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## STATUS OF PERSONS WITH DISABILITIES: REFLECTIONS ON THE BRAZILIAN LEGAL SYSTEM

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*Vanessa Ferreira Eccard de Souza*



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**Abstract:** This research aims to understand the evolution of the rights of people with disabilities within the legal system. In effect, this work presented the historical evolution of the rights of people with disabilities, the legislative changes brought about with the advent of the Statute of Persons with Disabilities and the work carried out in APAES. During the work, extremely important points were addressed in relation to the treatment of people with disabilities, including civil capacity for everyday life and their inclusion in society. The approach of this work is justified by the growth of inclusion policies for groups that represent minorities, including people with disabilities. In view of the study and reflection, it was possible to conclude that despite the various difficulties faced by the group studied, national legislation and some groups of people, and institutions such as APAES, have been fighting to combat inequalities and providing these people with a more dignified life through defense of their rights.

**Keywords:** People with disabilities; Inclusion policies; Defense of rights; Apaes.

## INTRODUCTION

Brazilian Law has undergone numerous transformations over the years, given that the current legislation no longer met society's desires, thus necessitating a change. One of the groups benefiting from these changes were people with disabilities. It is known that when it comes to a minority that is not welcomed by society, different treatment or even the creation of a specific law is necessary. As some jurist's state, it is necessary to treat unequals unequally to the extent of their inequality in order to achieve the longed-for equality.

This work seeks to explore the impact of Law 13,146/2015 on the lives of people with disabilities and their inclusion in society. The approach of this work is justified due to the growth of inclusion policies for

minority groups, as well as the great impacts experienced by people with special needs.

The methodology adopted is a bibliographic review that will feature theorists such as Fonseca (2007), Schmidt (2016), Thomasi (2017) among others, analyzing and exposing issues relating to the topic. This research also highlights the main contributions of Law 13,146/2015, as a guide for major transformations and advances in relation to policies and actions to guarantee the rights of people with disabilities.

To facilitate understanding, the work has been divided into chapters. The first chapter addressed the concept of disability, as well as the historical evolution of the rights of this group. During this chapter, Decree Number: 3,298, of December 20, 1999, was studied, which regulates Law Number: 7,853/89, providing for the National Policy for the Integration of People with Disabilities, which aims to ensure the exercise of citizens' rights.

The rights guaranteed in the Brazilian Constitution, the International Convention on the Rights of Persons with Disabilities and the status of people with disabilities were also studied.

The second chapter addressed the legal changes with the entry into force of the Statute of Persons with Disabilities. In Civil Law there have been some changes, the most important being that which concerns civil capacity. People with disabilities were considered absolutely incapable, with the advent of the new law a judicial process is necessary to declare their incapacity.

Modifications were also addressed in the Consumer Protection Code to ensure greater access to information, in the Brazilian Traffic Code, to ensure access to transport and parking spaces and in the Electoral Code to guarantee the right to vote.

The third chapter addresses the work carried out at APAES. It is not enough to

simply ensure the rights of people with disabilities, it is necessary to prepare these people for both studies and the job market. In these institutions, in addition to teaching according to the types of disability of each of their beneficiaries, the rights of people with disabilities are put into practice, through the promotion of public policies and the work of the institution itself.

In this sense, the work offers an analysis of the guarantee of the rights of people with disabilities as socially included citizens. This research aims to highlight the main barriers still encountered in relation to the issue of inclusion of people with disabilities and mainly pointing out the consequences brought by the status of people with disabilities and consequently, asserting their rights as citizens.

## **THE BROAD CONCEPT OF DISABILITY AND THE HISTORICAL EVOLUTION OF THE RIGHTS OF PEOPLE WITH DISABILITIES**

As Sasaki (1997) states, it is possible to observe some barriers faced by vulnerable people with regard to their physical, mental and/or intellectual condition. Limitations are evident in various sectors of society, and it is important to promote the guarantee of equal rights with other citizens. It is essential that people with disabilities have easy access to airports, bus terminals, urban spaces, hotels and the like, museums, theaters, ecological parks, theme parks, event venues, among other environments that are related to leisure, as well as access to education, culture, sport, and all the rights inherent to this category.

We must first think of disability as a manifestation of human diversity, that is, there are people whose bodies have physical, intellectual or sensory limitations. However, it is worth noting that it is social adversities that highlight these limitations to the extent

that they are ignored. From this perspective, disability ends up being seen as an undesirable bodily impediment that needs to be overcome to enter the natural normality of the species, thus ruling out disability as an expression of human diversity. (MACIEL, 2000)

Article 1 of the United Nations UN Convention, held in 2008, on the rights of people with disabilities, provides that:

The purpose of this Convention is to promote, protect and ensure the full and equal exercise of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity. People with disabilities are those who have long-term impairments of a physical, mental, intellectual or sensory nature, which, in interaction with various barriers, can obstruct their full and effective participation in society on equal terms with other people. (CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, 2012)

When talking about disability, there is usually a direct reference to the locomotor system of the human organism. A person with mobility difficulties, for example, has different difficulties than visually or hearing-impaired people.

In case of sensory impairment (hearing or visual), the individual who presents this difficulty has a series of impediments in their daily life. When we talk about intellectual disability, as is the case with people with Down Syndrome, the difficulties are limiting when it comes to learning, socialization and are related to mental disorders. (MACHADO; NAZARI, 2012)

Despite legal, social and technical advances, people with disabilities still find themselves in a situation of inequality. For this reason, it is necessary to continue encouraging measures to achieve the normalization of this type of group. (MACHADO; NAZARI, 2012)

According to Fonseca (2007):

In other words, the concept of a person with a disability contained in the Convention surpasses traditional legislation that normally focuses on the clinical aspect of disability. Physical, mental, intellectual or sensory limitations are now considered attributes of people, attributes that may or may not generate restrictions on the exercise of rights, depending on the social or cultural barriers that are imposed on citizens with such limitations. (FONSECA, 2007, p. 34)

In view of this, Piovesan (2013) states that it becomes possible to conceptualize disability as an aspect of human diversity, characterized by the insufficiency, or even lack, of bodily, physical or mental attributes, capable of restricting the absolute social participation of the individual who stops her. In relation to legislation, it is possible to highlight the content of articles 3, item I, and 4 of Decree Number: 3,298, of December 20, 1999, which regulates law Number: 7,853/89, providing for the national policy for the integration of people with disabilities, aiming to ensure the full exercise of these citizens' individual and social rights. The maximum postulate of the dignity of the human person, enshrined in our greatest law as the Brazilian republican foundation, guarantees everyone a dignified existence with social justice, always with respect for the peculiar and distinctive qualities of each human being.

In this context, with specific support from legal doctrine, the teachings of Hugo Nigro Mazzilli (2005) stand out, for whom the term disability means transitory, which limits the ability to carry out one or more activities essential to daily life, caused or aggravated by the economic and social environment. (MAZZILLI, 2005, p. 546)

Therefore, Lopes (2014) states that over time, it became necessary to give new meaning to disability and rethink the degree of impairment, or whether it existed, in order to relativize the quality of individuals' social

experience. Over the years, numerous changes in legislation needed to occur to serve people with disabilities satisfactorily.

