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The right to youth and adult education for people experiencing homelessness: challenges to its effective implementation

O direito à educação de jovens e adultos para pessoas em situação de rua: desafios à sua efetivação

El derecho a la educación de jóvenes y adultos para personas en situación de calle: desafíos para su realización efectiva

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Abstract: This article analyzes the challenges to ensuring the right to Youth and Adult Education (YAE) for people experiencing homelessness, considering the gap between the legal recognition of education as a fundamental right and the concrete conditions required for its exercise. The study seeks to understand the social, institutional, administrative, and pedagogical factors that may hinder access, retention, participation, learning, and completion of schooling for this population. This qualitative study is based on bibliographic and documentary research and draws on studies concerning Youth and Adult Education, educational exclusion, recognition of rights, social inequalities, and processes of stigmatization. The documentary analysis includes the 1988 Federal Constitution of Brazil, the National Education Guidelines and Framework Law, the National Policy for the Homeless Population, Resolution No. 40/2020 of the National Human Rights Council, Resolution No. 425/2021 of the National Council of Justice, and Habeas Corpus No. 772.380/SP of the Superior Court of Justice. The analysis shows that formal recognition and the general provision of Youth and Adult Education are insufficient to ensure the effective right to education when institutional procedures disregard living conditions, mobility, difficulties related to civil documentation, stigma, and the specific needs of people experiencing homelessness. The study concludes that ensuring the effective exercise of this right requires institutional responses that coordinate different public policies, adapt administrative and pedagogical procedures to the concrete conditions of this population, and develop strategies, such as active outreach and territorial coordination, capable of supporting not only enrollment but also retention, learning, participation, and completion of schooling.

Keywords: Youth and Adult Education. People experiencing homelessness. Right to education. Educational exclusion.

Resumo: Este artigo analisa os desafios à efetivação do direito à Educação de Jovens e Adultos (EJA) para pessoas em situação de rua, considerando a distância entre o reconhecimento jurídico da educação como direito fundamental e as condições concretas para seu exercício. O estudo busca compreender fatores sociais, institucionais, administrativos e pedagógicos que podem dificultar o acesso, a permanência, a participação, a aprendizagem e a conclusão da escolarização por essa população. Trata-se de pesquisa qualitativa, de natureza bibliográfica e documental, fundamentada em estudos sobre Educação de Jovens e Adultos, exclusão educacional, reconhecimento de direitos, desigualdades sociais e processos de estigmatização. A análise documental compreende a Constituição Federal de 1988, a Lei de Diretrizes e Bases da Educação Nacional, a Política Nacional para a População em Situação de Rua, a Resolução nº 40/2020 do Conselho Nacional dos Direitos Humanos, a Resolução nº 425/2021 do Conselho Nacional de Justiça e o Habeas Corpus nº 772.380/SP do Superior Tribunal de Justiça. A análise evidencia que o reconhecimento formal e a oferta genérica da EJA não são suficientes para assegurar a efetivação do direito à educação quando procedimentos institucionais

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desconsideram as condições de vida, os deslocamentos, as dificuldades relacionadas à documentação civil, o estigma e as necessidades específicas das pessoas em situação de rua. Conclui-se que a efetivação desse direito requer respostas institucionais que articulem diferentes políticas públicas, adequem procedimentos administrativos e pedagógicos às condições concretas dessa população e desenvolvam estratégias, como a busca ativa e a articulação territorial, capazes de favorecer não apenas o ingresso, mas também a permanência, a aprendizagem, a participação e a conclusão da escolarização.

Palavras-chave: Educação de Jovens e Adultos. Pessoas em situação de rua. Direito à educação. Exclusão educacional.

