

Resilience and Reconstruction of Participatory Institutions in Brazil: An Analysis of Policies for Childhood, Adolescence, And Sexual and Gender Diversity

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ABSTRACT: Participatory Institutions (PIs) in Brazil, consolidated after the 1988 Constitution, faced a process of deliberate de-democratization between 2019 and 2022, followed by a reconstruction effort starting in 2023. This article analyzes the institutional strength and resilience of Public Policy Councils and Conferences, investigating how these arenas impact the stages of the public policy cycle and operate as mechanisms of institutional resistance. To this end, the study uses the trajectories of the National Conferences on the Rights of Children and Adolescents (CNDCA) and LGBTI+ Rights as emblematic cases, whose capacities for federative structuring and public recognition exhibit distinct nuances. Through bibliographic and documentary analysis, the results demonstrate that while the childhood and adolescence agenda is sustained by a long-standing institutional triad (funds-councils-conferences), the LGBTI+ agenda reveals a resilience driven by social mobilization and the recognition of rights via the Judiciary. This study concludes that, despite the recent participatory hiatus, the vitality of these arenas in 2024 proves that social participation has consolidated itself as an essential method of governance for the protection of rights and the strengthening of Brazilian democracy.

KEYWORDS: Participatory institutions; Councils and conferences; Social participation; Rights of children and adolescents; LGBTI+ population.

INITIAL CONSIDERATIONS

The development of public policies in Brazil is influenced by a wide array of institutions and collective actors, such as the established branches of government, political parties, and civil society. In this context, Participatory Institutions (PIs) play a crucial role in the public debate as instruments for articulating, constructing, and reflecting upon the various aspects that structure public policies in their relationship with society. With the promulgation of the 1988 Federal Constitution, and subsequently with the advancement of participatory experiences and increased investments in public policies, policy communities have gained significant relevance.

This trajectory of strengthening, however, was not linear. The recent Brazilian political landscape has revealed a profound dispute between the dimensions of politics and policy. While the de-democratization observed between 2019 and 2022 sought to erode political arrangements (politics) to paralyze participatory government programs (policy), the institutional resilience of these arenas, anchored in the 1988 constitutional framework, allowed for a strategic resumption in 2023. Thus, the current debate shifts from mere formal existence to analyzing the capacity of these institutions to resist autocratic attacks and reinvent themselves within new governmental cycles.

In the theoretical field of democratic innovations, it is essential to specify that Participatory Institutions (PIs) are not defined solely by popular presence, but by an institutional design that articulates a participatory nature, governmental linkage, and institutional durability. According to Almeida et al. (2021), the strength of these instances lies in their capacity to be recognized by social and state actors as legitimate spaces for interest representation. This legitimacy is tested in challenging contexts, where institutionalization must resist deep social inequalities and variations in the political disposition of ruling administrations, requiring

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that the Brazilian participatory architecture be evaluated not only by its formal existence but by its effective capacity for policy impact in sectoral areas.

These communities are essential for democracy, as they foster dialogue, include new actors, and generate tensions that enrich the debate and the construction of social solutions. Such a discussion is highly relevant in the recent national political scenario, which is marked by paradoxes. On the one hand, there have been growing conservative offensives and democratic setbacks—such as Decree No. 9,759/2019 during the Bolsonaro administration, which weakened PIs by extinguishing deliberative arenas and excluding actors and public programs; on the other hand, there are democratic advances and reconstruction, such as the express revocation of said decree by the Lula III administration in 2023 (Bezerra et al., 2024).

The contemporary debate on the trajectory of these institutions requires an analysis of the period of "de-democratization" that occurred between 2019 and 2022. As postulated by Avritzer and Zanandrez (2024), Brazil experienced a deliberate dismantling of participatory forums, which reached its peak with Decree No. 9,759/2019. However, the authors highlight that the resilience of these PIs, sustained by constitutional foundations (such as Articles 1 and 14 of the 1988 Constitution), allowed for a strategic resumption in 2023. This new phase seeks not only to restore councils but to articulate an integrated system that connects social participation to the state planning cycle, as observed in the Participatory Multi-Year Plan (PPA) process.

During this period, Brazil experienced significant changes in various aspects of its politics and culture, such as: the questioning of the 2014 election results; the segmented and rival protests by left- and right-wing groups starting that same year; the impeachment process of then-President Dilma Rousseff in 2016, with Michel Temer's ascension to the presidency; the freeze on social policy investments by the Temer administration (2016-2018); the electoral victory of Jair Bolsonaro in 2018, whose posture, proposals, and actions were largely averse to democracy; the abuses and setbacks in social policies, human rights, and social participation spaces between 2019 and 2022 (notwithstanding the limitations related to the Covid-19 pandemic); the third electoral victory of Lula and the fifth of the Workers' Party (PT) in six presidential elections in 2022; and the resumption and expansion of participatory spaces, PIs, and institutions related to the development of public policies and the defense of human rights starting in 2023. It is pertinent to note that this trajectory reveals a dispute between the dimensions of politics and policy. According to Avritzer and Zanandrez (2024), while politics refers to political arrangements that seek to convert conjunctures into norms, policy encompasses government programs operating under democratic rules. The recent de-democratization focused on the erosion of politics to paralyze participatory policy.

Broadly speaking, public policies are state tools designed to realize social rights, pursuant to Article 6 of the 1988 Federal Constitution. They encompass areas such as education, healthcare, social assistance, and housing, serving the general population or specific groups. Different authors define them in relation to planning, execution, and evaluation functions, impacting society comprehensively.

To qualify the effectiveness of PIs, recent literature proposes distinguishing between deliberative effectiveness and outcome effectiveness. Following the analysis by Nunes and Resende (2021), the first aspect focuses on the quality of argument exchange and the pursuit of persuasion between state and social actors within the forums. The second aspect assesses the actual implementation of decisions by the State and the well-being produced in society. The authors warn that, given the multiplicity of PI formats, evaluation must employ a methodological "toolbox" that considers the exogenous political context, preventing such institutions from becoming mere bureaucratic rituals.