Over the years, some standards have been developed to guarantee greater rights for people with disabilities. Among them, the universal declaration of human rights (1948), the recommendations and conventions of the international labor organization and the UN conventions on the matter, among which the convention on the rights of people with disabilities (2007) stands out. In Brazil, specifically, Laws number: 7,853/89, 8,112/90, 10,098/00 and Decrees number: 3,298/99 and 5,296/04, also had great importance in the development of legislation aimed at people with disabilities.

Furthermore, according to Fagundes (2008), a person with a disability is someone who is affected by limitations such as: failure in the motor senses, mind or in more than one of these areas (multiple disabilities).

According to the Brazilian Institute of Geography and Statistics IBGE, 6.2% of the Brazilian population has some type of disability. Register here the national health survey PNS (IBGE, 2013), in partnership with the ministry of health, with sixty-four thousand Brazilian households, in which four types of disability were considered: hearing, visual, physical and intellectual. In this sense, it is important that this percentage of the population has their rights guaranteed.

With Law Number: 7,405 of November 12, 1985, it became mandatory to place, in a visible manner, the "International Symbol of Access", in all places that allow access, circulation and use by people with disabilities, and in all the services that are made available to you or that enable your use. Just as mandatory signage was presented as an achievement of rights for people with disabilities, throughout history, several other achievements were acquired by these individuals. (BRAZIL, 1985).

For Maranhão (2005) to elucidate the evolution of the rights of people with disabilities, it is necessary to know what these people were like over time. This is because each historical moment, with the information available in each of them, as well as each culture, with its beliefs and traditions and legal-social changes, bring new ways of thinking and conceiving human diversity.

It is clear to see, then, that the more the inclusion of people with disabilities in society was understood as essential, taking into consideration, their limitations as aspects specific to human diversity, the more legislation advanced towards guaranteeing these people the ability to overcome barriers. social. Therefore, analyzing the historical evolution of the rights of people with disabilities, it can be seen that the greatest impediment to equal rights (as a fundamental guarantee) is not exactly the person's disability, but in society, specifically with regard to inclusion. (MACIEL, 2000)

In the sense of historical evolution, Bruno Galindo (2013, p. 35) also highlights:

With the advent of Christianity at the end of the Ancient Age and throughout the Middle Ages, the notion of human rights gained strength on a philosophical and spiritual level, but it was still linked to religion, with few theoretical references to the idea of fundamental rights dissociated from religion. Christian. However, it was in the medieval period that the embryo of modern democracy emerged linked to the idea of fundamental human rights. The constitution of 1215 was the medieval landmark in limiting power through respect for some fundamental rights [...]. The protection of human rights was one of the main flags of the rule of law of liberalism, which was born from ideas formulated during the period of the absolutist State [...] Locke in England, Rousseau and Montesquieu in France, in addition to Kant in Germany, were the main intellectual exponents of this new State, influencing the English and French anti-

absolutist revolutions [...] Locke was the first to defend a separation of powers in the State.

Regarding principles, these are sources of Law that have demonstrated a function far superior to mere supplementarity, being fundamental guidelines for the entire constitutional order.

Therefore, according to Mazzilli (2005), guaranteeing and promoting the full inclusion of people with disabilities means implementing constitutionally enshrined rights, with a view to building a fraternal, pluralistic and prejudice-free society that Brazilians envisioned when ratifying the country's much-desired Constitution.

In relation to inclusive education, a milestone was the Conference in Salamanca in 1994, which promoted the promotion of inclusive education worldwide. At the UNESCO meeting in the city of Salamanca - Spain, where there was a debate on education for all, presenting the need for school inclusion of children with special educational needs (SEN); the Salamanca Declaration was signed, which proposes the school inclusion of children in regular education. Following this conference, authorities from several countries recognized the need and urgency to promote, within the school environment, practices that included students with special educational needs in regular education, in order to guarantee integration between individuals. (MACHADO; NAZARI, 2012)

According to the National Guidelines for Special Education in Basic Education (BRAZIL, 2001), inclusion policies seek to develop students' potential, respecting their needs and differences. To this end, the school must create spaces conducive to inclusion, whilst also ensuring quality in teaching. In addition to the educational sphere, there is much progress to be made in relation to constitutional guarantees and rights of human dignity and equality.

In this sense, emphasis is given to the words of Minister Luiz Fux of the Superior Court of Justice: Consecrate of a country that boasts a Constitutional Charter whose preamble promises the dissemination of inequalities and the protection of human dignity, promises elevated to the same level as defense of the Federation and the Republic, is that it cannot be accepted that the individual and social rights of people with disabilities are relegated to a different plane from that which places them on the eminence of the most beautiful constitutional guarantees. (Special resource 567873/MG, Special Appeal 2003/0151040-1, Rapporteur Minister LUIZ FUX, Judging Body T1 - FIRST PANEL, Judgment Date 10/02/2004. Publication. Date/Source DJ 25.02.2004 p. 120 RSTJ vol. 182 p. 134) (STJ, 2004)

Thus, in the constant search to offer greater guarantee and specificity to the rights of people with disabilities, always in light of the principle of human dignity, the International Convention on the Rights of Disabled Persons came into existence. (LOPES, 2014)

As Hugo Cremonez Sirena (2016) explains:

This convention, approved with the status of a constitutional amendment (as it met the requirements of § 3, article 5, of the FEDERAL CONSTITUTION/1988 (LGL\1988\3), in turn, aims to guarantee autonomy, independence, equality and universality of access, at an international level, to all people with disabilities, based fundamentally on the principles of respect for inherent dignity, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of people with disabilities as part of human diversity and humanity, and equal opportunities (article 3 of the Convention on the Rights of Persons with Disabilities). Internally, the approval process of the legislative project that culminated in Law 13,146/2015 is the result of a prolonged debate in the National Congress. Originally presented in 2006, the Bill (7,699/2006) that gave rise to the Statute of People with

Disabilities was the subject of countless amendments, opinions and messages, until the final wording that today was reached presents itself. Despite all these modifications and alterations, however, something remained unchanged throughout the entire project analysis process: the indispensability of enacting a law that dealt, specifically and with dignity, with people with disabilities. (SIRENA, 2016, p.135)

For Lopes (2014), the international convention on the rights of people with disabilities was approved in Brazil through legislative decree number: 186/2008, ratified in 2008 and finally promulgated by Federal Decree number: 6,949/2009, being a relevant document that is historically consolidated in the legal sphere in the area of people with disabilities.

As Maranhão (2005) explains, in addition to this remarkable character, the international convention on the rights of people with disabilities also gains historical prominence in Brazilian legislation, as it is the first international human rights treaty approved under the terms of article 5, §3, of the Federal Constitution, as amended by Constitutional Amendment Number: 45/2004.

The term person with disability came into force from the convention on the rights of people with disabilities, of the United Nations (UN), which Brazil ratified as a constitutional amendment in 2008. The person is not disabled or has of disability, because she does not have, does not carry her disability, she has a disability and, before having it, she is a person with all her rights guaranteed. (CURITIBA, 2013)

The proposed constitutional amendment number: 57/2019, which amends the federal constitution to incorporate the international convention about the rights of people with disabilities, aiming to standardize references to people with disabilities in the Federal Constitution, the proposal replaces, in ten

articles of the Constitution, when it was processed in the Federal Senate, with due approval by the plenary (BRAZIL, 2019), the corresponding PEC (Proposed Amendment to the Constitution).