Resumen: Este artículo analiza los desafíos para la realización del derecho a la Educación de Jóvenes y Adultos (EJA) para las personas en situación de calle, considerando la distancia entre el reconocimiento jurídico de la educación como derecho fundamental y las condiciones concretas para su ejercicio. El estudio busca comprender los factores sociales, institucionales, administrativos y pedagógicos que pueden dificultar el acceso, la permanencia, la participación, el aprendizaje y la conclusión de la escolarización de esta población. Se trata de una investigación cualitativa, de naturaleza bibliográfica y documental, fundamentada en estudios sobre Educación de Jóvenes y Adultos, exclusión educativa, reconocimiento de derechos, desigualdades sociales y procesos de estigmatización. El análisis documental comprende la Constitución Federal de 1988, la Ley de Directrices y Bases de la Educación Nacional, la Política Nacional para la Población en Situación de Calle, la Resolución nº 40/2020 del Consejo Nacional de Derechos Humanos, la Resolución nº 425/2021 del Consejo Nacional de Justicia y el Habeas Corpus nº 772.380/SP del Superior Tribunal de Justicia. El análisis evidencia que el reconocimiento formal y la oferta genérica de EJA no son suficientes para garantizar la realización del derecho a la educación cuando los procedimientos institucionales desconsideran las condiciones de vida, los desplazamientos, las dificultades relacionadas con la documentación civil, el estigma y las necesidades específicas de las personas en situación de calle. Se concluye que la realización de este derecho requiere respuestas institucionales que articulen diferentes políticas públicas, adecúen los procedimientos administrativos y pedagógicos a las condiciones concretas de esta población y desarrollen estrategias, como la búsqueda activa y la articulación territorial, capaces de favorecer no solo el ingreso, sino también la permanencia, el aprendizaje, la participación y la conclusión de la escolarización.

Palabras clave: Educación de Jóvenes y Adultos. Personas en situación de calle. Derecho a la educación. Exclusión educativa.

Introduction

Education is a fundamental right and forms part of the conditions necessary for the exercise of citizenship, social participation, and the development of individual autonomy. Article 205 of the 1988 Federal Constitution establishes that education is a right of all and a duty of the State and the family, while Article 206 guarantees equal conditions for access to and retention in school. Within basic education, Law No. 9.394/1996 establishes Youth and Adult Education (YAE) as a provision for people who did not have access to or continuity of primary and secondary education at the age considered appropriate, requiring that its provision

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consider students' characteristics, interests, and living and working conditions (BRASIL, 1988; BRASIL, 1996).

The holders of this right include people experiencing homelessness, a population characterized by Decree No. 7.053/2009 as a heterogeneous group marked by extreme poverty, interrupted or weakened family ties, and the absence of regular conventional housing (BRASIL, 2009). Their social circumstances do not restrict their entitlement to education, but may create specific circumstances affecting its exercise. The absence of regular housing, mobility, difficulties related to civil documentation, and other conditions associated with life on the streets may interact with administrative procedures and school practices, creating obstacles that extend beyond the mere availability of places. Resolution No. 40/2020 of the National Human Rights Council itself establishes specific educational guidelines for this population, including measures concerning enrollment, retention, and adjustments to school organization (BRASIL, 2020).

The question guiding this study therefore concerns the gap between formal recognition and the substantive realization of the right to education. Enrollment is an essential but insufficient condition for this right to be realized, since schooling also involves retention, participation, learning, and the possibility of completion. This perspective is particularly relevant to YAE, a provision serving individuals whose educational trajectories are related to different social experiences and previous processes of interruption or denial of the right to education. Schooling is not attributed an independent capacity to overcome the determinants of homelessness; rather, it is understood as a right that must be guaranteed in coordination with other public policies.

The relevance of this research thus lies in analyzing how a legally universal right may encounter limits to its realization when implementation is organized around conditions that do not correspond to the trajectories of all its holders. The study connects the contributions of Freire (2005), Arroyo (2005; 2017), and Andrade (2004), concerning YAE and the formation of individuals, with frameworks addressing educational exclusion, recognition of rights, and the social production of inequalities, particularly Bourdieu and Champagne (1998), Oliveira (2010), Vandenberghe (2010), and Almeida (2020). The research of Souza (2019) and Nascimento (2022), concerning the schooling of people experiencing homelessness, is also considered.

In this context, the following research problem is formulated: which social, institutional, administrative, and pedagogical factors hinder the realization of the right to Youth and Adult

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Education for people experiencing homelessness? The study assumes that the legal universality of the right to education and the formal existence of this provision are insufficient to guarantee effective conditions for access, retention, participation, learning, and completion of schooling.

The general objective is to analyze the challenges to realizing the right to Youth and Adult Education for people experiencing homelessness. Specifically, the study seeks to understand the relationship between formal recognition of the right and its concrete realization; discuss the processes of educational exclusion that may affect this population; identify social, institutional, administrative, and pedagogical barriers to realizing the right; and examine the need for coordination between educational policies and other social protection policies.