That being said, among various classifications and analytical models that seek to understand and systematize how policies operate, there is relative consensus on a set of stages most frequently considered in investigations: agenda-setting, policy formulation, decisionmaking, implementation, and evaluation—with monitoring considered a supplementary activity. As pointed out by Almeida et al. (2021), the institutional strength of a PI is the result of a continuous process and does not end with its creation. The level of institutionalization depends on the extent to which these arenas are valued by social actors as loci of representation.

Global distrust in traditional representative institutions reinforces the thesis that PIs function as channels for bridging the gap between the State and historically marginalized groups. As discussed by Nunes and Resende (2021), direct participation allows subordinated sectors to influence the decision-making process and the allocation of public resources more equitably. By acting as a support structure for representative democracy, PIs seek to mitigate the flaws of the liberal system and broaden citizens' democratic consciousness. Nevertheless, the authors caution that the dependence of these institutions on the political will of elected officials can make them hostages to conjuncture-driven power strategies, compromising their autonomy.

These stages theoretically ensure the continuity and improvement of government actions, promoting dialogue among the government, experts, and the population. Citizen participation is fundamental in this process, whether through representation or collective action, strengthening the democratic role of public policies. Complementarily, Nunes and Resende (2021) observe that evaluating participatory practices helps detect weaknesses, such as the instrumentalization of PIs by influential segments that possess greater organizational capacity to steer decisions for their own benefit.

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Such evaluation is essential to detect the risk of participatory elitism, manifested by the instrumentalization of PIs by influential segments. These groups, endowed with greater organizational capacity and political capital, can dominate the deliberative scene to steer decisions for their own benefit, resulting in the manufacturing of false consensuses, as evidenced by Gimenes (2011; 2014) in studies on non-state political elites acting in civil society organizations and/or occupying seats in municipal public policy councils. This phenomenon neutralizes the transformative potential of civic oversight, turning councils and conferences into rituals for legitimizing agendas predefined by political or sectoral elites, to the detriment of historically marginalized groups.

In this sense, PIs stand out as institutionalized modalities of political engagement that promote citizen participation and strengthen democratic values by involving citizens and civil society organizations in decision-making processes. They can adopt models such as open participation, power-sharing between the State and society, and public ratification through referendums, for example. These PIs, also called democratic innovations, gained momentum with the 1988 Federal Constitution, which ensured society's participation in strategic social areas. They aim to include civil society in fundamental decisions, decentralizing political power traditionally restricted to political parties and Parliament.

The central objective of this article is to analyze the institutional strength and resilience of Participatory Institutions (PIs), specifically Councils and Conferences, in the face of the movements of de-democratization and the reconstruction of public policies in Brazil. Moving beyond a bureaucratic qualification, this research seeks to clarify how these arenas impact the different stages of the public policy cycle, operating as mechanisms of institutional resistance and representation for minority groups in contexts of democratic backsliding.

Through a qualitative approach that combines bibliographical and documentary analysis, the study utilizes the trajectories of the National Conferences on the Rights of Children and Adolescents (CNDCA) and LGBTI+ Rights as emblematic cases. This aims to demonstrate how different degrees of institutionalization and social mobilization condition the capacity of these arenas to shape the state agenda and ensure the continuity of fundamental rights.

The choice of the National Conferences on the Rights of Children and Adolescents (CNDCA) and LGBTI+ Rights as case studies is justified by the divergence in their degrees of institutionalization and historical trajectories. While the childhood and adolescence sector operates under an institutional 'backbone' consolidated by the funds-councils-conferences triad, granting it greater legal resilience, the LGBTI+ agenda has a more recent and cross-cutting development, frequently relying on Judiciary decisions to materialize its guidelines. This comparison allows for an analysis of how different institutional designs and levels of public recognition react to contexts of democratic backsliding and reconstruction.

PUBLIC POLICY COUNCILS

The main milestone for the creation of Public Policy Councils was the 1988 Federal Constitution, which carries at its core a "strong participatory ideology that marked the country's transition process from a military to a democratic regime; institutional spaces for participation became striking elements of the Brazilian political system" (Almeida; Cayres; Tatagiba, 2015, p. 1), evidencing "the growing relevance of this participatory arena" (Lavalle; Voigt; Serafim, 2016, p. 613). Unlike purely consultative models, deliberative councils possess real decision-making power over policy implementation and resource administration, according to the distinction made by Almeida et al. (2021).

In this way, by establishing a series of rights for citizens, the 1988 Constitution granted a "co-management of public affairs" (Tonella, 2004, p. 140), solidifying the creation of Public Policy Councils across the three levels of government: Municipal, State, and Federal. Thus, new spaces for public policy formulation emerged, and civil society took on a leading role through social participation (Silva, 2024). This variation in strength can be measured by the Council Participatory Potential Index (IPPC). According to Almeida et al. (2021), the IPPC integrates the institutional profile (rules and design strength) with the participatory index (degree of activism and meetings) to diagnose the actual capacity for impact.

The institutional strength of councils is not uniform and depends significantly on the degree of activism of the policy communities involved. Areas such as human rights and social assistance have long-standing, active councils that function as "umbrella" structures for various social causes. According to Almeida et al. (2021), councils created in the wake of broad sectoral reforms, which associate participation with the management of mandatory funds, tend to be more resilient. This dynamic corroborates the thesis that the nature of political reforms conditions the institutional authority of these participatory arenas across the national territory.

As previously stated, councils were the primary novelty in public policies throughout redemocratization, so much so that "in recent years, the word 'councils' has ultimately become synonymous with 'public policy management council'" (Lavalle; Voigt; Serafim, 2016, p. 613). The "endogenous theory of participation," discussed by Almeida et al. (2021) based on Falletti and Riofrancos, maintains that PIs stemming from bottom-up social mobilizations are more likely to become strong than those imposed by administrative diffusion.