When referring to people with disabilities, an overly discriminatory way of carrying, carrying, transmitting is embedded, which ends up denigrating and bringing harm to a historic struggle in Brazil, which is about access to rights for people with disabilities.

The elaboration of the Statute of Persons with Disabilities took place with the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, dated March 30, 2007, which was signed in New York and ratified by the Brazilian National Congress. Therefore, in Decree 6,949, of August 25 of 2009 incorporated into the Brazilian legal order internal to the New York Convention, being given the status of a constitutional amendment, given the permissive provisions of § 3, article 5 of the constitution. (FILHO, 2016)

According to Filho (2016), on July 6, 2015, Law Number: 13,146 was published, enshrining a Brazilian Law for the Inclusion of Persons with Disabilities, self-called Statute of Persons with Disabilities, which came into force only in January 2016. Said diploma, which establishes a true inclusive normative system, strongly influenced by the New York Convention.

The Statute of Persons with Disabilities took the path of dignity and freedom, mitigating the conception of vulnerability normally linked to people with disabilities, requiring a general awareness of the social importance of the new Statute, whose responsibility for its faithful compliance falls not only on the shoulders of legal operators, but also of public entities and civil society, who must make joint efforts to achieve the effective integration of these legal subjects. With the advent of law

Number: 13,146/2015, the Brazilian Inclusion Law was established, also called the Statute of Persons with Disabilities. (FILHO, 2016)

Mostly considered a significant social achievement, as it contributes to the national legal system standards of an inclusive nature and accessibility, which align with and honor the pillar of human dignity, notably in its aspect that fights for the observance of isonomy in a substantial nature, with the scope of ensuring the full guarantee of the rights of these special agents. (ROSSETO et al, 2016, p. 75)

Through this relevant achievement, the beginning of a new era was marked for people with disabilities, since the objective of the Statute of Persons with Disabilities is to regulate issues relating to the right to life, housing and rehabilitation, health, housing, education, work, social assistance, culture, leisure, sport, tourism, access to justice, transport and mobility, access to information and communication. (GODOY, 2016).

According to Stolze (2015), due to the breadth of the scope of its norms, this important statute represents a true social achievement, therefore, the impacts it brings must be addressed. Through the implementation of the Statute of Persons with Disabilities, which came into force in January 2016, there were significant changes in the area of people with disabilities.

Article 2 of the Statute of Persons with Disabilities (Law Number: 13,146/15) provides what is considered a person with a disability: Article 2 A person with a disability is considered to be someone who has a long-term impairment of a physical, mental, intellectual or sensory nature, which, in interaction with one or more barriers, can obstruct their full and effective participation in society on equal terms with other people. (BRAZIL, 2015)

With the entry into force of the Brazilian Inclusion Law, it became possible to highlight the rights of people with disabilities, allowing

them to be included in society, which can be considered a major milestone, since social inclusion needs to be understood as a historic struggle of these people, who stopped admitting discrimination by society and the State. (ROSSETTO et al., 2016, p. 107)

As Piovesan (2013, p. 283) teaches that:

This change began to determine the obligation of the Public Power to provide access for people with disabilities to health, education, decent means of living, conditions of equality and mainly, the promotion of social inclusion, establishing public policies for their care and guaranteeing that they are considered citizens and capable of having their rights and duties enforced.

This way, it is clear that the struggle of people with disabilities for social inclusion and the recognition of equality as rightful citizens throughout history has been achieved. Currently, the Brazilian Inclusion Law regulates the rights of people with disabilities and their duties, bringing the biopsychosocial assessment, which allows defining which causes have an influence on the life of people with disabilities, and also understands that disability is not the only defining factor of the individual's personality, recognizing them as people with rights and duties in society, leaving aside the discrimination that society itself has imposed and integrating them into the social environment. (PIOVESAN, 2013)

In this sense, according to Maciel (2000), from the beginning, the structure of societies has always made people with disabilities impossible, limiting them, that is, depriving them of freedom. These people, without respect, without assistance, without rights, have always been the target of prejudiced attitudes and merciless actions. Classical literature and the history of man reflect this discriminatory thinking, as it is easier to pay attention to impediments and appearances than to the potentials and capabilities of such people.

However, lately, the isolated actions by educators and parents have promoted and implemented the inclusion of people with some type of disability in schools, aiming to restore human respect and dignity, in order to enable full development and access to all of society's resources through part of this segment.

According to Godoy (2015), the new law does not qualify disability, that is, it only expands the concept and establishes more flexible criteria, considering a person with a disability as someone who has a physical, mental, intellectual or sensory impairment., long-term, which may make coexistence difficult. If there is a need for a disability assessment, this must consider socio-environmental, psychological and personal factors, therefore, with the advent of the law, people with disabilities will have an individualized procedure for recognizing the limits of their disability.

It is clear to see, then, that the more the inclusion of people with disabilities in society was understood as essential, taking into consideration, their limitations as aspects specific to human diversity, the more legislation progressed towards guaranteeing these people the ability to overcome barriers. social. One of the purposes of the statute is to promote a fairer society and value differences, enabling the necessary conditions for each person to take an active role within the community. Furthermore, it is noteworthy that the biggest impediment is the prejudice and discrimination that plague a large proportion of people with disabilities. The importance and results of the Inclusion Law will be seen in the long term, as time progresses, as it was essential that work, education, and the realization of other rights for social inclusion, which are also addressed in the Statute, were ensured. (GODOY, 2015)

As Sasaki (1997, p. 17) prescribes:



The social inclusion paradigm aims to change the common structures of social systems in all aspects (education, work, leisure, etc.) and must include, in addition to people with disabilities, all others excluded from common social systems, from of three principles of inclusion: 1. Celebration of differences differences are welcome, they are attributes that imply different ways of doing things; 2. The right to belong means that no one can be forced to prove their ability to be part of society; 3. The appreciation of human diversity in which society benefits and is enriched in quality by being made up of such a varied range of human groups.

However, the Brazilian Law on Inclusion of Persons with Disabilities has major challenges for it to reach full effectiveness. It is essential that public policies are implemented to adapt standards and raise awareness in society, in relation to its fundamental role towards people with disabilities. However, the struggle of people with disabilities for social inclusion and the recognition of equality as rightful citizens throughout history have been a legal framework for people with disabilities and thus, through the advent of the Brazilian Inclusion Law, it is concluded that disability it is not the only factor defining an individual's personality, recognizing them as people with rights and duties in society, not considering the discrimination that society imposes and integrating them into the social environment. (FILHO, 2016).

## **REFLECTIONS BROUGHT TO PEOPLE WITH DISABILITIES UNDER THE PERSPECTIVE OF LAW 13.146/2015**

As it was discussed in the first chapter, the biggest challenge for people with disabilities is the treatment received by society. In order to change this reality, parliamentarian Paulo Paim presented a Bill in 2000, but it was only sanctioned on July 6, 2015, by former president Dilma Roussef and became the

Statute of Persons with Disabilities, Law Number: 13,146/15. The aforementioned Law came into force on January 2, 2016 and benefits many Brazilians in different areas, such as: health, education, work, leisure, among others. In some cases, such as the one in this study, it is necessary to create specific laws that enable the inclusion of minorities in society. (KOYAMA, 2017)

As mentioned by Koyama (2017), with the advent of Law 13,146/2015, several legal changes were seen in the Civil Code, Electoral Code, Brazilian Traffic Code and the Consumer Protection Code. It is noteworthy that all changes aim to include people with disabilities in society. It is possible to identify, from article 1 of the Brazilian Inclusion Law, that its main objectives are to ensure and promote the exercise of fundamental rights and freedoms of people with disabilities, based on conditions of equality, social inclusion and citizenship.

