



HIGH LEVEL POLITICAL FORUM

Voluntary National Reviews

*The situation of the right to education
and of the Sustainable Development Objective 4*

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1. Brazil: socioeconomic and political context

In recent years, Brazil has been facing a serious context of political and economic crisis, accompanied by a lack of compliance with national and international goals of education, weakening of participation and fragility of democratic institutions. All of the factors that unfortunately lead to the conclusion that it is not only possible to make significant progress, as it is necessary to warn of the serious setbacks of recent years which leave the country still more distant from achieving a free and quality public education for all without leaving anyone behind.

From the popular demonstrations of 2013, known as "June journeys", which led millions of Brazilians to the streets to demonstrate a general dissatisfaction with the lack of policies and structural reforms and also with the Brazilian political class, it was possible to observe the rise of ultraconservative and ultraliberal groups that raised their own agenda and became popular, mainly through the use of social networks.

In a series of developments, and with the support and mobilization of these same groups, the year 2015 was marked by various demonstrations calling for the *impeachment* of the then President of the Republic Dilma Rousseff, who was officially withdrawn from power in August 2016, assuming the Vice President Michel Temer until the end of his term in December 2018.

In a climate of political and economic instability, the provisional government was marked by the rise of an economic program whose main brand was the approval of Constitutional Amendment (EC) 95/2016, amendment that establishes a new fiscal regime determining that no investment in social areas may be greater than inflationary adjustment for a period of twenty years, that is, a freeze of resources for education, health and social assistance until 2036.

This is the current major obstacle to the universalization of access to quality education in the country, since the goals and strategies established by the National Education Plan (PNE - Law 13.005/2014), which are valid until 2024, must be met, and should negatively impact the next plan, effective between 2024 and 2034.

The PNE is the prerogative of the Federal Constitution of 1988 and establishes a ten-year plan with guidelines, goals and strategies for advancing the right to education. This policy follows as the country's main public policy to achieve ODS 4 in order to ensure inclusive, equitable and quality education and to promote lifelong learning opportunities for all. With its cornering since

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its sanction, both compliance with the Plan and ODS 4 are threatened. And since ODS 4 is a key objective to guarantee all others, we can say that the Agenda 2030 for Brazil itself is at risk.

2. The meaning of education, free public education, and privatization trends

2.1. Privatization of education management through centralizing policies and reducing the right to education

The National Education Plan is based on the precepts described in the Federal Constitution of 1988 and, therefore, outlines a plan of goals and strategies to be objectified for the fulfillment of the right to education: for the full formation of the human being, for citizenship and for the work. However, the PNE has not been implemented and the policy that has taken the backbone of Brazilian education has been the National Curricular Common Base - BNCC and its underlying policies, content and standardization of education that, if at all, serve the objective education focusing on education for development and work, and contribute little to education aimed at the full formation of the human being, towards sustainability, citizenship and a more just society, which requires much more than a list of subjects.

The underfunding situation of public education in Brazil and, more recently, a horizon of underfunding of the sector under EC 95/2016, has opened more and more doors and has been moved to specific public-private partnerships in public education which, in addition to not representing any improvement in the quality of education, have violated the principle of universality of social rights guaranteed in the Federal Constitution. Purchase of low quality apostilled systems, management contracts with business foundations in non-pedagogical management model for education and without public transparency, hiring of Social Organizations, often without any experience in education, and several small projects are part of the "solutions" offered.

In 2017, during the government of Michel Temer, the Ministry of Education made official the BNCC in its official text, defined as "a normative document that defines the organic and progressive set of essential learning that all students must develop along the stages and

modalities of Basic Education "¹, that is, a policy of curricular centralization that defines the learning objectives that should guide the pedagogical work in all the Brazilian schools and in all the stages of the basic education.²

Although it is provided for in the PNE and, in the first instance, it can represent a breakthrough for Education, it actually becomes a matter of concern for various sectors of civil society and has been considered a further step backwards as it has been built on an agreement between conservative business foundations, banks and religious sectors that work in Brazilian education, neglecting other important sectors of civil society and the educational community itself, which has not been duly consulted and that have historically defended the guarantee of the right to education quality public service in Brazil. In addition, such policy has reinforced the consolidation of educational gaps between rich and poor in Brazil and has facilitated the path to further privatization.

Also in 2017, the Ministry of Education launched the National Teacher Education Policy, establishing as a foundation a National Teacher Formation Base for the teacher formation curriculum. As guidelines for initial formation, MEC presented: the creation of the Pedagogical Residency Program; the vacancies at the Open University of Brazil; Prouni offers vacancies for first and second degree courses. As for continuing formation, it maintained the offer of programs within the scope of MEC, proposed the creation of a platform for continuing formation, etc.

The policy of teacher formation was similarly defined in an imposing form by MEC, without dialogue with Higher Education Institutions (HEIs), with entities representative of the different segments of the basic education professionals and with the teachers. This represents another serious setback for the implementation of a National Education System and a National Education Plan that take into account the necessary articulation between initial formation, continuing education and working conditions, salary and career of education professionals. The purpose of such a policy is to conceal the absence of concrete actions by the Federal Government to ensure the necessary material conditions for the formation of these professionals, especially to divert society's attention to the contingency of public resources destined for public education, which impairs any formation policies.

¹ The final homologated text is available at:

http://basenacionalcomum.mec.gov.br/images/BNCC_EI_EF_110518_versaofinal_site.pdf

² CASSIO, Fernando L. Base Nacional Comum Curricular: ponto de saturação e retrocesso na educação. Revista Retratos da Escola, Brasília, v. 12, n. 23, p. 239-253, jul./oct. 2018.

Moreover, the proposed Pedagogical Residency Program has as one of its central objectives "to promote the adequacy of the curricula and pedagogical proposals of the initial teacher formation courses of basic education to the guidelines of the BNCC", and consists of a proposal to reformulate the current model of Supervised Internships in Public and Private Higher Education courses. The linking of the Pedagogical Residency Program to the BNCC impairs university autonomy by inducing in the IES institutional formation projects that depart from the conceptions of teacher formation present in their own pedagogical projects, in violation of the National Curricular Guidelines for Initial and Continuing Formation of Teachers in Brazil (Resolution CNE/CP 02/2015).

Beginning in 2018, under a new government, proposals to reduce the right to education from attempts of a portion of the private sector that is not concerned with the quality of education have grown in new directions. One of them is the proposal by an authority of the Ministry of Education linked to the business that sells distance education courses, to implement a large part of public basic distance education enrollments. In a country that still sees high rates of sexual and domestic violence against children and adolescents, in which the majority of children and adolescents in urban child labor situations work in the domestic environment, in which part of the children and adolescents have as one of the daily food sources, the school meals, and in which there is still a lack of basic sanitation, electricity and, therefore, access to the internet, a measure like this one of offering a good part of the enrollments in remote education tends to absurd.

Such a process of building the BNCC and its adjacent policies along the lines of the National Education Plan violates at least 4 (four) of the 10 (ten) general articles of the Abidjan Principles on the human rights obligations of states to provide public education and regulate private involvement in education³.