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The institutional design of councils is the main predictor of their efficacy, defining who participates and how decisions are processed. However, in many contexts, formal rules have low applicability and face frequent contestation. As Almeida et al. (2021) argue, actors invest more energy in institutions they expect to be effective, developing specific competencies to act under their rules. Therefore, the frequency of plenary meetings is not merely bureaucratic data, but an indicator of the value that civil society and the State attribute to these spaces as legitimate arenas for political negotiation.

Councils are politically organized spaces for social participation (created by municipal/state laws) that play a central role in the development of public policies. Indeed, in some sectors—such as health, child and adolescent rights, education, and social assistance—councils are a legal condition for the transfer of federal resources to states and municipalities.

This has led to the creation of many councils by legal mandate (Silva, 2024); the "triad of funds, conferences, and councils has spread throughout the Brazilian political order, becoming the backbone of institutional systems in various public policy areas" (Almeida; Tatagiba, 2012, p. 69). Furthermore, Rocha (2022) highlights the importance of meeting minutes as a primary source for detecting who actually deliberates and the real content of decisions, allowing for an evaluation of whether parity is, in fact, exercised.

The quality of the deliberative process can be evaluated through the category of discussion "temperature." According to the assessment by Nunes and Resende (2021), "hot" deliberations occur when agents enter the debate with pre-established interests and rigid positions, which can accentuate inequalities. In contrast, "cold" deliberations favor the collective interest, as participants do not hold definitive prior conceptions. The institutional challenge is to strike a middle-ground balance that preserves the common interest without nullifying the specific satisfactions of each social segment involved in the public policy.

For councils to function, meetings are usually held in person, where roles and attributions are performed according to the internal bylaws of each entity. During the Covid-19 pandemic, in some municipalities—such as Maringá, PR—council meetings were held online, as noted by Silva (2024). The dynamics of councils during crisis situations reveal their capacity for adaptation and institutional resilience. In Rocha's (2022) study of the Municipal Social Assistance Council (CMAS) of Natal during the pandemic, it was identified that the transition to virtual meetings altered the tone of dialogue, prioritizing agendas of social urgency. Although the use of technologies created access barriers for some users, civil society maintained its leading role in the agenda. However, the failure to update internal bylaws for the remote model exposed a normative instability that can compromise civic oversight during periods of exceptionality.

In this context, Silva, Cardoso, and Pereira (2022) warn that institutional design is not neutral and can be manipulated by the Executive branch to reduce the deliberative and strategic character of councils, as seen in the extinction of appellate chambers. The risk of democratic backsliding via the alteration of institutional designs is clearly exemplified in the 2019 restructuring of the National Environment Council (CONAMA). According to Silva, Cardoso, and Pereira (2022), the changes promoted by the federal government drastically reduced the seats for civil society and local governments, concentrating decision-making power in the federal government. The authors demonstrate that this reconfiguration unbalanced the shared environmental management model, signaling a transition from a deliberative forum to an arena subordinated to unilateral governmental agendas, thereby restricting popular sovereignty in the management of natural resources.

For Castro (2012), the functions of councils are: formulation, follow-up, monitoring, and deliberation. According to Tonella (2004), the specificity of Councils is marked by characteristics such as: independence from governmental bodies in the exercise of their functions; the competence to formulate public policies; the coordination and supervision of actions; the management of public funds; and their parity-based composition between governmental and nongovernmental representatives. The councilors' perception of effectiveness is vital. Villela et al. (2016) demonstrate that legitimacy analysis must consider whether the principles of inclusion, pluralism, and deliberative equality are being practiced in everyday institutional life.

Almeida (2015) teaches us that councils are effective instances of civic oversight and popular participation, strengthening citizen engagement and representing a privileged space for the expression of popular will, as foreseen in deliberative democracy, with their composition governed by parity (public/private). Governmental members (public), both full and alternate, are usually appointed by the head of the Executive, whereas civil society members (private)—originating from Civil Society Organizations (CSOs), neighborhood associations, unions, and other entities—are designated by law, following the guidelines for the creation and composition of participatory institutions. As pointed out by Bogdan (2024), the proportional increase of consultative councils relative to deliberative ones in the Lula III administration raises concerns regarding the resilience of these arenas, since consultative bodies possess less autonomy to resist future political restrictions.

The effectiveness of municipal councils is intrinsically linked to their harmony with local budgetary legislation. According to the assessment by Nunes and Resende (2021), if council decisions diverge from the budget law, they are unlikely to produce concrete effects. Furthermore, the distribution of federative powers conditions the reach of these arenas; policies concentrated at the federal level leave little management room for municipal councils, as observed in housing programs. Therefore, effectiveness depends not only on endogenous factors but also on the political-institutional context and the relationship between the Executive and Legislative branches in the execution of public funds.

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Council members may be appointed or elected in public forums, such as conferences or assemblies, generally constituted by organizations belonging to 'segments' predefined in legislation/regulations to compose the Councils (as is the case in healthcare, which mandates the representation of four segments: users, government, service providers, and workers); they may be appointed by organizations predefined in internal regulations to compose the Councils; or they may also be appointed by members of the executive branch, given their affiliation with an organization predefined in legislation to compose the Councils" (Almeida, 2015, pp. 58-59, our translation)

Councils generally function through face-to-face meetings aimed at fulfilling their attributions. Castro (2012) points out that their functions include formulating, following up, monitoring, and deliberating on issues related to public policies. Tonella (2004), in turn, highlights that these spaces possess specific characteristics: independence from governmental bodies; competence to formulate and oversee policies; management of public funds allocated to sectoral policies; and parity-based composition between representatives of the public power and civil society. Rocha (2022) highlights that deliberative equality is visualized in the real possibility of all segments presenting topics to the agenda, which he defines as "agenda capacity" (*capacidade de agenda*) and "vocalization capacity" (*capacidade de vocalização*).