To achieve these objectives, a qualitative approach is adopted through bibliographic and documentary research. The corpus brings together academic publications concerning YAE, the right to education, educational exclusion, and people experiencing homelessness, along with legal and judicial documents relevant to the subject. The selection criteria and analytical procedures are presented in the methodology section.

Development

1 People experiencing homelessness as holders of the right to education

Analyzing the right to Youth and Adult Education for people experiencing homelessness first requires recognizing the heterogeneity of this population. Decree No. 7.053/2009 characterizes it as a population group sharing extreme poverty, interrupted or weakened family ties, and the absence of regular conventional housing, using public spaces, degraded areas, or accommodation facilities as places to live and sustain themselves, temporarily or permanently (BRASIL, 2009). The legal definition highlights that homelessness is not a homogeneous experience and calls for caution regarding interpretations that attribute different trajectories to a single cause or exclusively to individuals' choices.

The expression "person experiencing homelessness" itself helps convey that the condition experienced does not exhaust an individual's identity or restrict their entitlement to rights. The National Policy established by Decree No. 7.053/2009 sets out principles such as human dignity, valuing life and citizenship, humane care, and respect for differences, while also providing for coordinated action across different governmental areas (BRASIL, 2009). This perspective makes it possible to move beyond approaches that reduce this population

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exclusively to recipients of social assistance and to recognize them as holders of various fundamental rights, including education.

In education, this recognition means understanding that the exercise of the right to schooling cannot depend on first overcoming homelessness. The material and social difficulties these individuals face do not eliminate the State's duty to guarantee educational opportunities; on the contrary, they raise questions about public policies' capacity to provide conditions compatible with the diversity of their rights holders. The central issue thus moves beyond the mere formal existence of the right to encompass the institutional conditions necessary for its realization. This distinction guides the analysis of the legal recognition of the right to education developed in the following section.

1.1 Legal recognition of the right to education

The 1988 Federal Constitution recognizes education as a social right and establishes in Article 205 that it is a right of all and a duty of the State and the family, while Article 206(I) provides for equal conditions for access to and retention in school (BRASIL, 1988). The universality expressed in these provisions extends to people experiencing homelessness, whose social circumstances do not remove their entitlement to the right. The constitutional guarantee is therefore not exhausted by the abstract existence of schools or available places, but involves conditions enabling entry into and retention within the educational system.

Within Youth and Adult Education, Article 37 of Law No. 9.394/1996 establishes that this provision is intended for those who did not have access to or continuity of primary and secondary education at the appropriate age. Following the amendment introduced by Law No. 13.632/2018, YAE became explicitly recognized as an instrument for lifelong education and learning. The National Education Guidelines and Framework Law (LDB) also requires education systems to ensure appropriate educational opportunities, considering students' characteristics, interests, and living and working conditions, and assigns public authorities responsibility for enabling and encouraging access and retention through integrated and complementary measures (BRASIL, 1996; BRASIL, 2018).

For people experiencing homelessness, these guarantees are detailed in Resolution No. 40/2020 of the National Human Rights Council. The document requires that the right to education be guaranteed with consideration for this population's specific needs and provides, among other measures, for multidisciplinary support, recognition of schools as protective

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spaces, adaptation of schedules, learning rhythms, spaces, and political-pedagogical projects, and preferential inclusion in the official education system, avoiding segregation. It also establishes training for education professionals, identification of educational needs, and flexible enrollment procedures, including requirements concerning personal documents and proof of residence, allowing entry at any time of the year (CNDH, 2020).

The enforceability of policies for people experiencing homelessness was reinforced by the Federal Supreme Court when considering the interim measure in Claim of Noncompliance with a Fundamental Precept No. 976. In 2023, the full court upheld a decision making immediate compliance with the guidelines of Decree No. 7.053/2009 mandatory for states, the Federal District, and municipalities, regardless of formal adherence to the National Policy for the Homeless Population. Although the decision does not specifically address YAE, its inclusion in the analysis is relevant because it reinforces public authorities' responsibility for implementing guidelines intended for this population and highlights that legal recognition of rights must be accompanied by concrete measures for their realization (BRASIL, 2023).