Contrariety to the recommendations of international organizations

Such processes of privatization of education to the detriment of the implementation of the National Education Plan contradict:

³ Available at:

<<https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/5caf90114785d3c2ac9b7eef/1555009556517/Abidjan-Principles-Designed-online-v4.pdf>>.

(a) The forecast of ODS 4 targets (all ODS 4).

(b) the latest resolution of the UN Human Rights Council on the right to education (A/HRC/RES/38/9 - “Urges all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as: (d) Promoting human rights training for all actors and stakeholders in education governance systems, addressing national education and training programmes, and ensuring that the components and processes of education governance and management, including A/HRC/RES/38/9 3 curricula, methods and training, are undeniably conducive to strengthening learning about human rights; (...) Further urges all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education”);

(c) the latest UN General Assembly resolution on education for sustainable development (A/RES/72/222 - “Calls upon the international community to provide inclusive and equitable quality education at all levels — early childhood, primary, secondary, tertiary and distance education, including technical and vocational training — so that all people may have access to lifelong learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities to participate fully in society and contribute to sustainable development”);

(d) the most recent observations made by the UN Committee on the Rights of the Child to Brazil (CRC/C/BRA/CO/2-4 - “The Committee is also concerned about: The lack of government oversight of private institutions, which often do not comply with the minimum standards, as well as the inadequately qualified personnel. (...) The Committee is concerned about the increased involvement of the private sector in education, in particular: (c) The increasing purchase by municipalities of standardized teaching and school management systems from private companies, which include teaching and teacher training materials and school management packages that may not be adequately customized for effective use; (...) The Committee reminds the State party of its primary responsibility for guaranteeing and regulating education and reiterates the importance of public investment in education. In this regard, the Committee recommends that the State party take into consideration the recommendations made by the Special Rapporteur on the right to education (see A/HRC/29/30) and establish a comprehensive framework of regulations for private education providers. The Committee also recommends that the State party: (a) Establish a clear regulatory framework, under which all

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private education providers are obliged to report regularly to designated public authorities on their financial operations, in line with prescriptive regulations, covering matters such as school fees and salaries, and to declare, in a fully transparent manner, that they are not engaged in for-profit education as recommended by the Special Rapporteur on the right to education (see A/HRC/29/30, para. 125); (b) Phase out the transfer of public funds to the private education sector and review its policies with regard to tax incentives for enrolment in private educational institutions in order to ensure access to free high-quality education at all levels, in particular nurseries and preschools, for all children, by strictly prioritizing the public education sector in the distribution of public funds; (c) Stop the purchase of standardized teaching and school management systems by municipalities from private companies”);

(e) the recommendations to Brazil of the latest Universal Periodic Review (UPR/HRC/UN) (136.166 Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability (Malaysia); 136.164 Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024 (Israel); 136.165 Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status (Japan); 136.167 Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas (Morocco); 136.169 Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (Republic of Korea); 136.170 Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey); 136.171 Continue the implementation of the education plan of 2014-2016 (Sudan); 136.172 Increase investment in education infrastructure and promote the educational level in rural areas (China); 136.200 Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health (United Arab Emirates)).

2.2. Militarization of schools

Still under the 2014-2018 government, especially in state education, there has been a growing process of militarization of schools in Brazil, that is, the management of the school is given to management by the public safety folder. From 2013 to 2018, the number of state schools managed by the Military Police jumped from 39 to 122 in 14 states of the Federation - an increase of 212%.

Para agravar a situação, he new government, under Jair Bolsonaro, is marked by a direct guardianship of the military, since it is the class that has a majority of representatives in the government. Thus, it is a government that strongly supports the process of militarization of schools. As the responsibility for basic education is especially of states and municipalities, it is possible to say that the militarization of the schools gained a strong support from the federal government for this process to deepen. The growing militarization of public schools, however, is unconstitutional from a variety of perspectives and, in addition, violates the international treaties signed by Brazil.

From the perspective of the right to education, it violates the principles of "freedom to learn, teach, research and disseminate thought, art and knowledge", of "pluralism of ideas and pedagogical conceptions" and democratic management of public education, in the form of the law (items II, III and VI of article 206 of the Brazilian Federal Constitution of 1988, respectively). By these principles, broad channels should be ensured that enable open and democratic discussion on all issues of the educational process with the participation of education professionals (school boards, supervisors, pedagogical coordinators, teachers and managers), students, of the local community.

The Law of Directives and Bases of Education, in turn, in regulating the prerogative of autonomy of schools determines that this should be progressively ensured, as opposed to the intervention of military in school management (LDB, article 15).

These legal-constitutional guarantees, on the other hand, give rise to the construction of the National Curricular Guidelines for Basic Education, whose objectives and purposes do not include the pedagogical principle of militarized schools, commonly defined as "hierarchy and discipline".

Moreover, this measure is an unconstitutional retrocession in the implementation of the teaching valorization principles and the guarantee of the quality standard of teaching. Regarding teachers' professionals, militarization directly violates Article 61 of the LDB, which defines who is authorized and legally authorized to work in education: they are teachers and education workers with specific qualification.

As a result, it is clear that school militarization openly conflicts with the model of education established in the 1988 Constitution because its principles of hierarchy and discipline cannot be reconciled with the democratic character of the educational process, the only means of

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guaranteeing pluralism itself and respect for the processes of formation of children and adolescents.

At this point, there is a clear deviation of function from military institutions and, as a consequence, military civil servants, since in militarization initiatives they carry out a significant part of the work attributed to the positions and functions of the professorship.

The Federal Constitution determined the existence of specific bodies to carry out public security missions, attributing them to the federal and state police institutions, which are exclusively responsible for "preserving public order and the safety of persons and property." The state military police, which are responsible for the ostensive police function and the preservation of public order, exercise their powers under a regime subordinated to the civil power, in this case, the Governors of the States (article 144).

For the exercise of these functions, professorship and police, therefore, the Constitution requires the prior definition of positions or functions to be occupied, with specific attributions and investiture requirements established in Law. This investiture "depends on prior approval in a public competition of tests or evidence and titles, according to the nature and complexity of the position or employment, in the manner provided by law" (article 37, items I and II).

Allocating, even if by law, to military police officers, the exercise of a portion of the constitutional and legally assigned duties of education professionals is a flagrant deviation from function, as it would be to give teachers the competence to carry out ostensive policing in or out of school. Such deviation from function may constitute a misuse of purpose and, in this sense, administrative impropriety (Law No. 8.429, of 1992, article 11, item I); the decisions or administrative acts produced in that condition shall be null and void.

Contrariety to the recommendations of international organizations

Finally, the militarization of schools must be analyzed in the context of the country's police violence. In this sense, it is openly opposed to the main international guidelines for the protection of children and adolescents, especially the 1989 Convention on the Rights of the Child, ratified and promulgated in Brazil in the 1990s and subject the country to routine international monitoring.