For deliberation in councils to overcome its ritualistic and bureaucratic character, it is necessary to observe the temperature of the discussions and the agenda capacity of the actors (Rocha, 2022). Deliberative effectiveness is considered high when the propositional function prevails, allowing all segments to vocalize demands autonomously. However, the challenge lies in preventing these institutions from becoming hostages to conjuncture-driven power strategies or being instrumentalized by privileged groups that hold greater organizational capacity to manufacture false consensuses. Therefore, formal parity must be accompanied by real deliberative equality, where conflicts of interest are mediated in favor of the collective interest (Nunes and Resende, 2021).

The integration between representative democracy and participatory processes requires the dynamics of PIs to be appropriately understood to avoid manufacturing false consensuses. As Nunes and Resende (2021) warn, councils can be instrumentalized by privileged groups better adapted to interacting with the State. Detailed knowledge about these institutions serves so that activists can evaluate the best ways to address their demands. Without scrutinizing these processes, there is a risk that participation legitimizes decisions made outside the forums, neutralizing the transformative potential of civic oversight over the management of public affairs.

The relevance of public policy councils lies in their connection to popular struggles and civil society pressure during the re-democratization process. Despite emerging in a context of neoliberal reforms and questions about their effectiveness, these new structures became part of the institutionalized public sphere, linking to Executive branch agencies responsible for specific public policies and ensuring technical and administrative support for the councils' functioning (Gohn, 2003, p. 84). Finally, Martelli and Coelho (2021), cited by Rocha (2022), reinforce that the sense of effectiveness must be interpreted through various approaches to avoid biased conclusions or those contrary to the original democratic purpose.

Public policy councils are present in most Brazilian municipalities, and their growth is undeniable (Lavalle; Voigt; Serafim, 2016, p. 612), given their importance as channels for social participation in the oversight and orientation of public policies, contributing to the realization of fundamental rights. Mello (2018) identifies three main types of councils: sectoral, focused on specific areas such as health or education; program, linked to government actions or budgets; and thematic, focused on agendas such as women's rights and/or racial equality.

It is important to highlight that civil society participation was also regulated by Ordinary Laws that instituted consultative and deliberative councils. Examples include the Organic Health Law (Law 8,080/90), which foresees community participation in its Article 7; the Child and

Adolescent Statute (Law 8,069/90), which establishes the creation of councils as a guideline for reception policy in Article 88; the Organic Social Assistance Law (Law 8,742/93), which designates parity-based deliberative arenas in Article 16; and the National Education Guidelines and Bases Law (Law 9,394/96), which foresees the democratic management of education in Article 14. Over time, this logic was also incorporated into other areas, such as public security, the environment, youth, and urban development (Vidal, 2011).

The legal requirement for the creation of these councils contributed to the strengthening of civic oversight and the expansion of citizen participation in public management. In this context, councils function as a bridge between the government and society, possessing normative autonomy and support in the constitutional principles of participation and political-administrative decentralization.

Civic oversight, therefore, assumes a fundamental role in popular participation and the improvement of public policies. As Correia (2008) highlights, the Portuguese concept of *controle social* is ambiguous: it can mean both the State's control over society (social control) and society's control over state actions (civic oversight). Councils, through this civic oversight, favor transparency in public administration, contribute to a fairer distribution of resources, and demand proper accountability from managers (Dias, 2016, p. 1).

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To exemplify the consistency of councils, as well as their exercise of civic oversight, we return to the situation of the non-convocation of the National Social Assistance Conferences in 2019, a period highlighted in this study as a moment of backsliding in participatory spaces. The absence of the Conference was due to the government's opposing position and the consequent revocation of the National Social Assistance Council (CNAS) resolutions, which had previously convened the XII National Social Assistance Conference (Silva, 2024). In response, facing a political context considered unfavorable to the strengthening of the Unified Social Assistance System (SUAS), civil society, social movements, professional councils, union entities, users of social assistance policy, Civil Society Organizations (CSOs), and other actors convened the National Democratic Social Assistance Conference under the theme: "Social Assistance: The People's Right with Public Financing and Social Participation." They drafted a document listing supporters and requesting adherence to the convocation, prompting federation units and municipalities to decide to hold the conferences, reaffirming the defense of democracy (Silva, 2024).

Therefore, even in a scenario of erasure, Public Policy Councils organized themselves to maintain their activities of representation and struggle for public policies. We cite the example of CNAS, but this was also the case for the National Council for the Rights of Children and Adolescents (Conanda) (Silva, 2023; Oliveira, 2022).

Thus, councils play a central role in the restructuring process of public policies, making social participation relevant at various management levels. They are indispensable in civic oversight for the approval of accounts and the transfer of federal resources to states and municipalities. "Civic oversight essentially characterizes popular participation in social policies, contributing to the broad improvement of public policies, in addition to the task of overseeing, controlling, and deliberating on such policies" (Silva, 2014, p. 52, our translation).

The following chart (Chart 1) presents the basic or general organizational structure of how councils function, the specificities of which vary according to the norms defined by their internal bylaws.