This legal framework thus demonstrates that there is no absence of legal recognition of the right to education for people experiencing homelessness. The challenge lies in the gap between formal entitlement and the concrete conditions for its realization. This distinction can be explored further through Oliveira's (2010) reflection on the symbolic dimension of rights, according to which their effectiveness also involves recognizing the dignity and legitimacy of individuals' demands within institutional relationships. Applied to education, this perspective shows that guaranteeing enrollment and available places is essential but insufficient: people experiencing homelessness must be recognized as legitimate members of the educational community, without their social circumstances becoming a factor that disqualifies them or restricts the exercise of the right.

1.2 YAE as a field of rights and human development

Legal recognition of YAE does not exhaust its significance within education. Arroyo (2005) proposes understanding it as a field of rights and public responsibility, moving away from interpretations that associate young people and adults returning to schooling with being behind a supposedly regular educational trajectory. Their trajectories reveal previous processes of denial of the right to education and other inequalities that permeate their social experiences. From this perspective, YAE should not be merely compensatory, but should constitute a space

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for guaranteeing rights to individuals whose educational trajectories have historically been interrupted.

This understanding is close to Freire's (2005) conception of education, according to which the educational process cannot reduce students to passive recipients of content. Education presupposes dialogue, recognition of knowledge built through life experiences, and individuals' participation in producing knowledge. In YAE, this perspective is especially relevant because students come to school bringing work trajectories, social relationships, knowledge, and experiences that are part of their development and cannot be disregarded by pedagogical practice.

For people experiencing homelessness, understanding YAE as a field of rights and human development means recognizing that their social circumstances cannot predetermine their learning possibilities or justify reduced educational expectations. Adapting provision to these students' concrete conditions should support the exercise of the right to education without producing segregation or impoverishing the school experience. This involves connecting recognition of individuals' specific circumstances with the guarantee of an education that preserves their dignity, participation, and opportunities to build new educational and social trajectories.

This perspective helps explain why enrollment, although essential, does not conclude the analysis of the realization of the right to YAE. If this provision is conceived as a field of rights and human development, it also becomes necessary to examine the conditions in which individuals remain, participate, and learn in educational settings. This question makes it possible to analyze processes of exclusion that may occur even after formal access to school has been secured.

2 Educational exclusion and barriers to access and retention in YAE

2.1 Educational exclusion beyond the absence of enrollment

Educational exclusion is not limited to the inability to enter school. Formal access to the education system is an essential dimension of the right to education, but does not in itself ensure conditions for retention, participation, learning, and completion of schooling. For people experiencing homelessness, this distinction is particularly relevant, since enrollment may

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coexist with obstacles related both to concrete living conditions and to how educational institutions organize their procedures and practices.

The contribution of Bourdieu and Champagne (1998) enables a deeper analysis. In discussing those excluded from within, the authors demonstrate that expanding access to school systems does not necessarily eliminate educational inequalities, since individuals who are formally included may remain subject to mechanisms of differentiation and devaluation. Although this reflection was not formulated specifically for people experiencing homelessness, it offers an analytical key to understanding situations in which entry into an institution does not correspond to the effective exercise of the right to education.

This perspective moves away from interpretations attributing interrupted schooling exclusively to students' choices or behavior. The trajectories of YAE students are shaped by social and institutional conditions that affect their relationship with school (ARROYO, 2017). For people experiencing homelessness, mobility, the need for daily survival, and the absence of stable conditions may affect continuity of studies, but do not independently determine disengagement from school. Their effects also depend on the responses offered by educational institutions.

Exclusion must therefore be understood relationally. Vandenberghe's (2010) contribution, in discussing the relational nature of social reality, helps avoid explanations that locate the problem exclusively in the individual or exclusively in the institution. Applied to the subject of this study, this perspective enables analysis of educational exclusion as the result of interaction between concrete living conditions and the ways educational policy and school institutions are organized. The focus thus shifts from asking why particular individuals do not remain in school to analyzing the conditions that make retention possible or difficult.

2.2 Social, administrative, institutional, and pedagogical barriers

Analyzing the schooling conditions of people experiencing homelessness makes it possible, for analytical purposes, to distinguish social, administrative, institutional, and pedagogical barriers. These dimensions do not operate in isolation. Social conditions may have different educational effects depending on the institutional response, just as apparently neutral procedures may produce unequal consequences when applied to individuals whose trajectories do not correspond to the standards of stability assumed by school organization.