The first amendment to the Statute of Persons with Disabilities refers to civil capacity and is provided for in its sixth article, in the following terms:

Article 6 Disability does not affect the person's full civil capacity, including:

I get married and form a stable union;

II exercise sexual and reproductive rights;

III exercise the right to decide on the number of children and to have access to adequate information on reproduction and family planning;

IV preserve their fertility, with compulsory sterilization being prohibited; V exercise the right to family and family and community coexistence; It is

VI exercise the right to custody, guardianship, guardianship and adoption, as an adopter or adoptee, on equal opportunities with other people. (BRAZIL, 2015)

According to Setubal and Fayan (2016), the situations provided for in the aforementioned article require the use of civil capacity and assist in the case of a possible partial ban due to property. This modification was subject to the following appeal:

SUMMARY: CIVIL AND CIVIL PROCEDURE. CURATORIAL OF RELATIVELY DISABLED PERSON. MODIFICATION OF THE CIVIL CODE BY THE STATUTE OF PERSONS WITH DISABILITIES. ORDER WITH DECISION-MAKING CONTENT DETERMINING THE ATTACHMENT OF A NEW MEDICAL REPORT TO ANSWER QUESTIONS RELATED TO OFF-PATRIMONIAL ISSUES. UNNECESSARY DILIGENCE. CURATERY THAT MUST BE LIMITED TO PROPERTY AND BUSINESS ACTS OF CIVIL LIFE. INTELLIGENCE OF LAW Number: 13,146/2015. FULL CAPACITY OF THE CURATELANDA TO PERFORM EXISTENTIAL LEGAL ACTS. KNOWLEDGE AND PROVISION OF THE APPEAL. PRECEDENTS.

Rapporteur: Judge chief: João Rebouças

Interlocutory Appeal Number: 2016.003529-1 (BRAZIL, 2016)

Concepts about personality and legal capacity are apparently confused, since the individual who possesses one, possesses the other, however, while personality refers to the exercise of existential relationships, capacity relates to the exercise of patrimonial relationships, being that legal capacity is responsible for the possibility of being subject to the right to securitize property relations. (THOMASI; SILVA, 2017)

In this sense, Gonçalves (2015) states that capacity is the measure of personality, as for some it is full and, for others, limited. What everyone has, and acquires at birth, is the capacity for rights or enjoyment, also called the acquisition of rights. (GONÇALVES, 2015, p.94)

However, personality presents itself as an attribute of the subject, being intrinsic to its nature, since the beginning of its nature. Still on this aspect, in 2003, with the entry into force of the current Civil Code, several changes took place in the Brazilian legal sphere, one of the innovations being the inclusion of personality rights in the text. (THOMASI; SILVA, 2017), a matter of capacity: the first is that capacity is intended for the practice of legal transactions, and not for the legal fact.

Therefore, it is possible to ensure that there are two types of capacity: one of them is the capacity for rights or enjoyment that is included in those who have legal personality, conceptualized as the generic capacity for acquiring rights and duties and the other which refers to the de facto or exercise capacity, which is the ability to perform the acts of civil life on one's own. (THOMASI; SILVA, 2017)

Returning to questions about the Law studied, in its ninth article, it presents a second novelty, which provides the following:

Article 9: A person with a disability has the right to receive priority assistance, especially for the purpose of: I protection and help in any circumstances; VI receipt of income tax refund; (BRAZIL, 2015)

It is clear that in addition to the elderly and pregnant women, a new group to receive priority care are people with disabilities. Another innovation brought by Law 13,146/2015 is in relation to the school environment, which provides:

Article 28. It is the responsibility of the public authorities to ensure, create, develop, implement, encourage, monitor and evaluate:

I inclusive educational system at all levels and modalities, as well as lifelong learning;

II improvement of educational systems, aiming to guarantee conditions of access, permanence, participation and learning, through the provision of services and

accessibility resources that eliminate barriers and promote full inclusion;

III pedagogical project that institutionalizes specialized educational assistance, as well as other services and reasonable adaptations, to meet the characteristics of students with disabilities and guarantee their full access to the curriculum under equal conditions, promoting XV access for people with disabilities, under equal conditions, to games and recreational, sports and leisure activities in the school system; 1st To private institutions, of any level and type of education, The provisions of items I, II, III, V, VII, VIII, IX, X, XI, XII, XIII, XIV, additional payments of any nature to your monthly fees, annual fees and registration fees (BRAZIL, 2015)

This innovation complements article 205 of the FEDERAL CONSTITUTION/88, which establishes that education is a right for everyone. On the other hand, it is important to emphasize that it is not enough to simply include people with disabilities in school, but it is necessary to provide an environment that meets their individual needs, especially as there are various types of disabilities and to different degrees. (MACHADO; NAZARI, 2012)

The fourth change brought by the Law studied is aimed at discrimination against people due to their disability, as noted in the following article: Article 88.

Practicing, inducing or inciting discrimination against a person due to their disability: Penalty of imprisonment, from 1 to 3. (BRAZIL, 2015)

This provision aims to protect the dignity of the human person and promote respect for differences between citizens, providing for punishment for possible non-compliance.

Another change is the inclusion registration, in the following terms:

Article 92. The National Registry for the Inclusion of Persons with Disabilities (Registration-Inclusion) is created, an

electronic public record with the purpose of collecting, processing, systematizing and disseminating georeferenced information that allows the identification and socioeconomic characterization of people with disabilities, as well as the barriers that prevent the realization of their rights. (BRAZIL, 2015)

According to Filho (2016), the inclusion register is the electronic record of information regarding the socioeconomic condition of the individual with a disability and the barriers that impede their rights. This registry aims to create measures that help people with disabilities, as by identifying impediments to realizing their rights, it becomes easier to create mechanisms for realizing their rights.

Another modification is the inclusion aid, provided for in article 94 in the following terms:

Article 94. Persons with moderate or severe disabilities who:

I receive the continued benefit provided for in article 20 of Law number: 8,742, of December 7, 1993, and begin to carry out remunerated activities that qualify as a mandatory RGPS insured person;

II has received, in the last 5 (five) years, the continued benefit provided for in article 20 of Law number: 8,742, of December 7, 1993, and who carries out remunerated activity that qualifies him as a mandatory RGPS insured. (BRAZIL, 2015)

This benefit is not for all people with disabilities, but only for those with moderate or severe disabilities who enter the job market. This change aims to protect workers who have severe or moderate disabilities in activities that qualify as mandatory insurance under the General Social Security Regime. (SCHMIDT, 2016)

Finally, the last amendment modified item VI and § 1 of article 56 of Law Number: 9,615/1998. As a result, there was an increase

in revenue from federal lotteries destined for sports in order to finance Paralympic games. This modification is provided for in article 110:

Article 110. Item VI and § 1 of article 56 of Law number: 9,615, of March 24, 1998, come into force with the following wording:

VI 2.7% (two integers and seven tenths of a percent) of the gross revenue from prediction contests and federal lotteries and similar competitions whose holding is subject to federal authorization, deducting this amount from the amount allocated to the prizes;

1st Of the total financial resources resulting from the percentage referred to in section VI of the caput, 62.96% (sixty-two integers and ninety-six hundredths percent) will be allocated to the Brazilian Olympic Committee (COB) and 37.04% (thirty-seven integers and four hundredths of a percent) to the Brazilian Paralympic Committee (CPB), and, in both cases, the set of rules applicable to the signing of agreements by the Union must be observed. (BRAZIL, 2015)

Law 13,146/2015 consolidates the rules that must be observed to guarantee the exercise of the rights of people with disabilities in the country. This Law organizes regulatory issues that guarantee rights and duties to people with disabilities, which were separated in laws, decrees and ordinances, which regulated limits, conditions and assigned responsibility to each individual in society. It is concluded, therefore, that the Statute of Persons with Disabilities was created with the aim of promoting and enabling the effectiveness of the principle of equality. (THOMASI; SILVA, 2017).