Chart 1 – Structure and Organization of Councils

Structure and Organization of Councils	
Organization	<p>I - Executive Board: President, Vice-President, and Executive Secretary</p> <p>Executive Secretariat: its function is to subsidize the council with technical assistance and administrative support for its activities.</p>
	<p>II - Plenary or Collegiate Body</p> <p>Councilors and Board: it is the collegiate body of maximum deliberation of a council. Its meetings occur once a month and extraordinarily when necessary. According to the Internal Bylaws, deliberations must occur with the majority of councilors, that is, 50% plus one, to establish a quorum.</p>
	<p>III - Permanent/thematic Committees and Working Groups</p> <p>I - Committees: possess a permanent character; their function is to discuss issues related to norms, financing, and policy, among other pertinent matters.</p> <p>II - Working Groups: possess a temporary character to meet a specific need.</p>
Administrative Acts	<p>Internal Bylaws: set of administrative norms defined by the council aiming to guide its functioning.</p>
	<p>Meeting Minutes: mandatory record document drafted after each meeting with a brief exposition of the works, conclusions, and deliberation votes. These deliberations will have their decisions externalized through Resolutions. Once drafted, numbered, and approved by the plenary, it must be signed by the president.</p>
	<p>Resolution: decisions taken by a collegiate body and, although not uncommon, they can be joint when issued by more than one council on matters of mutual interest. They will be published in the Official Gazette of the Municipality.</p>
	<p>Communiqués: frequently have ratifying functions, thus not being mere informational (internal) acts about the activities of the councils or other arenas or actors regulated by them (external).</p>
	<p>Public notices and notices of convocation, ratification, and rectification: also concern forms of legal communication, with ratifying functions in the first three cases and, in the last, the correction of previous acts.</p>
	<p>Opinion: refers to the exercise of evaluating the accountability reports submitted by municipal Executive agencies or civil society actors linked to the policy's operation, although it is not the most used administrative act for this purpose.</p>
	<p>Evaluation of the accountability of secretariats or sectoral funds: is exercised more frequently through resolution.</p>
<p>Recommendation: is a suggestion, warning, or notice regarding the content or form of execution of sectoral policies and strategies, or regarding the convenience or opportunity of adopting a certain measure.</p>	

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Motion: is the way to express approval, recognition, claim-making, or repudiation regarding a certain matter or fact correlated to the council's theme.

Official Letter: is an official correspondence, with letterhead and numbering.

Source: Prepared by the author (2024), based on Lavalle, Voigt, and Serafim (2016, pp. 621-622), Medeiros (2018), and Curi (2020, p. 68).

In summary, public policy councils have consolidated themselves as essential instruments for the promotion of social participation, transparency, and democratic oversight over State administration. Despite the challenges and constant disputes surrounding their effectiveness, the existence of these arenas strengthens democracy by bridging government and civil society in the development and monitoring of public policies. Their role goes beyond the bureaucratic dimension, representing a legitimate channel for claim-making, deliberation, and social transformation.

PUBLIC POLICY CONFERENCES

The creation and expansion of participatory arenas are fundamental for realizing democratic promises, especially from the 1960s onwards, when efforts were made to restore the articulation between citizenship and popular sovereignty as a way of questioning the prevailing individualistic logic. This movement was anchored in the idea of citizen participation in matters of their interest; for this to be possible, the State needed to create public spheres to gather actors and to develop public policies in co-participation (Lüchmann, 2006). National conferences have become arenas that bring together state and societal representatives to discuss and define general guidelines for sectoral policies across all spheres of the federation, as defined by Silva (2019).

The democratic potential of conferences lies in their capacity to promote political inclusion and plurality, allowing minority voices and historically excluded groups to influence the national agenda. According to Cunha (2012), these arenas foster the inclusion of segments that would traditionally be marginalized from decision-making processes. The multi-tiered dynamics of the conferences—from the municipal to the national level—ensure that the diversity of local knowledge and wisdom is integrated. This model allows controversial topics to be negotiated under conditions of equality, qualifying the fairness of the approved proposals.

In the Brazilian case, in 1937, the Minister of Education and Public Health issued Law No. 378, which introduced the system of health conferences to the national scenario. The motivation for this law was to aid in federative articulation, as the conference was seen as a channel for the State to negotiate with state governments (Souza, 2013). There is not merely one definition to explain what a National Conference is; they can be defined as "participatory institutions for deliberation on public policies at the national level of government" (Avritzer, 2013, p. 125, our translation). Thus, conferences appear as an alternative to integrate social participation in a context of expansion that was strengthened, mainly, in the 1980s with redemocratization. Faria, Silva, and Lins (2012) argue that conferences can be seen as an "integrated system of participation and deliberation," connecting multiple moments of the political process.

Conferences play a strategic role by functioning as a channel of dialogue between different levels of government, enabling the formulation of public policies in an integrated manner among the federal, state, and municipal spheres. In Brazil, the State played a central role in economic and social development, consolidating the social welfare model with the promulgation of the 1988 Federal Constitution (Souza et al., 2013).

Furthermore, the 1988 Constitution included new forms of social participation in several passages of the constitutional text, such as Articles 194, 198, and 204 (Note: corrected to 204 in standard Brazilian constitutional reference for social assistance, though kept as 202 if intended), which mention the importance of society's participation in issues of social security, healthcare, and social assistance, respectively. The institutional structure of the conferences is governed by internal bylaws, which act as a piece of institutional engineering by defining who participates and what topics are debated, according to Silva (2019).

The capacity of conferences to influence sectoral policy programs can be analyzed by distinguishing between recommendations derived from governmental suggestions and novel proposals. In the studies by Silva (2014, 2019), it is observed that conferences in cross-cutting areas, such as gender and racial equality, present a high proportion of novel proposals incorporated by the Executive. This phenomenon demonstrates that conferences do not merely serve to ratify government intentions but act as instances for the genuine proposition of policies. The success of this translation depends on the political will of managers and the organic nature of the actor networks involved in each sector.

Although national conferences emerged in the Brazilian scenario in the 1940s, their consolidation occurred in 2003, strengthening the distancing from the liberal model and contributing to the break with historically rooted clientelist practices (Pogrebinski, 2011). With the 1988 Federal Constitution and the institutionalization of participatory mechanisms, civil society began to take a more active role in governmental decisions, expanding political participation beyond voting. Petinelli (2011) highlights that conferences became vital arenas for monitoring and evaluating government actions across the three spheres of the federation.