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Social barriers include circumstances related to the absence of regular housing, food insecurity, mobility, health, work, and everyday survival strategies. Such factors may affect attendance and continuity of schooling, but should not automatically be interpreted as a lack of interest in education. The research of Souza (2019) and Nascimento (2022), based on the experience of Escola Meninos e Meninas do Parque in the Federal District, helps demonstrate the complexity of this population's educational trajectories and the importance of institutional conditions in building connections with school. Since these studies concern a specific experience, their findings are used here as analytical references, without any claim to generalization.

Administrative and institutional barriers arise when enrollment procedures, documentation requirements, schedules, attendance rules, or forms of support are organized around conditions that not all students possess. Here, CNDH Resolution No. 40/2020 is relevant in providing for flexible documentation requirements, exemption from proof of residence, enrollment at any time of year, and adaptation of educational organization to this population's needs (CNDH, 2020). The existence of these guidelines shows that equal access does not necessarily mean identical application of procedures, but requires consideration of situations in which general rules may obstruct the exercise of the right.

Pedagogical barriers, in turn, concern schools' capacity to recognize students' trajectories, experiences, and needs without lowering learning expectations. Adapting schedules, practices, and forms of support does not mean offering lower-quality schooling, but creating conditions that enable different individuals to participate in the educational process. The four dimensions examined are thus interconnected: a social condition does not necessarily produce school exclusion, just as an administrative rule is not exclusionary in the abstract. The problem emerges when living conditions and institutional organization combine in ways that hinder access, weaken connections, or prevent continuity of schooling.

2.3 Stigmatization and recognition of individuals

Barriers to realizing the right to education are not restricted to material conditions or administrative procedures. Social representations constructed about people experiencing homelessness may also affect how institutions recognize their demands. When poverty, appearance, presence in public spaces, or the absence of housing are turned into signs of danger,

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incapacity, or unsuitability, an individual's social circumstances may take precedence over their own claim to rights.

Almeida's (2020) analysis, although developed in a different context and not specifically concerning people experiencing homelessness, helps explain the processes through which certain characteristics attributed to social groups may be transformed into markers of suspicion and used to justify differentiated forms of control. This contribution is employed in this study as an analytical resource, rather than as empirical evidence about people experiencing homelessness. This distinction is necessary to avoid direct transposition between distinct social phenomena.

In education, the problem manifests itself when representations of homelessness affect expectations directed toward students or the legitimacy attributed to their demands. Recognition, in this sense, constitutes a relevant dimension of the effectiveness of rights: it is insufficient for an individual to formally hold a right if, within institutional relationships, their claims are disqualified or their participation is restricted. Oliveira's (2010) reflection on the symbolic dimension of rights helps explain this relationship between formal guarantees and social recognition.

Overcoming educational exclusion therefore requires that people experiencing homelessness be recognized not only as recipients of assistance or protection, but as students and individuals capable of learning, participating, and producing knowledge. Recognizing vulnerabilities does not mean predetermining their educational possibilities or justifying reduced expectations.

The effectiveness of the right to YAE thus involves both removing material and administrative obstacles and building institutional relationships that foster belonging, participation, and continuity of schooling.

3 Public policies and challenges to realizing the right to YAE

3.1 Intersectoral coordination and institutional adaptation

Realizing the right to education for people experiencing homelessness cannot be assigned exclusively to schools, because the conditions affecting schooling extend beyond education and involve, among other dimensions, social assistance, health, housing, work, transport, and civil documentation. Intersectoral coordination thus becomes a necessary

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component of public policy, not to make access to education conditional on first resolving other vulnerabilities, but to enable coordinated responses to problems that occur simultaneously. The absence of housing or documentation, for example, does not suspend entitlement to education, just as educational policy cannot independently assume responsibilities belonging to other sectors.

This coordination may involve educational institutions, Specialized Reference Centers for the Homeless Population, accommodation services, health teams, and other public services that maintain contact with this population. The objective is not to transfer responsibility for schooling, but to create conditions for identifying educational needs, enabling entry, and addressing situations that compromise continuity of studies. Resolution No. 40/2020 reinforces this perspective by providing for coordinated action and support from professionals in different fields, recognizing that guaranteeing the right requires institutional responses capable of considering the complexity of individuals' living conditions.