Moreover, in the last report produced by the Committee on the Rights of the Child of the United Nations (CRC/C/BRA/CO/2-4) in October 2015, the Committee was gravely concerned at the

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widespread violence practiced by the Police Military against children, especially the poorest and marginalized, who live in the outskirts of big cities. Among the serious violations pointed out in the "Concluding Observations for Brazil", there were cases of physical violence in body magazines, including sexual harassment.

Recommendations

We encourage HLPF to recommend that the Brazilian State undertake to ensure public provision of education and the obligation to train teachers of basic education, understanding education as a public good and recognizing that such recent privatization processes have threatened the realization of human right the education.

We encourage HLPF to recommend that the Brazilian State adopts normative parameters to prohibit or drastically limit private gain in education, especially in public basic education, and to strengthen its capacity to monitor and enforce basic quality principles to private institutions.

We encourage HLPF to recommend, in a manner consistent with the recommendations of the CRC in its latest revision to Brazil, that the Brazilian State ensure that all schools are operated by civil authorities that apply appropriate disciplinary rules and teaching methods to children; and quickly eliminate public schools administered by the military.

3. Financing and quality of education

3.1. Universal access to quality public education and the National Education Plan threatened

The National Education Plan is the result of intense participation by civil society and a long process of democratic construction. Among the goals established by the Plan, No. 20 establishes "to increase public investment in public education in order to achieve a minimum of 7% (seven percent) of the Gross Domestic Product - GDP of the Country in the 5th (fifth) year of effectiveness of the Law and at least the equivalent of 10% (ten percent) of GDP at the end of

the decade”⁴ and has as strategies to reach the implementation of the Student-Quality Cost (CAQi / CAQ)⁵, which calculates the financial investment required per student per year in each stage and modality of public basic education to guarantee a minimum standard of quality in education (CAQi) and the additional value for Brazil to approach the most developed countries in the world in educational terms (CAQ).

Currently, only 0.6% of Brazilian schools have the quality indicators provided for in the mechanism and the CAQi proves that, in order to guarantee the minimum quality standards for the human right to education in Brazil, additional investments are required in the Maintenance and Development Fund of basic education (Fundeb) of around R\$ 50 billion per year, an amount that would only mean an additional 0.9% of the Brazilian GDP for basic education, according to calculations by the National Association for Research in Education Financing (Fineduca).

The greatest setback is the systematic failure of the Federal Government to implement the National Education Plan, the main State policy of Brazilian education. The National Education Plan was organized as a progressive agenda. This means that its provisions are arranged in a compliance schedule, with tasks distributed for each of the ten years. If a task scheduled for 2015 is not met, it impairs the progress of another task scheduled for 2016, which prejudices a third scheduled for 2017 and so on⁶. By 2019, only 4 of the Plan's 16 goals had made some progress, but none were fully met.

By delaying the established task schedule, it becomes difficult to believe that we will achieve the results proposed by 2024. As an example, goal No., 20 establishes that the CAQi should be implemented by 2016 and the value of the CAQ defined until 2017, but until 2019 - the 5th year of the Plan's effectiveness - little progress has been made in the mechanisms and, to make matters worse, the current Federal Government has accentuated measures of economic austerity with cuts, reductions in budgets, the threat of untying of mandatory constitutional revenues, and attempting to nullify or withdraw CAQi/CAQ as a mandatory cost of financing basic education in the country.

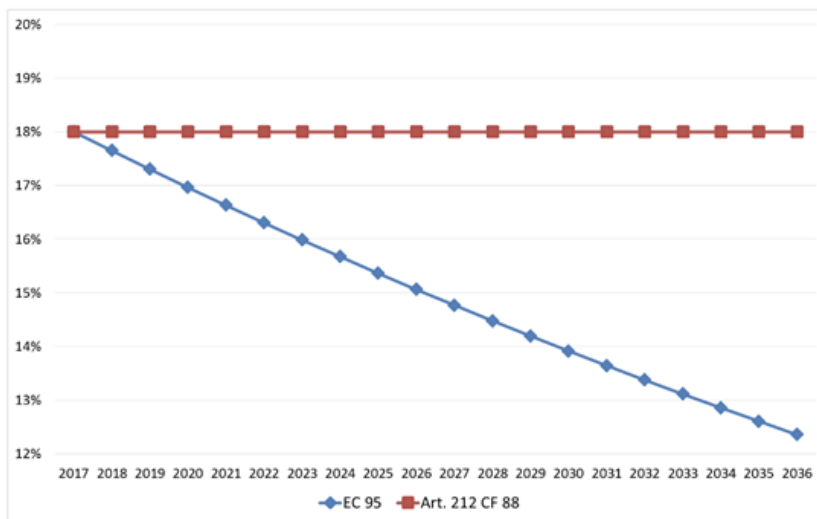
⁴ Available at: <http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2014/Lei/L13005.htm>.

⁵ More information: < <http://custoalunoqualidade.org.br/> >.

⁶ To facilitate PNE monitoring, legislative consultants Ana Valeska Amaral Gomes and Paulo Sena produced a technical note that presents, in a simple and didactic way, the schedule of the plan. Available at: <<http://www2.camara.leg.br/atividade-legislativa/comissoes/comissoes-permanentes/ce/plano-nacional-de-educacao/nota-tecnica-conle-prazos-pne-2014-2024>>.

With the approval of EC 95, it was not possible to implement the Student-Quality Cost (CAQi/CAQ), which envisaged an increase in investment in education and not its reduction - especially in order to allocate more Federal Government contribution. In addition, because CAQi/CAQ is a mechanism that links funding with quality parameters to basic education, such basic inputs have also not been regulated and, much less, established and implemented.

With sanction of EC 95/2016, the minimum expenditure on education should be equal to 18% of the Tax Net Revenue (RLI) - according to the provisions of the Federal Constitution - but with reference to 2017. From then on, the value will be frozen at this level, being only readjusted by inflation. As a result, the minimum value for education will fall in proportion to income and GDP, as indicated in the simulation below.



Fonte: Adaptação livre de Rossi e Dweck (2016).
 * A simulação parte da hipótese de que o PIB cresce 2% ao ano no período e que a receita líquida acompanha o crescimento do PIB.

Source: Free adaptation of Rossi and Dweck (2016)

The simulation is based on the hypothesis that GDP grows 2% per year in the period and that net income accompanies GDP growth.

An aggravation of the situation is due to the low level of educational investments in 2017, the reference year for the freezing of education spending, when compared to what has already been achieved, for example in 2012. Also, in the first year of EC 95/2016, the amount for the Maintenance and Development of Education (MDE), approved by the Annual Budget Law of 2018, does not reach the expected investment ceiling, presenting almost R\$ 5 billion less than

in 2017 (already considering the inflation adjustment), as shown in the graph below of committed expenditures (in billions of reais).



Fonte: STN. Relatório resumido da execução orçamentária. Demonstrativo das receitas e despesas com manutenção e desenvolvimento do ensino. Orçamentos Fiscal e da Seguridade Social. Elaborado pelo Prof. Dr. José Marcelino de Rezende Pinto (USP).