## THE CHANGES BROUGHT BY LAW 13.146/2015 IN THE BRAZILIAN LEGAL ORDER

According to Filho (2016), one of the main changes brought about by the Law studied occurred in the Civil Code and this chapter will address the main changes made. Article 84, which guarantees the right to exercise capacity for people with disabilities, amended articles 3 and 4 of the Civil Code to ensure capacity for acts of civil life. The new wording became:

Article 3 Minors under 16 (sixteen) years of age are absolutely incapable of performing civil acts in person.

Article 4 They are incapable, in relation to certain acts or the way of carrying them out: (As amended by Law Number: 13,146, of 2015) (Validity)

I those over sixteen and under eighteen;

II habitual drunks and drug addicts; (Wording given by Law Number: 13,146, of 2015) (Effective)

III those who, for temporary or permanent reasons, are unable to express their will; (Wording given by Law Number: 13,146, of 2015) (Effective)

IV the prodigals.

Single paragraph. The capacity of indigenous people will be regulated by special legislation. (BRAZIL, 2015)

People with disabilities were previously considered absolutely incapable. With the new law in force, it is possible to conclude that other disabilities, with the exception of age, are relative. In this sense, it is possible to state that disability does not affect the person's full civil capacity. (SHMIDT, 2016) to the dignity of (SHMIDT, 2016, p. 46).

Another important issue to point out is that in order to prove the incapacity of a physically

disabled person, judicial recognition of the disability is necessary.

Schmidt (2016) mentions that an issue that is also important to point out is that in order to prove the incapacity of a physically disabled person, judicial recognition through guardianship is necessary. Guardianship, in turn, as a rule aims to protect an adult who has some disability or is in a certain circumstance that prevents their free and conscious expression of will.

Before Law 13,146/2015, a person who had any impairment of an intellectual or mental nature was subject to guardianship, which was established through a judicial process of decreeing an interdiction.

The right to full defense is guaranteed, as long as it is proven that the interdicted person is declared absolutely or relatively incapable. (SHMIDT, 2016).

[..] From Law Number: 13,146/2015, given that article 84, caput, guarantees people with disabilities the right to exercise their legal capacity on equal terms with other people, guardianship becomes an exceptional, extraordinary measure, and must be proportional to the needs and circumstances of each case, lasting for the shortest possible time, as provided for in paragraphs 1 and 2 of the aforementioned articles. (SHMIDT, 2016, p.48)

Sirena (2016) goes further when he considers that the Statute of Persons with Disabilities then treats the issue of guardianship as an exclusively prosthetic measure, and not one of interdiction of the exercise of rights of people with disabilities. Once the Statute of Persons with Disabilities comes into force, the person considered to have special needs under guardianship will have more autonomy, as it does not deprive them of carrying out acts of an existential nature, and at the same time guarantees their protection.

According to Stolze (2015), another change made to the Civil Code refers to marriage, as

the new law no longer recognizes the nullity of marriage with a person with a disability, as can be seen: Article 1,548. A marriage contracted: I by a mentally ill person without the necessary discernment for acts of civil life is null and void; (BRAZIL, 2015)

In addition to the changes reported, a new article was created within Chapter III - Supported Decision Making, as it can be seen:

Article 1,783-A. Supported decision-making is the process by which a person with a disability elects at least 2 (two) suitable people, with whom they maintain ties and who enjoy their trust, to provide support in decision-making regarding acts of civil life, providing them with the necessary elements and information so that they can exercise their capacity. (Included by Law Number: 13,146, of 2015) (Effective)

1 - To formulate a request for supported decision-making, the person with a disability and supporters must present the interests of the person they are to support. (Included by Law Number: 13,146, of 2015) (Effective)

2 - The request for supported decision-making will be requested by the person to be supported, with an express indication of the people capable of providing the support provided for in the caput of this article. (Included by Law Number: 13,146, of 2015) (Effective)

3 - Before ruling on the request for supported decision-making, the judge, assisted by a multidisciplinary team, after hearing from the Public Prosecutor's Office, will personally hear the applicant and the people who will provide support. (Included by Law Number: 13,146, of 2015) (Effective)

4 - awake. (Included by Law Number: 13,146, of 2015) (Effective)

5 - A third party with whom the supported person maintains a business relationship may request that the supporters counter-sign the contract or agreement, specifying, in writing, their role in relation to the

supported person. (Included by Law Number: 13,146, of 2015) (Effective)

6 - In the case of a legal transaction that could bring significant risk or loss, in the event of disagreement among supporters, the judge, after hearing the Public Prosecutor's Office, must decide on the issue. (Included by Law Number: 13,146, of 2015) (Effective)

person submits a complaint to the Public Prosecutor's Office or to the judge. (Included by Law Number: 13,146, of 2015) (Effective)

7 - If the complaint is upheld, the judge will remove the supporter and appoint, after hearing the supported person and if it is in their interest, another person to provide support. (Included by Law Number: 13,146, of 2015) (Effective)

8 - The supported person may, at any time, request the termination of an agreement signed in the supported decision-making process. (Included by Law Number: 13,146, of 2015).

Supported decision-making is a judicial procedure linked to the heritage field. This institute provides for autonomy in carrying out acts, without any restrictions, with the help of supporters. The support provided by this institute is only to assist in activities, which differs from guardianship. (SETUBAL; FAYAN, 2016)

According to Thomasi and Silva (2017), in addition to the Civil Code, there were also changes to the Consumer Protection Code, where the sole paragraph of article 6 and §6 of article 43 were included. include:

The changes made to the Consumer Protection Code aim to guarantee the right to information and accessibility so that consumers with disabilities receive all the necessary information about the product available on the market. An example of this information and accessibility would be labels in Braille language. (THOMASI; SILVA, 2017)

According to Filho (2016), with regard to the Brazilian Traffic Code, changes were made in order to ensure access for people with disabilities to transport, reservation of spaces and application of fines to people who use disabled spaces in an inappropriate manner. undue. Such inclusions can be observed in the writings of the following articles:

Article 46. The right to transport and mobility of people with disabilities or reduced mobility will be ensured on equal opportunities with other people, through the identification and elimination of all obstacles and barriers to their access.

1st For the purposes of accessibility to land, waterway and air public transport services, in all jurisdictions, vehicles, terminals, stations, stopping points, the road system and the provision of the service are considered to be part of these services.