The need to adapt procedures to recipients' concrete conditions also appears in another institutional field, in CNJ Resolution No. 425/2021 and Habeas Corpus No. 772.380/SP. Although these instruments belong to the justice system and cannot be directly transposed to educational policy, they offer a relevant analytical parameter: a formally legitimate requirement may become materially unfeasible when it disregards the concrete circumstances of those required to comply. In its judgment of HC 772.380/SP, the Superior Court of Justice considered it inappropriate to impose consequences for noncompliance with a measure whose implementation had not been examined in light of the accused's homelessness. In education, this analogy should be used cautiously, but it helps reinforce that effective rights require procedures compatible with their holders' actual possibilities, without this implying the removal of pedagogical or administrative criteria.

3.2 Individuals' participation and realization of the right

Realizing the right to YAE involves more than the availability of places and the elimination of administrative barriers. It also presupposes recognizing people experiencing homelessness as individuals capable of participating in the development of educational responses intended for them. Such participation enables policies formulated around general categories to be assessed against concrete experiences, territorial needs, and distinct educational trajectories. Resolution No. 40/2020 incorporates this perspective by providing for the

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participation of people experiencing homelessness in processes concerning educational policies, moving away from a conception in which these individuals appear merely as passive recipients of State action.

Souza's (2019) research contributes to this understanding by highlighting, in the experience analyzed with YAE students experiencing homelessness, the relevance of educational practices that value students' own narratives, experiences, and forms of expression. More than a pedagogical resource, the opportunity to speak about their trajectories and participate in educational relationships helps move these individuals from a position exclusively associated with vulnerability to that of participants in the educational process. The experience studied cannot be generalized to all education systems, but offers elements for understanding that connection, listening, and participation are relevant dimensions of educational retention.

Individuals' participation also has implications for public policymaking. Understanding demand does not mean merely counting people without schooling or identifying potential enrollments. It means understanding the obstacles affecting access to and continuity of studies and incorporating this information into planning educational provision. In this sense, active outreach, territorial coordination, and dialogue with services already assisting people experiencing homelessness may help bring educational policy closer to individuals who would be difficult to reach exclusively through traditional enrollment mechanisms.

Realizing the right to YAE does not necessarily require segregated educational structures, but policies capable of recognizing specific needs within the universal guarantee of the right to education. The challenge is to connect institutional adaptation, individuals' participation, and equal rights, avoiding both indifference to this population's concrete conditions and practices that, under the argument of specificity, result in lower-quality schooling or schooling detached from the regular education system.

4 Methodology

The research adopts a qualitative approach, based on bibliographic and documentary research, as it seeks to understand the social, institutional, administrative, and pedagogical factors affecting the realization of the right to Youth and Adult Education for people experiencing homelessness. The choice of this approach follows from the nature of the problem investigated, which is not limited to quantitative identification of access to schooling, but

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involves analyzing relationships between legal recognition, educational exclusion, public policy organization, and the concrete conditions for exercising the right to education.

The bibliographic research was conducted through purposive selection of academic publications, considering their relevance to the study's central themes: Youth and Adult Education, the right to education, educational exclusion, recognition of rights, stigmatization, and the schooling of people experiencing homelessness. Contributions from Freire (2005), Arroyo (2005; 2017), Andrade (2004), Bourdieu and Champagne (1998), Oliveira (2010), Vandenberghe (2010), and Almeida (2020) were employed according to their relevance to the categories analyzed. The research of Souza (2019) and Nascimento (2022), developed from the experience of Escola Meninos e Meninas do Parque in the Federal District, was also considered because it directly addresses the schooling of people experiencing homelessness. Since these studies concern a specific institutional experience, they were used as analytical references, without any intention of generalizing their results to other education systems.

The documentary research covered legal norms, institutional documents, and a judicial decision concerning the right to education and policies intended for people experiencing homelessness. The documentary corpus comprised the 1988 Federal Constitution, Law No. 9.394/1996, Decree No. 7.053/2009, Resolution No. 40/2020 of the National Human Rights Council, and the decision issued by the Federal Supreme Court in Claim of Noncompliance with a Fundamental Precept No. 976. Additionally, Resolution No. 425/2021 of the National Council of Justice and the decision issued in Habeas Corpus No. 772.380/SP by the Superior Court of Justice were examined. These last two documents, belonging to the judicial field rather than educational policy, were employed through a limited analogy, specifically to reflect on adapting institutional procedures to the concrete conditions of people experiencing homelessness.