Source: STN. Summary report on budget execution. Statement of income and expenses with maintenance and development of education. Fiscal and Social Security Budgets. Prepared by Prof. Dr. José Marcelino de Rezende Pinto (USP)

The budget cuts for the area are directly linked to the non-implementation of CAQi/CAQ. Therefore, on March 25, 2019, the Ministry of Education (MEC) issued Administrative Rule No. 649/2019, removing CAQi/CAQ from the concerns of the Standing Committee on Cost Evaluation in Basic Education of the Ministry of Education, which defines education financing policies. The next day, the Chamber for Basic Education of the National Council of Education annulled Opinion No. 08/2010, which regulated the CAQi/CAQ, the only mechanism that, until now, had advanced to the possibility of its implementation. CAQi/ CAQ remains in the PNE, but these two measures make its materialization more distant.

3.2. The new Fund for Basic Education

In view of the many setbacks and successive delays in meeting the goals, the only viable and possible way for the country to achieve the goals and strategies of the National Education Plan 2014-2024 and ODS 4 of Agenda 2030 is the new Fundeb - Maintenance and Development of Basic Education and Valuation of Education Professionals.

The current FUNDEB, created by Constitutional Amendment 53/2006 and regulated by Law 11.494/2007 and Decree 6.253/2007, is a special state-wide fund (a fund by state and Federal District, totaling 27 funds), formed almost all of it (91%) from tax resources and complemented

by the Federal Government, which applies its values exclusively in basic education and has already contributed much to the advancement of Brazilian education. The fund, however, was created as a transitional law with an expiry date of 2020 and the challenge today is to ensure the implementation of a new FUNDEB that is permanent and guarantees sufficient resources for the implementation of the CAQi/CAQ and compliance with all goals and strategies of PNE.

Currently there are two Proposals for Amendments to the Constitution (PECs) in debate in the National Congress for the construction of the new Fundeb: PEC 15/2015, which is in the Chamber of Deputies, and PEC 24/2017, which is being processed in the Federal Senate. The Brazilian Campaign for the Right to Education and civil society participated in public hearings to debate the proposal 15/2015⁷, presenting a set of amendments to bring more quality to its text, and co-authored the PEC 24/2017⁸ that believes it has more to meet the goals and needs of Brazilian education.

Contrariety to the recommendations of international organizations

Given this context, the non-implementation of the National Education Plan and the cuts to the education area go against several international recommendations, such as:

(a) The forecast of ODS 4 targets (all ODS 4).

(b) the latest resolution of the UN Human Rights Council on the right to education (A/HRC/RES/38/9 - “Urges all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as: (e) Developing national monitoring and evaluation systems to inform education policies and to assess whether education systems are meeting national objectives, human rights obligations and the Sustainable Development Goals; (....) Also urges all States to expand educational opportunities for all (...) recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; (...) Calls upon States

⁷ The amendments proposed by the Campaign can be read at: <http://campanha.org.br/fundeb/e-preciso-determinar-claramente-a-responsabilidade-solidaria-da-uniao-por-exemplo-pela-falta-de-custeio-para-matriculas-em-creche-defende-daniel-cara-coordenador-geral-da-campanha-em-audienci/>

⁸ Available at <https://www25.senado.leg.br/web/atividade/materias/-/materia/129778>

to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations; Encourages all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency”);

(c) the latest UN General Assembly resolution on education for sustainable development (A/RES/72/222 - “Acknowledging the importance for achieving sustainable development of delivering quality education to all girls and boys, which will require reaching children living in extreme poverty, children with disabilities, migrant and refugee children and those in conflict and post-conflict situations and providing safe, non-violent, inclusive and effective learning environments for all, and recognizing the importance of scaling up investments and international cooperation to allow all children to complete free, equitable, inclusive and quality early childhood, primary and secondary education; (...) Reiterating the pledge that no one will be left behind, reaffirming the recognition that the dignity of the human person is fundamental, and the wish to see the Goals and targets met for all nations and peoples and for all segments of society, and recommitting to endeavour to reach the furthest behind first; (...) Calls upon the international community to provide inclusive and equitable quality education at all levels — early childhood, primary, secondary, tertiary and distance education, including technical and vocational training — so that all people may have access to lifelong learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities to participate fully in society and contribute to sustainable development; (...) Encourages Governments to increase efforts to systemically integrate and institutionalize education for sustainable development in the education sector and other relevant sectors, as appropriate, including through, inter alia, the provision of financial resources”);

(d) the most recent observations made by the UN Committee on the Rights of the Child to Brazil (CRC/C/BRA/CO/2-4 - “In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party: (a) Invest in improving the school infrastructure, including the access to water and sanitation, particularly in rural and remote areas; set up new schools in those areas; allocate adequate human, technical and financial

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resources to those schools; and provide quality training for teachers, with a view to guaranteeing accessibility and quality of education for indigenous children and children living in rural and remote areas; (...) (c) Increase funds to the education sector in order to strengthen public education and to prioritize the implementation of the National Education Plan, and in doing so, ensure that in instances of resource scarcity, allocations to public education institutions are prioritized; (...) The Committee reminds the State party of its primary responsibility for guaranteeing and regulating education and reiterates the importance of public investment in education ”);

(e) the recommendations to Brazil of the latest Universal Periodic Review (UPR/HRC/UN) (136.166 Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability (Malaysia); 136.164 Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024 (Israel); 136.165 Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status (Japan); 136.167 Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas (Morocco); 136.169 Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (Republic of Korea); 136.170 Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey); 136.171 Continue the implementation of the education plan of 2014-2016 (Sudan); 136.172 Increase investment in education infrastructure and promote the educational level in rural areas (China); 136.200 Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health (United Arab Emirates));

(f) the recommendations of Mandates of the Special Rapporteur on the right to education; the Special Rapporteur on the right to food; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the human rights to safe drinking water and sanitation; and the Working Group on the issue of discrimination against women in law and in practice das Nações Unidas, em comunicado OL BRA 4/2018 (“Budgets for education have suffered systematic cuts in recent

years (since 2015). In relation to basic education, austerity policies have profoundly impacted the National Fund for the Development of Basic Education (Fundeb). Although the resources of Fundeb do not represent the totality of the resources destined to basic education, more than 90 per cent of the Brazilian municipalities are dependent on this fund for maintenance and conservation of schools and the payment of education professionals, as well as investments to expand networks. Furthermore, the direct effect of EC 95 is that the minimum spending on education, mandated by article 212 of the Constitution to be fixed at 18 per cent of the net federal revenue, will not be fulfilled over time. As EC95 effectively freezes the level of public expenditure at the 2017 level adjusted by inflation, it has been estimated that the real minimum spending on education would be reduced to 14.4 per cent of net federal revenue in 2026 and 11.3 per cent in 2036. Some commentators have also remarked that it is “mathematically impossible” to have a higher level of spending on health and education in proportion to GDP by 2036, even on a hypothesis that all other public expenditures, such as expenditures on the judiciary, legislature and military, are eliminated. As pointed out in the previous letter of 23 March 2017, the significant decrease in spending on education threatens the achievement of the National Education Plan 2014-2024.”);

(g) the recommendations of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OEA), at its 159th Session, at the hearing “Derechos humanos y reformas legislativas en Brasil” (“La CIDH manifiesta su preocupación respecto al impacto que la medida planteada por la PEC podría tener en el goce de los derechos económicos, sociales y culturales, y recuerda al Estado su deber en materia de no regresividad de dichos derechos”)⁹.