2 The granting, concession, permission, authorization, renewal or authorization of public transport lines and services are subject to compliance with the provisions of this Law, whenever there is interaction with the matter regulated therein.

3rd To place the international access symbol on vehicles, public passenger transport companies depend on the accessibility certification issued by the public manager responsible for providing the service.

Article 47. In all parking areas open to the public, for public or private use and on public roads, spaces must be reserved close to pedestrian circulation accesses, duly signposted, for vehicles that transport disabled people with impairment. mobility, as long as they are properly identified.

1st The vacancies referred to in the caput of this article must be equivalent to 2% (two percent) of the total, guaranteeing at least 1 (one) vacancy duly marked and with design and layout specifications in accordance with technical standards current accessibility regulations.

2nd Vehicles parked in reserved spaces must display, in a highly visible location, the beneficiary credential, to be prepared and provided by the traffic authorities, which will regulate their characteristics and conditions of use.

3º the improper use of the vacancies referred to in this article subjects' offenders to the sanctions provided for in item XVII of article 181 of Law number: 9,503, of September 23, 1997 (Brazilian Traffic Code).

3º Improper use of the vacancies referred to in this article subjects' violators to the sanctions provided for in item XX of article 181 of Law Number: 9,503, of September 23, 1997 (Brazilian Traffic Code). (Wording given by Law Number: 13,281, of 2016) (Effective)

Article 181. Parking the vehicle:

XVII in disagreement with the conditions specifically regulated by the signage (Regulated Parking sign):

Minor infraction;

Serious infraction; (Wording given by Law Number: 13,146, of 2015) (Validity) Penalty fine. (BRAZIL, 2015)

Filho (2016) further reports that in addition to these changes, there were also changes to the Electoral Code. With the recognition of the capacity of people with disabilities, the exercise of political rights and the adaptation of places to vote were allowed, which can be seen in the following articles:

Article 76. The public authorities must guarantee people with disabilities all political rights and the opportunity to exercise them on equal terms with other people.

1st Persons with disabilities will have the right to vote and be voted, including through the following actions:

I guarantee that voting procedures, facilities, materials and equipment are appropriate, accessible to all people and easy to

understand and use, with the installation of exclusive voting stations for people with disabilities being prohibited;

II encouraging people with disabilities to apply for and perform any public functions at all levels of government, including through the use of new assistive technologies, when appropriate;

III guarantee that official statements, mandatory electoral propaganda and debates broadcast by television stations have, at least, the resources listed in article 67 of this Law;

IV guarantee of the free exercise of the right to vote and, to this end, whenever necessary and at their request, permission for people with disabilities to be assisted in voting by a person of their choice.

2nd The public authorities will promote the participation of people with disabilities, including when institutionalized, in the conduct of public issues, without discrimination and on equal opportunities, observing the following: I participation in non-governmental organizations related to public life and the country's politics and in activities and administration of political parties;

II formation of organizations to represent people with disabilities at all levels;

III participation of people with disabilities in organizations that represent them.

Article 135. The reception desks will operate in the places designated by the electoral judges 60 (sixty) days before the election, publishing

6th A. The Regional Electoral Courts must, at each election, issue instructions to Electoral Judges to guide them in choosing voting locations, in order to guarantee accessibility for voters with disabilities or reduced mobility, including in their surroundings and in transport systems that give you access. (BRAZIL, 2015)

From the above, it appears that Law 13,146/2015 brings a new inclusion policy, however, it is necessary to implement it consciously, since one of its purposes is for society to adapt to a more respectful and egalitarian standard, preserving fundamental rights and guarantees. In this sense, it is possible to conclude that the statute created has the objective of adapting society to the inclusion of people with disabilities. (SCHMIDT, 2016)

## **WORK DEVELOPED IN INSTITUTIONS THAT DEFEND THE RIGHTS OF PEOPLE WITH DISABILITIES, WITH EMPHASIS ON APAES**

Therefore, based on this statement, we need to be aware of all types of disabilities and promote the inclusion of these individuals so that they can enjoy their rights like any other citizen.

In this sense, Castro (2015) states that:

Currently, the definition of disability involves a concern with its practical use in different areas such as social assistance, health and education, however, some authors with a scientific background such as biomedicine defend the hypothesis that it is possible to develop a universal classification of disabilities. (CASTRO, 2015, p.12)

Until the second half of the 20th century, the approach to disability in the Brazilian context conceptualized it as a characteristic of some individuals who needed professional intervention with the aim of improving or correcting it. With regard to special education, it was marked by two periods of nature and scope of actions aimed at the development of education for people with disabilities. (CASTRO, 2015)

According to Castro (2015), the first period comprises the years between 1954 and 1956:

[..] the Institute for Blind Boys, inaugurated by D. Pedro I [...] with pedagogical objectives with workshops where tactile reading was used, exploring high relief lines to teach these people literacy. [...]

At the beginning of the 20th century, the Montessori Method, created by doctor Maria Montessori, emerged to work with mentally disabled people.

The Montessori Method, [...] is based on sensory-perceptual stimulation and self-learning. [...] it was disseminated worldwide and is still used today, including in Brazil in Pre-School Education for children without any disability. (CASTRO, 2015, p. 16)

It was marked by a lack of preparation in including people with disabilities in regular education, in addition to the stigma of disability and strong prejudice, some families came together and took the initiative to seek solutions so that their children with intellectual or multiple disabilities could be included in society, guaranteeing their rights like any citizen. (CASTRO, 2015)

It was then that the first associations of family and friends emerged, with an inclusive approach to people with disabilities.

The Associations of Parents and Friends of the Exceptional, also known by the acronym APAE, emerged as a movement to help people with intellectual and multiple disabilities, through the initiative of Beatrice Bemis and her husband George Bemis, diplomats representing the United States, who, upon arriving in Brazil in 1954, were surprised to find no place that met the special needs of their son with Down syndrome. This situation motivated the couple to fight for a place that served people with intellectual and multiple disabilities, as they participated in the creation of more than 250 associations of parents of people with disabilities in the United States, through the movement called 2005).

Alliances were made with diplomats,



parents, friends and doctors of special needs people who committed themselves to seeking alternative solutions so that their children with disabilities could be included in society, as a way of having their rights guaranteed like any other person, therefore, The first APAE (Association of Parents and Friends of the Exceptional) was created in March 1955, in a meeting at the headquarters of the ``Sociedade Pestalozzi do Brasil``, to choose its Deliberative Council. (VÉRAS, 2000).

The Association of Parents and Friends of Exceptional Persons Apae is a civil, social assistance, philanthropic association, operating in the areas of prevention, education, health, work/professionalization, guarantee of rights, sport, culture/leisure, study and research and others, non-profit and for non-economic purposes, with an indefinite duration, with headquarters and jurisdiction in the municipality in which it is located. Apae's mission is to promote and coordinate actions to defend rights, prevention, guidance, provision of services, family support, aimed at improving the quality of life of people with disabilities and building a fair and supportive society. (STATUTO DAS APAES, 2017, p.1)

The Association of Parents and Friends of the Exceptional, or, for short, Apae, is founded through an assembly in a specific municipality, and is regulated by statute registered at a notary's office, by internal regulations and by civil legislation in force. (STATUTO DAS APAES, 2017).