The analytical process was developed in three stages: identification and selection of bibliographic and documentary references relevant to the research problem; reading, note-taking, and systematization of the concepts, arguments, and legal provisions identified; and interpretation of the material through four themes: legal recognition and realization of the right to education; YAE as a field of rights and human development; educational exclusion and barriers to realizing the right; and institutional responses and public policy coordination. The analysis sought to identify convergences and tensions between legal guarantees, theoretical contributions, and elements presented by the selected research, focusing on the gap between formal entitlement to the right and the conditions for its realization.

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Because of its bibliographic and documentary nature, the study does not seek to measure YAE provision for people experiencing homelessness or generalize the results of the experiences examined to different education systems. Its scope is to construct a theoretical and documentary analysis of the factors that may hinder realization of this right and the legal and institutional parameters that contribute to addressing them.

Final considerations

The research analyzed the challenges to realizing the right to Youth and Adult Education for people experiencing homelessness, considering the gap between legal recognition of education as a fundamental right and the concrete conditions necessary for its exercise. The bibliographic and documentary analysis showed that the existence of legal norms, places, and formal enrollment procedures constitutes an essential but insufficient condition for ensuring access, retention, participation, learning, and completion of schooling. The central problem identified therefore lies less in the absence of legal recognition than in the social and institutional conditions affecting the transformation of this formal right into an effective educational experience.

The legal framework examined shows that the Brazilian legal system recognizes education as a right of all and provides specific measures to reduce obstacles faced by people experiencing homelessness. The Federal Constitution, the National Education Guidelines and Framework Law, Decree No. 7.053/2009, and CNDH Resolution No. 40/2020 provide grounds for understanding education as a right that must also be guaranteed under conditions of social vulnerability. At the same time, the analysis showed that the existence of these provisions does not itself eliminate barriers produced by rigid administrative procedures, documentation difficulties, inappropriate forms of school organization, and a lack of public policy coordination.

The discussion of educational exclusion made it possible to understand that it is not limited to the absence of enrollment. Bourdieu and Champagne's contribution proved relevant to interpreting situations in which formal entry into the system may coexist with unequal conditions for retention and participation. In dialogue with Arroyo and Freire, the analysis also showed that YAE students should not be defined exclusively by interruptions in their school trajectories or by the vulnerabilities they experience. For people experiencing homelessness, recognizing these trajectories means considering them as historical subjects and rights holders,

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avoiding both individualized interpretations of school disengagement and assistance-based or pedagogical practices grounded in reduced expectations.

The barriers examined are social, administrative, institutional, and pedagogical in nature and operate in interconnected ways. Housing, food, health, mobility, and documentation conditions may affect schooling, but their effects also depend on how institutions organize their procedures and respond to students' different trajectories. In this context, stigmatization is relevant because representations constructed about people experiencing homelessness may affect recognition of their demands as legitimate. Realizing the right thus requires not only material access to school, but institutional practices that recognize these individuals as members of the educational community and as capable of participating in their own educational process.

The analysis also indicates that educational policy cannot independently address all the conditions affecting the lives of people experiencing homelessness. Coordination with social assistance, health, and other public services is relevant to expanding conditions for access to and continuity of studies, without transferring educational responsibility to other areas. Measures such as reducing enrollment bureaucracy, adapting procedures, training professionals, active outreach, territorial coordination, and pedagogical flexibility should be understood as strategies to reduce barriers, rather than privileges or a lowering of educational quality. The challenge is to ensure equal rights without ignoring concrete inequalities and, simultaneously, recognize differences without producing segregation.

The analysis therefore supports the assumption guiding the study: although the right to education is formally guaranteed to people experiencing homelessness, its realization remains dependent on overcoming barriers that extend beyond the mere availability of places. The bibliographic and documentary nature of the research does not allow institutional experiences to be generalized or the perceptions of the individuals involved to be directly accessed, which constitutes one of its limitations. Future studies may investigate implementation of these guidelines in different education systems and incorporate the experiences of YAE students and professionals. Nevertheless, the results indicate that reducing the gap between legal norms and reality depends on building continuous, intersectoral educational policies with the institutional capacity to guarantee not only entry into school, but also retention, participation, learning, and completion of schooling.

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References

ALMEIDA, Frederico de. “Vandals,” “workers,” and “citizens”: criminal subjection and political legitimacy in the criminalization of the June 2013 protests. **Dados**, Rio de Janeiro, vol. 63, no. 4, e20190015, 2020. DOI: 10.1590/dados.2020.63.4.218.