Recommendations

We encourage HLPF to recommend to the Brazilian State, according to CRC observations in its latest revision to Brazil, even in situations of economic crisis or political instability, the need for the State to assume responsibility for securing financial resources for the implementation of the National Education - Law 13,005/2014 - centralizing efforts in goal 20 through the implementation of the CAQi/CAQ and the approval of a new Fundeb with greater complementation of the Federal Government in order to strengthen public basic education.

⁹ Available at: <<http://www.oas.org/es/cidh/prensa/Comunicados/2016/183A.asp>>.

4. Lifelong Education

4.1. Child Education

Much progress has been made in Brazil over the last few years so that early child education could be offered with quality, from the point of view of education, in non-domestic public institutional spaces that are educational establishments organized to serve children up to six years of age in the daytime period, preferably full-time.

In addition to not being reached, the provision of Goal 1 of the National Education Plan, which provides for universal access to school for children aged 4 and 5 by 2016, is lagging behind. Since 2014, the first year of the Plan, the enrollment rate has grown only 4 of the 11% needed to reach the total expected, according to the most recent National Household Sample Survey 2017.

For half of the Brazilian children up to 3 years of age to be in school in 2024, according to the Plan, it would be necessary to invest enough to guarantee the access of more 20% of the population in this age bracket to the vacancies in day-care centers. By 2017, the increase had been only 4%.

Much progress has been made in Brazil over the last few years so that early child education could be offered with quality, from the point of view of education, in non-domestic public institutional spaces that are educational establishments organized to serve children up to six years of age in the daytime period, preferably full-time.

Recently, early child policies support the adoption of care proposals in spaces that are inadequate to meet the specificities of the education of young children and by professionals without the specific formation for this service. Policies such as the "Happy Child" pushed back the perspective of education to that of welfare.

4.2. Secondary Education

The universalization of access to education proposed by the first provision of goal 3 of the National Plan of Education, which deals with Secondary Education, is lagging behind since 2016, requiring an additional 8% growth to be achieved, according to data from the most recent

Research National per Household Sample. It is also necessary to increase the investments to arrive at the rate of 85% of age-grade suitability of students in this age group.

Noncompliance with goal 3 and the slow growth of their rates reinforces the need for adequate attention and funding for all stages of basic education, since secondary education is the end of this first cycle.

With no porosity to criticism from experts and civil society entities, Law 13.415/2017 was approved, originating from Provisional Measure 746/2016, which imposes a Secondary Education Reform that deepens the precariousness of much of the public offering of the last stage of basic education in the country.

With a proposal of a minimum curriculum through "formative itineraries", the reform produces a precariousness of the formation of the Brazilian youths and the lack of responsibility of the State for its constitutional obligation. The trend is to deepen educational and social inequalities, threatening the democratization of public education and distancing youth from the inalienable right to education with social quality.

The law allowed public resources of the Basic Education Maintenance and Development Fund (Fundeb) to be used for partnerships with the private sector, including for Remote Education companies (EADs) to offer courses in this modality and that would be used for the integration of students' curricula at this level of education. The Reform elevated this possibility to the extreme when regulating that up to 40% of the Secondary Education can be done in the remote modality.

The financing of private provision with public resources means, in addition to *stricto sensu* privatization, that the federal government and the district and state governments can outsource what is their constitutional responsibility. The Secondary Education is a constitutive part of basic education and must fulfill the function of contributing to the full development of students.

4.3. Youth and Adult Education

By 2018, the expected 93.5% rate for Brazilian literacy in 2015 had not yet been reached (and has not yet been achieved), and should be increased by almost 7% by 2024 in order to achieve this goal for the National Education Plan.

The reduction of functional illiteracy remains a challenge for public educational policies. A reduction of more than 15% of the current rate is required until 2024, at the end of the PNE

period. According to the INAF (Functional Literacy Indicator), a person who, although able to read and write something simple, does not have the necessary skills to meet the demands of their daily life and to enable their personal and professional development is considered functional illiterate.

One of the first actions of the Temer Government was the dismantling of the Brazil Literate program, aimed at the literacy of young people, adults and the elderly. The program was a gateway to citizenship and an interest in raising schooling. Literate Brazil was developed throughout the national territory, with priority attention to municipalities with high illiteracy rates, 90% of which are located in the Northeast region.

Since then and until today, there is no structured education policy for youth and adults and there is a growing closure and deterioration of schools in this modality.

4.4. Rural Education

The closing of schools in rural areas of Brazil does not stop growing. According to a survey by the Federal University of São Carlos (UFSCar)¹⁰, from 2002 to the first half of 2017, about 30 thousand rural schools in the country ceased to function. While schools close, enrollments in field teaching units grow in some states. The census released by the National Institute of Educational Studies and Research Anísio Teixeira (Inep) reveals that in the state of Rio de Janeiro there has been an increase in the number of enrollments in rural school units from 2016 to 2017. According to the survey, there were 3,518 more enrollments in relation to the year 2016.

When they are not closed, the rural schools are disposed of, aggravating the lack of infrastructure. There are units without teachers, School lunch ladies, chairs, materials and many where there even water to drink lacks, for example. And in the smaller ones, with few students, it is very common to call multiseriate class. In it, students of different ages, in different years, attend classes with the same teacher.

Yet, through budget cuts, the government has extinguished successful and well-evaluated national research programs. This is the case of the National Agrarian Reform Education Program

¹⁰ More information: < <http://www.gepec.ufscar.br/> >.

(Pronera), which needed R\$ 30 million to operate in 2018, but only had a budget estimate that was six times lower.¹¹

Contrariety to the recommendations of international organizations

Against this background, the setbacks in the stages and modalities of basic education go against several international recommendations, such as:

(a) The ODS 4 targets forecast (especially 4.1 by 2030, ensure that all girls and boys complete free, fair and quality elementary and secondary education leading to relevant and effective learning outcomes 4.2 by 2030, ensure that all girls and boys have access to quality early childhood development, early childhood care and education, so that they are ready for elementary education; 4.3 by 2030, ensure equal access for all men and women; 4.4 by 2030, substantially increase the number of young people and adults who have relevant skills, including technical and vocational skills, for employment, decent work and entrepreneurship).