These organizations, formed by families and professionals, began to provide services with the aim of promoting and asserting the rights of people with disabilities. (FENAPAES, 2017).

The first meeting of the Deliberative Council took place in March 1955, at the headquarters of the Pestalozzi Society of Brazil. The latter made part of a building located in the Leme neighborhood, in the city of Rio de Janeiro, available for them to set up a

school for exceptional children, as desired by professor La Fayette Cortes. The idea of organizing specialized services for people with intellectual disabilities also permeates North American influence, evidenced by the presence of methodological behaviorism with a positivist influence. The specialized services offered by Apae differed from other existing services, they were based on the person's autonomy, their social participation, positive and integral development, on the idea that the family and society were directly responsible for the quality of life of these people, so that, regardless of the disability, it was possible, through external influence and behavioral change, for people with intellectual and multiple disabilities to gain spaces for social participation. (NETO, 2017, p. 16)

The Apaes spread across several states in Brazil and at the end of 1962, representatives from twelve of the sixteen institutions in the country met in São Paulo for the meeting chaired by psychiatrist Dr. Stanislau Krynsky. This meeting discussed the issue of people with disabilities with a group of families who brought to the movement their experiences as parents of people with disabilities and, in some cases, also as technicians in the area. (CASTRO, 2015, p.19)

However, for Mota (2017), Apaes, in their commitment to building a fairer and more inclusive society, strive to encourage and promote improvements in the quality of life of people with disabilities, preferably intellectual and multiple, in their life cycles, children, adolescents, adults and the elderly so that they can find in their community the resources necessary for a dignified life and the full exercise of citizenship and even taking into consideration, assistance to family members in order to promote comprehensive assistance in all areas of the life of the person with deficiency.

However, Apaes seeks in each municipality in which it is located to eliminate factors

that promote exclusion, expand accessibility and enforce inherent rights of people with disabilities. They join, by affiliation, the National Federation of Apaes, from which they receive guidance, support and permission to use the name, symbol and acronym APAE, and whose Statute they adhere to and whose supervision they submit to. (FENAPAES, 2017)

After joining the National Federation of Apaes, you will automatically be considered as affiliated to the Federation of Apaes in your State (FEAPAES), whose Statute you also adhere to and to whose supervision you are also subject, becoming part of the Regional Council of Apaes, where you are located geographically. (LÊDO, 2014).

With the acquisition of its own headquarters, the National Federation of Apaes was transferred to Brasília - DF. It began to play a very important role in articulating public policies with federal public administration bodies and the powers of the republic, assuming at a national level the defense of the rights of people with intellectual and multiple disabilities, to the point of being invited to discuss legislation. He participated in the creation of the National Center for Special Education (CENESP) and the Special Education Fund in 1973, which considerably increased the resources allocated to specialized support for people with disabilities. He participated in the construction of sectoral policy plans, the first being, in 1977, the I National Plan for Special Education, always defending greater participation of people with disabilities in society and breaking with the various barriers that still prevented their full development. (JANNUZZI and CAIADO, 2013, p. 25-31)

When the first Apaes were founded, parents of children with disabilities had no knowledge of what this condition represented in their lives. Before that, parents were automatically excluded from any decision about their children, leaving it to doctors at the time, who

had an enormous arrogance and omnipotence, saying what must be done, using words from medical jargon, completely unknown to the parents. (JANNUZZI; CAIADO, 2013)

In this sense, Jannuzzi and Caiado (2013), state that the diagnoses were always passed on to the family with the stigma of disability, at the time as deformity and disability. This situation is reported by many parents at that time who did not accept these conclusions and, through the activities proposed by the Institution, felt empowered to fight to build better living conditions for their children, organizing specialized services and legal guarantees for social participation.

[..] Everything was still deeply nebulous for us. We knew little or nothing about our emotional reactions, our fantasies, how little we knew how to fight; first against our own hopelessness and frustration, then with the problems themselves [..]. (APAE BRAZIL, 2019, p. 25)

It was then that, in Brazil, this social mobilization began to provide education, health and social assistance services to those who needed them, free of charge, in places that were called the Association of Parents and Friends of the Exceptional (Apae), currently constituting the largest network to promote and defend the rights of people with disabilities, organized in 2,178 units throughout the national territory, with more than 350 thousand people assisted. All this mobilization around people with disabilities, influenced by the Declaration of Human Rights, which culminated in the creation of Apaes and, with the expansion of this initiative throughout Brazil, it was agreed to treat it as the "Apae Movement". (FENAPAES, 2017)

APAES have several areas of activity, including: health, education, social assistance, protection, training and self-management. In the health sector, monitoring is carried out throughout the individual's life cycle and in various specialties, from prevention to

rehabilitation. In relation to the area of special education, intensive support is provided and specialized educational assistance is also provided to students included in regular education in the initial grades of education, with a view to stimulating the issue of learning. (APAE BRAZIL, 2019).

But why health, education and social assistance? Because nothing is more coherent than discussing these themes that represent the tripod of action of the Apae institution. It is important to understand that despite the thematic focus around health, education and assistance for methodological reasons, all rights enshrined in the International Convention on the Rights of Persons with Disabilities are universal, indivisible and interdependent as they are essentially human rights. This means that they relate to each other in such a way that only the effective realization of all will result in the respect, protection and guarantee of each one. In this sense, the three sources chosen at all times dialogue with each other and have numerous correspondences. (APAE BRAZIL, 2019, p.44)

In Mota's view (2017), in the area of social assistance, strategic alliances have been made with the aim of improving the quality of life of special needs people, as well as including them in life in society.

However, the trinomial is presented as a system of guarantees for the rights of people with disabilities: Constitution of the Federative Republic of Brazil, International Convention on the Rights of Persons with Disabilities, and Law Number: 13,146, of July 6, 2015, or Law Brazilian Society for the Inclusion of People with Disabilities. The choice of the three instruments permeates semantic compatibility with the analysis of the rights chosen to portray the importance of legal frameworks in realizing the rights of people with disabilities, namely: health, education and social assistance. (MOTA, 2017)

It is known that the list of instruments on the rights of people with disabilities goes far beyond those named here; after all, the topic of the rights of people with disabilities is the champion in legal texts compared to any other human rights topic in Brazil. It is also known that there is no formal hierarchy between laws. However, it is clear that Law Number: 13,146, of 2015, was designed to definitively internalize and realize the rights provided for in the Convention. So, to speak, the LBI drew from the primary source of the human rights of people with disabilities and can be considered, without a shadow of a doubt, its own fruit. For this reason, it was decided to focus on what is understood to be the hard core of the rights of people with disabilities in Brazil. But why are they arranged in this order: Constitution, Convention and Law? The three instruments are arranged like this in order to follow the chronological logic of appearance. In other words, the Federal Constitution, promulgated in 1988, precedes the International Convention, which came into force in 2008, and which in turn precedes Law Number: 13,146, of 2015. (APAE BRAZIL, 2019, p.43)

According to Neto (2017), another major area of activity for these associations is focused on training. It is not enough to fight for the rights of people with disabilities, take care of their health and provide education, it is necessary to train them for the job market. Some individuals with disabilities have family support, but others do not, which makes the need to become independent and, in some cases, seek means for their own subsistence more evident. In this scenario, the Apae movement has been teaching various trades aimed at the skills of apprentices.