ANDRADE, Eliane Ribeiro. **Youth and adult education and young people in the “last shift”: producing outsiders**. 2004. 260 leaves. Doctoral thesis (Education) — Universidade Federal Fluminense, Niterói, 2004.

ARROYO, Miguel G. Youth and adult education: a field of rights and public responsibility. In: SOARES, Leôncio; GIOVANETTI, Maria Amélia Gomes de Castro; GOMES, Nilma Lino (eds.). **Dialogues in youth and adult education**. Belo Horizonte: Autêntica, 2005. pp. 19–50.

ARROYO, Miguel G. **Passengers of the night: from work to YAE: itineraries for the right to a just life**. Petrópolis, RJ: Vozes, 2017.

BOURDIEU, Pierre; CHAMPAGNE, Patrick. The excluded from within. In: NOGUEIRA, Maria Alice; CATANI, Afrânio (eds.). **Pierre Bourdieu: writings on education**. Petrópolis, RJ: Vozes, 1998. pp. 217–227.

BRASIL. National Council of Justice. Resolution No. 425 of October 8, 2021. Establishes, within the Judiciary, the National Judicial Policy for Assistance to People Experiencing Homelessness and their intersectionalities. Brasília, DF: National Council of Justice, 2021.

BRASIL. National Human Rights Council. Resolution No. 40 of October 13, 2020. Provides guidelines for the promotion, protection, and defense of the human rights of people experiencing homelessness, in accordance with the National Policy for the Homeless Population. Brasília, DF: National Human Rights Council, 2020.

BRASIL. [Constitution (1988)]. **Constitution of the Federative Republic of Brazil of 1988**. Brasília, DF: Presidency of the Republic, 1988.

BRASIL. Decree No. 7.053 of December 23, 2009. Establishes the National Policy for the Homeless Population and its Intersectoral Follow-up and Monitoring Committee, and provides other measures. **Official Gazette of the Union**: section 1, Brasília, DF, December 24, 2009.

BRASIL. Law No. 9.394 of December 20, 1996. Establishes the guidelines and framework for national education. **Official Gazette of the Union**: section 1, Brasília, DF, December 23, 1996.

BRASIL. Law No. 13.632 of March 6, 2018. Amends Law No. 9.394 of December 20, 1996, to provide for lifelong education and learning. **Official Gazette of the Union**: section 1, Brasília, DF, March 7, 2018.

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Ano VII, v.1 2026 | submissão: 12/11/2026 | aceito: 19/11/2026 | publicação: 24/11/2026

BRASIL. Superior Court of Justice (6th Panel). **Habeas Corpus No. 772.380/SP**. Reporting Justice: Rogerio Schietti Cruz. Decided November 8, 2022. Electronic Judicial Gazette, Brasília, DF, November 16, 2022.

BRASIL. Federal Supreme Court (Full Court). **Claim of Noncompliance with a Fundamental Precept No. 976 MC-Ref/DF**. Reporting Justice: Alexandre de Moraes. Decided August 22, 2023. Electronic Judicial Gazette, Brasília, DF, September 21, 2023.

FREIRE, Paulo. **Pedagogy of the oppressed**. 42nd ed. Rio de Janeiro: Paz e Terra, 2005.

NASCIMENTO, Rosilene Conceição do. **Education professionals' social representations of the schooling of people experiencing homelessness in Brasília**. 2022. 229 leaves. Master's dissertation (Education) — Faculty of Education, Universidade de Brasília, Brasília, 2022.

OLIVEIRA, Luís Roberto Cardoso de. The symbolic dimension of rights and conflict analysis. **Revista de Antropologia**, São Paulo, vol. 53, no. 2, pp. 451–473, 2010. DOI: 10.11606/2179-0892.ra.2010.36432.

SOUZA, Kleyne Cristina Dornelas de. **On this street, on this street, there are YAE students with photographic narratives to tell us**. 2019. 163 leaves. Master's dissertation (Education) — Faculty of Education, Universidade de Brasília, Brasília, 2019.

VANDENBERGHE, Frédéric. "The real is relational": an epistemological analysis of Pierre Bourdieu's generative structuralism. Translated by Gabriel Peters. In: VANDENBERGHE, Frédéric. **Realist social theory: a Franco-British dialogue**. Belo Horizonte: Editora UFMG; Rio de Janeiro: IUPERJ, 2010. pp. 43–84.

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