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The impact of conferences extends significantly to the Legislative branch, functioning as a mechanism of "participation as representation." In the work of Pogrebinschi and Santos (2011), it is proven that a considerable portion of the approved guidelines is converted into bills and constitutional amendments in the National Congress. Far from weakening Parliament, conferences provide crucial information about the electorate's preferences, making representatives more responsive. Areas such as healthcare and human rights have the highest rates of legislative acceptance due to their high degree of institutionalization and the strength of historical mobilization in these sectors.

In the context of national conferences, which are also public policy conferences, the focus is both on the discussion of assured—yet not fully realized—rights, and on the formulation and implementation of guidelines for public policies (Pogrebinschi, 2013). When studying these institutions, social participation is understood as a process of forming the collective will, emphasizing civil society involvement (Almeida, 2018). Pogrebinschi and Ventura (2017) emphasize that participatory innovations activate responsiveness and equality, essential dimensions for measuring the quality of any contemporary democracy.

In the current Lula III administration, the resumption of conferences incorporated the digital dimension as a strategic pillar of mobilization. As analyzed by Bogdan (2024), platforms such as "Brasil Participativo" allowed for millions of votes in the Participatory PPA but revealed tensions between corporatist agendas and those of traditional movements. The author observes that corporatist proposals initially dominated the digital ranking, requiring an in-person reaction from organized civil society in the plenaries to reposition topics of public interest, such as the valorization of the Unified Health System (SUS), at the top of the agenda. This scenario demonstrates the need to integrate virtual tools with face-to-face deliberation to ensure authentic representation.

The incorporation of the digital dimension via the 'Brasil Participativo' platform represents a milestone in democratic experimentalism, but it brings new representative dilemmas. The observation that corporatist agendas initially dominated the digital ranking in the Participatory PPA raises a red flag regarding the risk of distorting public priorities. The need for an in-person reaction from social movements to reposition issues like the SUS at the top of the agenda demonstrates that digital collective intelligence must be mediated by face-to-face deliberative processes to ensure that participation results in authentic representation, rather than just a metric of virtual engagement.

Thus, when participatory institutions appear in the public sphere, they provide a new guise for participation and enable the inclusion of new actors in the debate. In addition to being considered participatory institutions, conferences can also be analyzed from the perspective of the deliberative-democratic approach (Souza, 2013, p. 32), as they configure themselves as spaces for participation, deliberation, and representation, promoting dialogue and the expression of opinions. The deliberative nature of these conferences indicates that the discussed proposals can influence the formulation of government policies. Villela et al. (2016) point out that conferences are instruments for territorial development, allowing the social management of divergent interests at the local and national levels.

The efficacy of conferences for minority groups, such as women, black people, and the elderly, is fundamental for the construction of policies of recognition. According to Pogrebinschi (2012), these conferences allow the State to visualize specific demands that would be ignored under traditional coalitional presidentialism. Examples like the National Human Rights Plan demonstrate how guidelines vocalized in these arenas are consolidated into comprehensive plans. Participatory inclusion, therefore, broadens the understanding of the nature of minorities and forces the State to respond through administrative acts and regulatory frameworks aimed at remedying historical injustices.

These two perspectives on conferences are not mutually exclusive, as they share similar concepts. However, understanding national conferences as participatory institutions seems to be the most appropriate approach for the current context, as it emphasizes civil society involvement—a result of pre-Constituent mobilizations—and ensures a balance in the interaction between society and government, as foreseen in various passages of the constitutional text (Avritzer, 2013). Since approaches can vary, certain characteristics help us understand them: i) need for regulation: conferences can be regulated by a presidential decree or by a resolution from the sector's council; ii) internal bylaws: a document that guides the state and municipal stages, indicating criteria for realization and participation; iii) interconnected stages: corresponding to the realization of state and municipal stages that also elect representatives for the national stage; and iv) final report: the document drafted at the end of the national stage containing the approved proposals. According to Faria, Silva, and Lins (2012), the internal bylaws are the document that allows for the assessment of the structuring of participatory moments and their capacity to form an integrated system.

The evaluation of the institutional design of conferences must consider whether the rules for selecting delegates guarantee real parity and prevent the overrepresentation of politically influential groups. According to Silva (2017) in "Whom Do Public Policy Conferences Serve?", the absence of clear criteria in the internal bylaws can replicate the power configuration of the respective area, excluding dissenting voices. When the rules are balanced, the actors' capacity for influence tends to correspond to their representative proportion. Thus, institutional design is not merely technical, but a political choice that determines whether the outcome of the conference will be a mirror of social diversity or just a reinforcement of the status quo.

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Institutional design is not neutral, and there is always a risk that it acts precisely as a mechanism to reinforce the status quo. As Silva (2017) warns, the absence of clear criteria in the internal bylaws can replicate the power configuration (elitism) of the respective sectoral area, excluding dissenting voices and groups with less articulating power. For participation not to be merely an extension of traditional elite power, it is imperative that delegate selection rules guarantee real parity, preventing the conference outcome from being just a mirror of the power asymmetries already existing in society.

Conferences present themselves as: "a democratic channel of participation in the public policy cycle" (Souza, 2013, p. 56, our translation). The objectives pointed out by the Polis Institute (apud Souza, 2013) reinforce our argument about the relevance of conferences as participatory arenas that aggregate policy communities: i) define principles and guidelines for sectoral policies; ii) evaluate ongoing programs; iii) give a voice to various segments of society (Idem, p. 57). Bogdan (2024) emphasizes that the Ministry of Human Rights stands out in the current administration for encompassing the largest number of PIs (councils and conferences), combatting the previous demobilization.

The participation mechanism of a conference is public deliberation, hence the assertion that the space of the conferences: "brings to the agenda the already known grammars of representation, participation, and deliberation" (Pogrebinschi, 2013, p. 243, our translation). In the final plenary session, the moment when guidelines are approved, the focus is on the deliberation of universal policies. Although not a recent phenomenon, national conferences began to incorporate mechanisms of participation and deliberation after 1988, which gave them an innovative character. As Pogrebinschi synthesizes: "by making social participation and joint deliberation between government and civil society one of its constitutive stages, national conferences consist of a robust example of Brazilian democratic experimentalism" (2013, p. 275, our translation). According to Pogrebinschi and Santos (2011), deliberative practices do not replace representative government but strengthen it through a healthy institutional dynamic between the conferences and Congress.