(b) the latest UN Human Rights Council resolution on the right to education (A/HRC/RES/38/9 - “Calls upon States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations; Encourages all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency”);

(c) the latest UN General Assembly resolution on education for sustainable development (A/RES/72/222 - “Acknowledging the importance for achieving sustainable development of delivering quality education to all girls and boys, which will require reaching children living in extreme poverty, children with disabilities, migrant and refugee children and those in conflict and post-conflict situations and providing safe, non-violent, inclusive and effective learning environments for all, and recognizing the importance of scaling up investments and

¹¹ More information: <<https://www2.camara.leg.br/camaranoticias/noticias/EDUCACAO-E-CULTURA/543693-ENTIDADES-ALERTAM-PARA-EXTINCAO-DE-PROGRAMAS-E-FECHAMENTO-DE-ESCOLAS-RURALS.html>>

international cooperation to allow all children to complete free, equitable, inclusive and quality early childhood, primary and secondary education; (...) Reiterating the pledge that no one will be left behind, reaffirming the recognition that the dignity of the human person is fundamental, and the wish to see the Goals and targets met for all nations and peoples and for all segments of society, and recommitting to endeavour to reach the furthest behind first; (...) Calls upon the international community to provide inclusive and equitable quality education at all levels — early childhood, primary, secondary, tertiary and distance education, including technical and vocational training — so that all people may have access to lifelong learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities to participate fully in society and contribute to sustainable development”);

(d) the most recent observations made by the UN Committee on the Rights of the Child to Brazil (CRC/C/BRA/CO/2-4 - “In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party: (a) Invest in improving the school infrastructure, including the access to water and sanitation, particularly in rural and remote areas; set up new schools in those areas; allocate adequate human, technical and financial resources to those schools; and provide quality training for teachers, with a view to guaranteeing accessibility and quality of education for indigenous children and children living in rural and remote areas”);

(e) the recommendations to Brazil of the latest Universal Periodic Review (UPR/HRC/UN) (136.164 Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024 (Israel); 136.165 Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status (Japan); 136.167 Pursue efforts aimed at ensuring an inclusive education within the framework of the National Plan on Education 2014-2014, in particular in rural areas (Morocco); 136.169 Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (Republic of Korea); 136.170 Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey); 136.172 Increase investment in education infrastructure and promote the educational level in rural areas (China));

Recommendations

We encourage HLPF to recommend to the Brazilian State that it carry out a child education policy consistent with the guidelines established in the National Education Plan, safeguarding its educational character, being the responsibility of the Ministry of Education.

We encourage HLPF to recommend to the Brazilian State that it revises the Reform of Secondary Education in order to return to the policy for secondary education the guarantee of the right to education as prescribed by the Federal Constitution of 1988.

We encourage HLPF to recommend to the Brazilian State that it restructures the policy of literacy and education of youths and adults, in order to guarantee the right to education for the part of the population that has already been deprived of this right and more marginalized, leaving no one behind.

We encourage HLPF to recommend to the Brazilian State that it stops closing and reopening the rural schools in order to comply with several international recommendations and with the national legislation regarding the population residing in rural areas.

5. Inclusive education

5.1. The "No Party School", gender and the advance of religious fundamentalism

The 2018 elections with the ensuing victory of Jair Messias Bolsonaro mark the rise to power of a group that calls itself "liberal in the economy and conservative in habits" and which is composed of members of ultraliberal economic groups defending a vast reduction of public expenditures of the State, simultaneously to militant ultraconservative groups of a State more active in the defense of the family values and of strong religious fundamentalist appeal.

Some of the guidelines raised by these groups are of great concern for the advancement of inclusive education in the country, such as the "No Party School" project, a fundamentalist religious initiative that seeks to prohibit education professionals from discussing issues with students such as democracy, racial equality, gender equality and identity on the grounds of "political and ideological indoctrination in the classroom, and on the other, the usurpation of

the parents' right of the pupils to the moral and religious education of their children"¹² The discriminatory proposal has gained increasingly visible and has been promoted at all levels of government (federal, state, district and municipal), with legislative proposals in progress.

The "No Party School" had as its main victory in the field of educational policies the withdrawal of the terms "gender equality" and "sexual orientation" from the text of the National Curricular Common Base, the main policy implemented in recent years, as described in item 2.1. of this report.

Since 2015, the Brazilian Campaign for the Right to Education has made several international denunciations about the "No Party School" and the violations that affect the theme of gender equality in education. The UN Committee on the Rights of the Child; the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS); the National States, through the UN Universal Periodic Review (SPS); and the UN High Commission for Human Rights, through various special rapporteurs, have already made recommendations against the project and policies to promote gender equality in Brazil.

Even after so many recommendations, the government remains engaged in this discriminatory pattern, with statements by the Minister of Women, Family and Human Rights, Damares Alves, that the theory of evolution should not be taught in schools, that girls should wear pink and boys should wear blue, that sex education in schools would teach children to have sex, or that European scientists would have influenced Brazilian authorities to masturbate babies in schools, among others.¹³

Moreover, such fundamentalist groups have been increasing support for the regulation of home education, under the pretext that children and adolescents are being indoctrinated, through pluralist ideas and teaching of politics and history, and/or threatened in schools, by classes such as sex education. Again, in a country that still sees high rates of sexual and domestic violence against children and adolescents, in which the majority of children and adolescents in urban child labor situations work in the domestic environment, in which part of the children and adolescents have as one of the daily food sources, the school meals, and in which there is still a

¹² Available at: <<http://campanha.org.br/escola-sem-partido/escola-sem-partido-entenda-o-que-e-o-movimento-que-divide-opinioes/>>.

¹³ More information: <<https://oglobo.globo.com/sociedade/relembre-as-polemicas-envolvendo-damares-alves-em-um-mes-de-gestao-23416699>>.

lack of basic sanitation, electricity and of other living conditions, a measure such as this is a threat to the protection and safety of millions of children and adolescents.

5.2. Education for people with disabilities

The legal framework guiding the guarantee of the educational rights of persons with disabilities in Brazil (mainly the International Convention on the Rights of Persons with Disabilities (UN, 2007), ratified by Brazil and incorporated into the Brazilian Constitution through Decree 6.949/2009, the National Policy on Special Education in the Perspective of Inclusive Education/2008, CNE/CEB Resolution 4/2009, Decree 7.611/2011, Law 13.055/2014 - PNE, Law 13.146/2015 - Brazilian Inclusion Law), in seeking to create conditions to the access, permanence and learning of the target public of the special education in the school context, generated transformations in the public and private systems of education, with respect to (re)constitution of policies, programs, projects, actions, services and school organization, aiming to guarantee inclusive educational practices that meet the specific needs of all students in the regular school.

According to the National Policy on Special Education in the Perspective of Inclusive Education, implemented by the Ministry of Education in 2008, students with disabilities, Global Developmental Disorders (PDD) and high skills or giftedness, segments that make up the target audience of Special Education, have the right to attend the common classroom and, when necessary, receive Specialized Educational Assistance (AEE) in the inverse period to the schooling. Historically, these people have been excluded from the educational system or referred to schools and special classes.

The challenges implied in the expansion of these significant advances involve the discontinuity of investments in the education of educators, the lack of management improvement, inclusive pedagogical practices, different dimensions of accessibility, the construction of learning networks, and the establishment of partnerships between the actors in the school community and in the intersectoriality of public management.