In this context, self-management activities must be highlighted. In this area, self-advocacy and family life for people with intellectual disabilities are taught.

In 1986, the IX World Congress of the International League of Associations for People with Mental Disabilities (ILSMH), today called Inclusion International, took

place in Rio de Janeiro under the auspices of the National Federation of Apaes. One of the most

More than 150 people with intellectual disabilities participated, representing 15 countries and speaking more than six different languages. It can be said that the self-defense movement in Brazil began after this event. (APAE BRAZIL, 2019, p.18)

In Brazil, the self-defense movement is growing more and more. At meetings of the National Federation of Apaes, when the Board of Directors and representatives of the 24 State Federations meet, in a certain place in Brazil, to discuss the direction of the Movement, there is always the constant presence of two self-defenders, a man and a woman, who They are people with disabilities elected in the assembly, who receive assistance from the Apae network and are considered authorities in the Institution to which they belong. When they do not agree with what is being said or wish to raise a topic that really interests them, these self-defenders raise their hands, ask for the floor, which is immediately granted, and clearly say what they do not agree with, for example, in relation to what is being said. Their opinions are accepted with the greatest respect and with all consideration, as must really happen, as they are those who represent the defense of their own rights and those of their colleagues in the category to which they belong. (FENAPAES, 2017).

The aims and objectives of an Apae, within the territorial limits of its municipality, are as follows, aimed at promoting activities with purposes of public and social relevance, in particular: I promote the improvement of the quality of life of people with disabilities, preferably intellectual and multiple, and global developmental disorders, in their life cycles: children, adolescents, adults and the elderly, seeking to ensure them the full exercise of citizenship; II provide habilitation and rehabilitation services to the public defined in section I of this

article, and the promoting their integration into community life in the field of social assistance, providing assistance, advice, defense and guarantee of rights, in an isolated or cumulative way, to people with disabilities, preferably intellectual and multiple, and for their families; III provide special education services to people with disabilities, preferably intellectual and multiple; IV offering health services, from prevention, aiming to ensure a better quality of life for people with disabilities, preferably intellectual and multiple. (STATUTE OF APAES, 2017, p.2)

In this sense, Apae comes to be constituted by parents and friends of a significant community of people with disabilities, counting on the collaboration of friends, parents of people with disabilities, those who associate themselves as contributors, and also civil society, the power public, commerce, industry, independent professionals, in short, everyone who believes, believes and fights for the cause of people with disabilities. The vast majority of organizations and social institutions, such as Apae, play a fundamental role in combating the needs that exist in our country, with regard to defending the rights of people with disabilities. The great challenge faced by these organizations refers to economic sustainability. In this scenario, APAE has been fighting for public policies that encourage the carrying out of its activities, through agreements and projects and also, receiving donations so that the development of people with disabilities, who participate in its activities, can occur. (JANNUZZI; CAIADO, 2013)

In this context, VÉRAS (2000) explains that the objective of Apaes is to address the importance of preventing the violation of the rights of people with disabilities and, this way, apply them in practice with individuals, families, societies and governments. Furthermore, promote discussion of alleged violations of rights, as well as possible and

necessary actions and referrals in the case of violence suffered by people with disabilities.

Today, 62 years later, there are more than two thousand Apaes spread across Brazil. It is the largest movement defending the rights of people with intellectual and multiple disabilities in the world. It is a truly remarkable distribution in all aspects, taking into consideration, the difficulties of a country like Brazil, with a long history of violations in the field of guaranteeing fundamental rights. This dizzying growth was thanks to the actions of the National Federation and State Federations, which, following the same philosophical line as the first Apae, allowed and encouraged the formation of new Apaes. These, through congresses, meetings, courses, lectures, etc., mobilize society in general, as well as being mechanisms for guaranteeing the rights of people with disabilities. (APAE BRAZIL, 2019, p.20)

According to Neto (2017), such actions need to take place within the context of each Brazilian municipality with its particularities, but with a commitment to the social protection of the population with disabilities in interface with the legal system, as are the principles of the Convention on Rights of People with Disabilities. A survey carried out by the Qualibest Institute in 2006, at the request of the National Federation of Apaes, showed that Apae is known by 87% of those interviewed and considered trustworthy by 93% of them.

These are expressive results and which reflect the work and achievements of the Apae movement in the fight for the rights of people with disabilities.

In this effort, the incorporation of the Pezinho Test into the public health network stands out; the practice of sports and the inclusion of artistic languages as pedagogical tools in the training of people with disabilities, as well as early stimulation as fundamental for their development. (MOTA, 2017)

In this scenario, Souza (2005) understands that all areas of activity promoted by Apaes: defense of rights, prevention and health; social assistance; education and pedagogical action; fund-raising; physical education, sport and leisure; scientific area; professional education, work, employment and income; family; aging; art and culture; self-management and self-advocacy, aim to increasingly provide people with disabilities (whether in the life cycles of childhood, adolescence, youth, adult or elderly) as normal a life as possible, so that inclusion occurs in its entirety, through the consequent defense of rights and social mobilization, promoting the promotion of comprehensive care for people with intellectual and multiple disabilities.

In summary, Apaes are committed to the continuous development of the quality of life of people with disabilities, preferably intellectual and multiple, in the life cycles of children, adolescents, adults and elderly people in the community of which they are part. These people receive comprehensive care and attention from Apaes which, with resources from public authorities, the community and fundraising at events, create actions free of charge, which increase accessibility and eliminate exclusion factors, guaranteeing them their inherent rights, dignity and exercise of citizenship through the promotion of comprehensive care for people with disabilities.

## CONCLUSION

From the study carried out, changes can be seen that have occurred in different branches of law, such as Civil, Electoral and Consumer Law. The law has evolved over the years in order to meet society's desires. This adaptation is studied in sociology as conditioned law, a modality in which the law adapts to current society.

With the advent of Law 13,146/2015, several benefits were granted to people with disabilities. Among all the changes, the most important was related to the capacity for acts of civil life. With this change, people with disabilities were allowed to develop a more normal life, being granted the right to make simple decisions on a daily basis without consent or judicial authorization, except in cases where the incapacity was demonstrated through the process of conservatorship.

In addition to the ability to perform acts in civil life, people with disabilities have been given the possibility of independence in general. In other words, many families did not have enough resources to provide specific studies to their members, a fact that left them increasingly dependent on their families.

This way, it was seen that through the work carried out in Institutions dedicated to defending the rights of people with disabilities, with emphasis on Apaes, it is understood that people with disabilities have shown an increasingly visible evolution, where the techniques used are according to the needs of each person assisted.

The present study addressed the work offered at Apaes, where other services are also provided in the area of health, social assistance, legal assistance and even the teaching of some profession. It can therefore be seen that the work carried out at Apaes aims at the full development of people with disabilities, with the aim of preparing them for a life in society.

Another point addressed in this research is that the work carried out at Apaes is free, and its maintenance is the result of partnerships and donations.

It is concluded, therefore, that the advent of the Statute of Persons with Disabilities linked to the work carried out in Apaes brought a difference in the lives of people with disabilities, as it gradually includes people with disabilities in the life of society, both through study and through work.

However, it is still necessary to highlight the importance of analyzing issues such as those addressed in this study, as there is still much to be done in relation to guaranteeing the constitutional rights of people with disabilities, regardless of their physical and intellectual conditions.

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