This review of some historical milestones in the trajectory of national conferences proves important, as it situates all those interested in the subject. Conferences represent a significant event for democratic consolidation; obviously, there are points to improve. However, we have already experienced four years of the erasure of participatory spaces and public policies, and we could perceive the backsliding this led us to. In order not to repeat history, we must learn about it.

In light of the above, we highlight constitutive elements of the National Conferences specifically related to two distinct public policy areas—the Rights of Children and Adolescents, and the Rights of Gays, Lesbians, Bisexuals, Travestis, Transsexuals, and other minority groups in terms of sexual diversity (LGBT+)—whose historical development, federative structuring capacity, and public recognition are diametrically distinct.

Following the proposal of this article and aiming to demonstrate the importance of Conferences through case studies, we outline the historical trajectory of the National Conferences on the Rights of Children and Adolescents (CNDCA), held since 1995. Their continuity evidences not only the relevance of the agenda but also the importance of conferences as a participation mechanism. To support our documentary analysis, we present specific information about each edition, such as the year, theme, and number of participants, when available. It is noteworthy that data systematization is carried out by the Conanda executive committee or by the conferences' own committees, which justifies variations in the Proceedings without compromising the validity of the sample.

The I Conference did not have its data systematized at the time; its information was recorded later, in 2009, in the document "Balance of the National Conferences on the Rights of Children and Adolescents - 1st to 8th Conference." The theme was "absolute priority for children and adolescents," pursuant to Article 227 of the Constitution, focusing on defining the national care policy and general guidelines. The II Conference, in 1997, maintained the same theme and had about 800 participants, but also presented limited systematization, with no record of the approved guidelines. In the III Conference, in 1999, the theme was "a decade of history towards the third millennium," with the proposal to evaluate the implementation of the Rights Guarantee System. The data were organized based on state reports, allowing for the identification of a national situation and proposing coordinated actions. The IV Conference, in 2001, discussed "Children, adolescents, and violence" with the motto "violence is cowardice, the scars remain in society," gathering about 1,000 participants. However, there is no record of the final proposals, as the proceedings were not located. The V Conference, in 2003, had the theme "Pact for peace: a possible construction" and had about 1,200 participants, including nine ministers, although the available document presents gaps. The VI Conference, in 2005, brought the theme "Civic oversight, participation, and guarantee of rights – for a policy for children and adolescents," guided by the struggle for equality (Silva, 2019).

The VII Conference, held in 2007, stood out for being the first with a deliberative character, with a theme focused on the realization of Human Rights and the participation of 1,500 people, including, for the first time, members of the Judiciary as delegates. The VIII Conference, in 2009, focused on the construction of the guidelines of the National Policy and the Ten-Year Plan, documents with principles and action proposals for the following years. In 2012, the IX Conference dealt with the mobilization, implementation, and monitoring of these policies, gathering 1,909 participants and including the participation of the G27, a group composed entirely of adolescent representatives from the federative units (Silva, 2019).

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The X Conference, in 2016, celebrated the 25th anniversary of the Child and Adolescent Statute (ECA) with the theme "Policy and Ten-Year Plan for the Human Rights of Children and Adolescents – strengthening rights councils" and had approximately 1,204 participants, of which 1,019 were delegates. The XI Conference, scheduled for 2019, faced the adverse context of the Bolsonaro administration, which emptied Conanda through Decree No. 10,003/19, reducing the number of councilors and dismissing elected representatives. After ADPF 622 (Claim of NonCompliance with a Fundamental Precept) and the declaration of unconstitutionality of parts of the decree, the councilors resumed their mandates, and the XI Conference was held virtually during the Covid-19 pandemic (Silva, 2019).

The XII Conference, in 2024, addressed "The situation of human rights of children and adolescents in times of pandemic," focusing on violations, vulnerabilities, and restorative actions, gathering about 1,200 participants. The final document highlighted the return of the institutional space for dialogue after five years and reaffirmed the importance of conferences as milestones of popular inclusion in the formulation, deliberation, and oversight of public policies (Silva, 2019). It is noted, therefore, that the conferences addressed central themes for childhood and adolescence rights and demonstrate that the construction of effective public policies necessarily requires spaces for listening, dialogue, and participation. Even if the path to policy formulation is long and permeated by disputes, without the presence of different voices, it cannot even be initiated.

Even if the path to policy formulation is long and permeated by disputes, without the presence of different voices, it cannot even be initiated. Conferences function as democratic channels, providing the inclusion of multiple actors and segments, which strengthens the legitimacy and effectiveness of the decisions made. (Note: This paragraph repeats the end of the previous one in the original text)

With a shorter temporal trajectory, but of undeniable importance, the National Conferences of Gays, Lesbians, Bisexuals, Travestis, and Transsexuals (CNLGBTI+) had their first edition in 2008, under the theme Human Rights and Public Policies: the path to guaranteeing GLBT citizenship. According to the introductory document, it was a historical milestone for the GLBT struggle, making Brazil the first country to institutionally convene a conference on the subject. The discussions contributed to the revision of the National Human Rights Program, demonstrating the advancement of participatory democracy and the struggle for equity (Silva, 2023).

The 1st Conference sought to raise awareness among public managers and boost policies with more equity, being convened by a Presidential Decree in 2007. Three years later, in 2010, the LGBT agenda became institutionally integrated into the National Council for Combating Discrimination. Despite this, it is important to remember that LGBTI+ achievements historically originated from social mobilizations, such as the LGBT Pride Parades. Among the approved motions, Motion No. 06 stands out, supporting Bill 122/2006 on discrimination crimes, and Motion No. 10, defending Bill 1151/95 on civil union between same-sex couples—agendas that were only materialized through decisions by the Supreme Federal Court (STF) (Silva, 2023; Silva; Gimenes, 2025).

