indicates the importance of

society's participation - Article 4, item VI; Article 11, paragraph 2; and Article 12 -, the text does not bring other actors besides the State when addressing intersectoral relations (BRASIL, 2016b). Furthermore, such relations concentrated on the same sphere of government, which is consistent with Cruz and Farah (2016), who show that the restricted meaning of the concept of intersectoriality is related to horizontal intra-governmental and non-intergovernmental cooperation, which would consist of relations between different levels of government, according to the authors. Even though the Law's text raises the issue of collaboration between Federal Government, States, Federal District, and Municipalities, the emphasis that intersectoriality has throughout the Legal Framework is given in the respective governmental spheres.

When analyzing the role of intersectoriality in the Legal Framework for Early Childhood, the concept must be considered, even with all the challenges this implies. As Falcão (2016) points out, the Legal Framework for Early Childhood entails the need to understand the challenges of intersectoriality, remembering that it is during the implementation that the greatest barriers to success emerge. Still according to the author, the responsibilities of execution fall heavily on the municipalities, considering the federative structure of the country, and, thus, the concepts foreseen in the Legal Framework must reach the top, respecting the specificities of each location, the logic of performance, and the real possibilities.

With the knowledge that there are and will be many challenges, it is significant to discuss the intersectoriality present in the Legal Framework for Early Childhood, either as a concept - literally - or indirectly, as the issue of networking and articulation. Finally, the intersectoriality present in the Legal Framework for Early Childhood entails integration and integrality, correctly working with both concepts and maintaining consistency with the literature, as it occurs when addressing articulation, collaboration, and network intervention. Even though it is not simple and obvious to fit the intersectoriality present in the Law within a definition, it is possible to affirm that the term's restricted meaning predominates throughout the Legal Framework.

7. Conclusion

This article highlighted the Legal Framework for Early Childhood, a major achievement in legislation regarding the topic and care of children up to six years of age. It is impossible to find the entire process of building the legal framework in official documents and academic papers, possibly because it is still a very recent law. Thus, this work aimed to fill this gap through a documentary review, seeking how the construction of the Law took place, who were the actors involved, the protagonism of each one, and the challenges and problems posed. The influence of different groups and interests is evident when comparing the original project to the text that was enacted and analyzing the documents that reflect the discussion of the proposal in Congress, including when addressing early childhood, which, at first, does not seem to be a topic that causes any kind of controversy. Some items that could mean even more advances in early childhood

were not fully supported throughout the discussions. This is the case with maternity leave and the prohibition of advertising for children. Document analysis shows that paternity leave can be considered one of the most sensitive issues in the Legal Framework throughout its course, having been proposed for another thirty days, but approved for another fifteen.

Furthermore, the study of the documents that involved the enactment of the Legal Framework also shows maneuvers that could have delayed the internal approval of the Bill, based on the interest of economic sectors. The collective effort to overturn these maneuvers, including diverse actors, such as civil society groups, was also observed through the requests and news connected to the third sector. Document analysis also made possible the awareness of the commissions the Bill went through and the amendments that were included. Thus, even though the Legal Framework represents a significant advance in the theme of early childhood, the backstage of its processing shows that there were barriers throughout the process of building the Law, in addition to some setbacks, which made some points not support themselves until the end.

It is important to consider that this analysis could be complemented by interviews with actors who were present from the elaboration of the Bill to the processing of the Law and its enactment. With this type of approach, issues such as the suppression of pregnancy from the concept of early childhood could be clarified. These are questions that may constitute a future research agenda.

Moreover, the Law considers intersectoriality as a fundamental theme in working with early childhood and in all government action in this field, justifying the need to analyze the concept. Intersectoriality is considered almost a necessity, essential, and indispensable for the sustainability of the Legal Framework. In conclusion, the Law works the concept correctly and maintains coherence with the literature. However, it is noteworthy to recall the study of the Congress and Senate documents and the comparison of the original Bill with the final text of the Law, which show how the concept, which was not even mentioned initially, became one of the main pillars of the Legal Framework, gaining prominence throughout the law-building process.

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