Until 2018, we can see that there is a great lack of matching between the presence of these students in school and their access to specialized care, which indicates the need for more investments in school infrastructure and teacher formation to implement the process of inclusion and respect for differences and needs of each individual.

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The construction of an Inclusive Educational System is far from being realized. Even today it is not possible to quantify the percentage of the population with disabilities, global developmental disorders and high skills/giftedness from 4 to 17 years old that is out of school. On the other hand, of those who are enrolled, according to data from the School Census of 2018, 92.2% attend the common classroom. Among the actions that need to be expanded is the guarantee of offering the Specialized Educational Assistance to students who need this support.

During the first days of his administration, Bolsonaro decreed the end of SECADI/MEC (Secretariat for Continuing Education, Literacy, Diversity and Inclusion) of the Ministry of Education, which was responsible for ensuring inclusive education and created the Secretariat for Specialized Modalities of Education, aimed at special education without the inclusion of people with disabilities into regular classes. In view of this action, the National Policy on Special Education in the Perspective of Inclusive Education and the Brazilian Inclusion Law, which regulate the International Convention on the Rights of Persons with Disabilities are under threat.

Contrariety to the recommendations of international organizations

The recent measures regarding inclusive education and the new proposals of the government go against several international recommendations, such as:

(a) The ODS 4 targets forecast (especially 4.5 by 2030, to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the most vulnerable, including people with disabilities, indigenous peoples and children in situations of vulnerability people; 4.6 By 2030, ensure that all young people and a substantial proportion of adults, men and women are literate and have acquired basic knowledge of mathematics.

(b) the latest UN Human Rights Council resolution on the right to education (A/HRC/RES/38/9 - "Also urges all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequalities, including barriers to accessibility and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; (...) Calls upon States to take all necessary measures, including sufficient budgetary allocations, to ensure accessible, inclusive, equitable and non-discriminatory quality education and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older

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persons, persons with disabilities and all vulnerable and marginalized groups, including those affected by humanitarian emergencies and conflict situations; (...) Calls upon States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including sexual harassment, school-related sexual and gender-based violence, and bullying of children, in schools and other educational settings, and to realize gender equality and the right to education for all”);

(c) the latest UN General Assembly resolution on education for sustainable development (A/RES/72/222 - “Acknowledging the importance for achieving sustainable development of delivering quality education to all girls and boys, which will require reaching children living in extreme poverty, children with disabilities, migrant and refugee children and those in conflict and post-conflict situations and providing safe, non-violent, inclusive and effective learning environments for all, and recognizing the importance of scaling up investments and international cooperation to allow all children to complete free, equitable, inclusive and quality early childhood, primary and secondary education; (...) Reiterating the pledge that no one will be left behind, reaffirming the recognition that the dignity of the human person is fundamental, and the wish to see the Goals and targets met for all nations and peoples and for all segments of society, and recommitting to endeavour to reach the furthest behind first; (...) Calls upon the international community to provide inclusive and equitable quality education at all levels — early childhood, primary, secondary, tertiary and distance education, including technical and vocational training — so that all people may have access to lifelong learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities to participate fully in society and contribute to sustainable development”);

(d) the latest observations made by the UN Committee on the Rights of the Child to Brazil (CRC/C/BRA/CO/2-4 - “The Committee welcomes Constitutional Amendment No. 59 of 2009 making education compulsory for children between 4 and 17 years of age. However, the Committee is concerned about: (a) The disparities in the access to and quality of education between urban and rural or remote areas, with the latter having significantly lower enrolment rates, particularly at the secondary level, as well as lower completion and literacy rates among Afro-Brazilian and indigenous children; (b) The very high dropout rates of teenage mothers, pregnant girls and girl child domestic workers; (...) In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party: (a) Invest in improving the school infrastructure, including the access to water and sanitation, particularly in

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rural and remote areas; set up new schools in those areas; allocate adequate human, technical and financial resources to those schools; and provide quality training for teachers, with a view to guaranteeing accessibility and quality of education for indigenous children and children living in rural and remote areas; (b) Address the root causes of children living in marginalized urban areas, particularly Afro-Brazilian children, dropping out of school, including poverty, family violence, child labour and teenage pregnancy, and develop a comprehensive strategy to address the problem; inter alia, the measures adopted should include support for pregnant teenagers and adolescent mothers to continue their education”);

(e) the recommendations to Brazil of the latest Universal Periodic Review (UPR/HRC/UN) (136.165 Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status (Japan); 136.169 Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (Republic of Korea); 136.170 Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey); 136.200 Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health (United Arab Emirates); 136.174 Continue strengthening efforts to eliminate discrimination, including racial discrimination in education (Indonesia); 136.46 Strengthen measures to prevent and punish racism, discrimination and violence against indigenous peoples and people of African descent and violence against women and girls (Rwanda); 136.40 Take urgent measures to adopt legislation sanctioning discrimination and incitement to violence on the grounds of sexual orientation, and investigate and sanction cases of violence against lesbian, gay, bisexual, transgender, intersex and queer persons (Argentina); 136.41 Continue advancing the promotion of laws and initiatives that ban discrimination and incitement to violence on the grounds of sexual orientation and gender identity, in particular in the case of young persons and adolescents (Chile); 136.43 Continue taking measures to develop legislation and policies at federal, state and municipal level to punish and prevent hate crimes and discrimination against the lesbian, gay, bisexual, transgender and intersex population (Finland); 136.49 Continue taking active measures aimed at eradicating discrimination against Afro-Brazilian women based on their gender and ethnicity (Namibia); 136.39 Take necessary measures to address homophobic and transphobic crime, including by establishing a system for recording such crimes (Sweden); 136.42 Redouble the capacity-building efforts for all the security forces, aiming at avoiding practices of racial bias, or, directed, among others, against vulnerable minorities such as lesbian,

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gay, bisexual, transgender and intersex persons (Colombia); 136.37 Take measures to eliminate cases of discrimination against certain groups in society (Iraq); 136.38 Support initiatives and strategies to combat discrimination and promote the inclusion of vulnerable persons (Madagascar); 136.48 Further promote ethnic and racial equality, building on the important policy measures already taken (Greece); 136.139 Continue to implement and strengthen public policies and programmes for inclusion, reduction of poverty and inequality, non-discrimination and promotion of equality and inclusion (Nicaragua); 136.185 Combat domestic violence and high maternal mortality rates suffered by women, in compliance with the Convention on the Elimination of All Forms of Discrimination against Women (Estonia); 136.67 Ensure that all hate crimes against lesbian, gay, bisexual, transgender and intersex persons are thoroughly investigated and prosecuted and seek to reduce hate by integrating human rights education into school curricula (Canada); 136.175 Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout (Paraguay); 136.204 Adopt comprehensive policies to combat sexual harassment, especially against children and adolescents, including those in street situations or living in placement institutions (Maldives); 136.207 Continue to eliminate discrimination against children in street situations and rural areas as well as children with disabilities and against other minority groups and take all necessary measures to prevent abuse of their vulnerabilities (Turkey); 136.201 Continue the efforts directed towards the promotion of the rights of the child (Armenia); 136.212 Combat discrimination of any kind against persons with disabilities, and take specific measures to improve the standard of living for such persons (Islamic Republic of Iran); 136.214 Continue its efforts on further strengthening the rights of women, children and persons with disabilities (Mongolia); 136.209 Continue its efforts to provide the necessary assistance for vulnerable groups, particularly persons with disabilities (Myanmar); 136.211 Continue its efforts to consolidate the rights of persons with disabilities (Egypt));