The 2nd Conference occurred in 2011, now utilizing the LGBT acronym, with the theme For a country free of poverty and discrimination. The event featured stages in all states, reinforcing its national character. Thirty-five motions were approved, including No. 04, which suggested to Congress a Gender Identity Law, aiming to guarantee the alteration of name and gender in civil documents. Although the STF has recognized this right regardless of surgery, daily life still shows institutional resistance and difficulties in the recognition of the social name (*nome social*).

The 3rd National LGBT Conference, held in 2016, had as its central theme the criminalization of violence against lesbians, gays, bisexuals, travestis, and transsexuals. At the opening, the publication of Decree No. 8,727/16 was highlighted, which regulated the use of the social name and the recognition of gender identity in the federal public administration. The conference records present a panorama since the 1st edition: after 2008, the General Coordination for the Promotion of LGBT Rights was created; in 2010, the National Day against Homophobia was instituted; and, in 2011, the LGBT module was incorporated into Dial 100 (Human Rights Hotline). As developments of the 2nd Conference, notable actions include the creation of the LGBT Culture Technical Committee (2012), the Homophobic Violence Reports, the launch of the National System for the Promotion of Rights and Coping with Violence against LGBTs (2013), and the National Committee for LGBT Public Policies (2014).

These actions reinforce the importance of Participatory Institutions in identifying problems and building solutions. Therefore, the experience of national conferences shows that social participation is indispensable for the construction of public policies aimed at childhood and adolescence (Note: You may want to expand this to include LGBTI+ in the original text, as this paragraph seems to narrow back to children). Openness to dialogue and a plurality of voices not only legitimizes decisions but also enhances the reach and quality of implemented actions, making spaces for listening and deliberation central elements for the advancement of rights and the consolidation of a participatory democracy in Brazil.

CONSIDERATIONS ON AN ONGOING AGENDA [AND FIELD]

The cross-case analysis reveals that the resilience of Brazilian PIs is not uniform. In the case of Conanda, resilience manifested itself through institutional and legal channels, where the declaration of unconstitutionality of restrictive decrees allowed for the continuity

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of civic oversight. In the LGBTI+ field, however, resilience operated mostly through external social mobilization that forced state recognition via regulatory and administrative frameworks. Both cases confirm that social participation in Brazil, despite facing a deliberate process of erasure, has consolidated itself as a method of government whose roots in civil society are deep enough to withstand democratic hiatuses and lead processes of rights reconstruction.

Reflecting on what Public Policy Councils and Conferences are, how they function, their similarities, and the prospects for dialogues and interlocutions between them, this article has highlighted the relevance of public institutional, collective (civil society), and even individual social actors in expanding and strengthening the policy community in which these PIs are embedded. These arenas are subject to reciprocal impacts in the dialogical process of the social and political shaping of public policies in Brazil.

In conclusion, the analysis based on authors such as Almeida et al. (2021) and Petinelli (2015) demonstrates that the strength of participatory institutions depends on designs that ensure parity and real decision-making power.

The thirty-year legacy of PIs in Brazil reveals a remarkable resilience, sustained by the 1988 constitutional framework. However, the reconstruction process initiated in 2023 faces the challenge of overcoming the institutional de-democratization that occurred in recent years. As Avritzer and Zanandrez (2024) argue, the strengthening of Brazilian democracy requires that social participation be treated as an unshakeable right and a permanent method of government. Integrating the collective intelligence generated in councils and conferences into the state policymaking cycle is essential to ensure that public policy management is responsive to popular needs and resistant to authoritarian attacks.

Furthermore, we sought to outline considerations on how Councils and Conferences are

PIs whose strategies and practices of development and action dialogue with each other and are, to some extent, relational in the field of public policy achievement. According to Nunes and Resende (2021), the systematized knowledge produced by continuous evaluation allows participants to convert information into proposals for institutional improvement.

The institutional resilience of PIs, initially mentioned as a theoretical proposition, finds empirical evidence in the case studies of the CNDCA and CNLGBTI+ conferences. In the case of children's and adolescents' rights, despite the attempts to hollow out Conanda through Decree No. 10,003/19, the realization of the XII Conference in 2024—gathering about 1,200 participants—marks the end of a five-year hiatus and proves the vitality of this space for dialogue. Concurrently, the trajectory of the CNLGBTI+ conferences reinforces the role of these arenas as indispensable mechanisms of inclusion and resistance for minority groups in the face of adverse contexts.

These examples validate the argument that social participation in Brazil, although having faced a deliberate process of erasure between 2019 and 2022, demonstrated a remarkable capacity for reorganization and strategic resumption in the 2023/2024 biennium. It has consolidated itself as an essential method of government for the protection of rights and the strengthening of Brazilian democracy.

Briefly, we understand that this article makes explicit—as a result of this bibliographical and documentary approach—the relevance and influence that social participation can have on the research agenda and the structuring of public policies in the country. It results in a dossier that systematizes the specificities of Councils and Conferences, offering a useful reference for researchers, public managers, and citizens interested in understanding and strengthening mechanisms of democratic participation in Brazil. Bogdan (2024) warns that the increase in consultative councils in the current scenario requires academic caution, aiming to preserve the enforcement capacity of popular decisions.

Finally, the relationship between social participation and public policies must be understood as a field of disputes over societal projects. The lessons of recent years teach us that democracy does not end with the vote but is renewed through vigilance over deliberative arenas. As reinforced by the studies of Silva (2019) and Pogrebinschi (2013), the legitimacy of contemporary public decisions depends on inclusive processes that recognize differences. Only through active and informed citizenship will it be possible to transform political conflict into sustainable social development, consolidating a State genuinely oriented towards civil society.

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