(f) the recommendations of the UN Special Rapporteur on the right to education of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression of the UN Special Rapporteur on Freedom of Religion or Belief (OLBRA 4/2017) who have demonstrated opposition to the proposals of the "No Party School";¹⁴

¹⁴ Available at: <<https://www.ohchr.org/Documents/Issues/Opinion/Legislation/OLBrazilEducation.pdf>>.

(g) the recommendations of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), at its 159th Session, at the hearing “Educación en derechos humanos en Brasil”, who debated the project “No Party School” (“La CIDH manifestó su preocupación por iniciativas legislativas que pudieran implicar un retroceso en derechos humanos a la vez de saludar las iniciativas en materia de educación y derechos humanos las cuales deben ser abordadas de forma integral. La CIDH llamó al Estado a redoblar esfuerzos para desarrollar campañas de capacitación en materia de tolerancia, inclusión y no discriminación que incluya a las fuerzas de seguridad y otras entidades del Estado.”)¹⁵.

Recommendations

We encourage HLPF to recommend that the Brazilian State discuss, approve and implement the National Curricular Guidelines on Education, Gender and Sexuality for Basic Education and Secondary Education.

We encourage HLPF to recommend that the Brazilian State act to ensure content related to gender and sexual orientation and identity in the teacher's initial and continuing formation courses.

We encourage HLPF to recommend that the Brazilian State abolish confessional religious education in public schools, and review existing legislation on the subject.

We encourage HLPF to recommend that the Brazilian State create a national protocol for schools to deal with cases of violence and sexual and gender discrimination and to strengthen the role of schools in the network for the protection of the rights of children and adolescents.

We encourage HLPF to recommend that the Brazilian State act in the implementation of the National Education Plan in Ethnic-Racial Relations and in the teaching of African History and Afro-Brazilian culture in basic education for public and private schools.

We encourage HLPF to recommend that the Brazilian State act to ensure content related to African History and Afro-Brazilian Culture in the teacher's initial and continuing formation courses.

¹⁵ Available at: <<http://www.oas.org/es/cidh/prensa/Comunicados/2016/183A.asp>>.

We encourage HLPF to recommend that the Brazilian State comply with the National Policy on Special Education in the Perspective of Inclusive Education and the Brazilian Inclusion Law, which regulate the International Convention on the Rights of Persons with Disabilities are under threat.

6. Civil society participation

Since the aggravation of the country's political crisis, marked by Dilma Rousseff's impeachment in 2016, the guidelines that mark the participation of civil society in the formulation and monitoring of public policies have been weakened and, with them, we have distanced ourselves from reaching ODS 16.

The Ministry of Education, based on the Executive Decree of April 26, 2017 and Ordinance 577/2017, dismantled the National Education Forum (FNE), making it subject to the monocratic decision of the MEC as to its composition and, from without any independence and legitimacy as a space for resolution. This undermines the principles of self-representation and the autonomy of civil society in democratic and participatory spaces.

This action represented a dismantling of the model of participation and social control for the monitoring and evaluation of the National Education Plan, while avoiding that the plans to be built in a participatory way by the educational community. There is no doubt that the deconstruction of the National Education Conference and the FNE has greatly impaired compliance with the Plan.

An exponential aggravation of this situation occurred through Presidential Decree No. 9.759/2019, published in April 2019, which extinguishes all collegiate bodies created by Decrees or Ordinances of the entire federal public administration. The justifications for such termination would be grounds for 'administrative economy' or 'bureaucracy'. Decree 9759 poses more risks to Brazilian democracy than is imagined, jeopardizing various social, environmental, and even monetary policies and instances.

Among those with civil society participation, we conducted a survey that indicates the existence of 70 to the total, half of which would be revoked because it is not provided for by law. In an initial look, the main policies affected are: human rights, racial equality, indigenous, rural, cities, LGBT and the environment.

In this sense, it is alarming for the Brazilian society the authoritarian horizon opened by decree 9759/2019: a government that does not have internal counterweights, without active participation of the entities and voices of civil society, can feel fully authorized to manage the public machine of highly discretionary manner.

Contrariety to the recommendations of international organizations

The recent measures on the intensification of social participation go against several international recommendations, such as:

(a) ODS 16 goal forecast 16 (especially 16.6) Develop effective, accountable and transparent institutions at all levels, 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels, 16.10 Ensure public access to information and to protect fundamental freedoms, in accordance with national legislation and international agreements).

(b) the latest resolution of the UN Human Rights Council on the right to education (A/HRC/RES/38/9 - “Urges all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures such as: (...) Applying the principles of transparency, accountability and nondiscrimination in national and local education governance and management structures, inter alia, by ensuring that governance structures and practices are accessible to the public and are verifiable; (c) Promoting inclusive participation in education governance mechanisms and procedures, inter alia, by facilitating the inclusion in and engagement of teachers, parents and local authorities, students and other stakeholders in the education governance system; (...) (e) Developing national monitoring and evaluation systems to inform education policies and to assess whether education systems are meeting national objectives, human rights obligations and the Sustainable Development Goals; (...) Commends the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur”);

(c) the latest UN General Assembly Resolution on Education for Sustainable Development (A/RES/72/222 - “Encourages Governments and other concerned stakeholders to scale up education for sustainable development action through implementation of the Global Action

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Programme on Education for Sustainable Development as follow-up to the United Nations Decade of Education for Sustainable Development after 2014 ”);

(d) the most recent observations made by the UN Committee on the Rights of the Child to Brazil (CRC/C/BRA/CO/2-4 - “In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party: (a) Develop toolkits for public consultation on national policy development in order to standardize such consultation with a high level of inclusiveness and participation, including consultation with children on issues that affect them; (...)”);

(e) the recommendations to Brazil of the last Universal Periodic Review (UPR/HRC/UN) (136.117 Review its respective Decree of 2016 related to protection of human rights defenders in order to ensure wider participation of civil society and enhanced protection of human rights defenders and their families (Slovakia); 136.166 Ensure adequate funding in implementing the National Education Plan, and undertake progress reports on its implementation to improve transparency and accountability (Malaysia); 136.111 Continue efforts to provide better protection to human rights defenders and strengthen civil society as an essential partner in boosting the human rights system (Tunisia));

Recommendations

We encourage HLPF to recommend to the Brazilian State that it restore and strengthen democratic participation.
