

# THE RIGHT TO EDUCATION

PARLIAMENTARY OBSERVATORY OF THE UNIVERSAL PERIODIC REVIEW\*

## RECOMMENDATIONS TO BRAZIL

REGARDING THE THIRD CYCLE (2017-2021) OF THE UPR

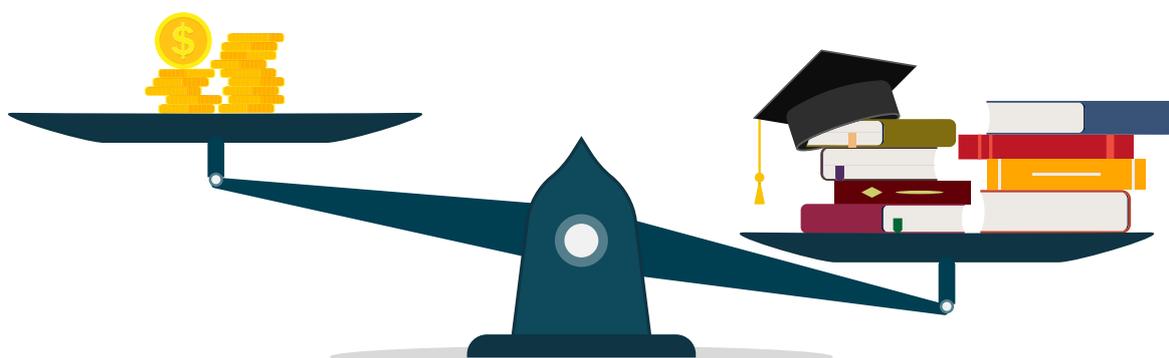
	Recommendation	Assessment
152	Continue efforts to develop and implement inclusive health and education policies that benefit all segments of society (Nepal)	↓
164	Develop further the National Policy of Primary Attention and the National Education Plan 2014-2024 (Israel)	×
165	Continue to take measures for improving quality of education, and reducing inequality of education caused by income level and social status (Japan)	×
166	Ensure adequate funding in implementing the National Education Plan and undertake progress reports on its implementation to promote transparency and accountability (Malaysia)	↓
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)	×
168	Continue implementing high-quality intercultural education (Peru)	×
169	Promote educational opportunities to all children in accordance with the Incheon Declaration on Education 2030 (South Korea)	×
170	Follow up on the implementation of the Incheon Declaration for inclusive and equitable quality education (Turkey)	×
171	Continue the implementation of the education plan 2014-2016 (Sudan)	×
172	Increase investments in education infrastructure and promote the education level in rural areas (China)	×
173	Improve the quality of public education, particularly for those who live below the poverty line, particularly Afro-Brazilians, with focus on psychological health and integrating psychosocial elements in order to achieve a better learning environment (Haiti)	×
174	Continue strengthening efforts to eliminate discrimination, including racial discrimination in education (Indonesia)	×

\* The Observatory is a government mechanism to monitor the effectiveness of the recommendations made to Brazil in order to improve our human rights situation. It is a partnership between the House of Representatives and the United Nations in Brazil (UN Brazil)

175	Set up plans promoting inclusive education of ethnic minorities, which have high levels of school dropout (Paraguay)	✘
200	Adopt policies and programmes to strengthen the rights of children and adolescents in the field of education, training and health (United Arab Emirates)	✘

Caption: ✘ In retrogression    ↓ Not fulfilled

## Education Funding



The approval of EC 95/2006, which established the Spending Ceiling, had a direct negative impact on the ability to invest in education and to implement the National education Plan's investment goals by limiting all types of non-interest-bearing investment within the public administration.

Report "Education in Brazil: an international perspective" (Organização Todos pela Educação - Everyone for Education)

<sup>3</sup>



- The Spending Ceiling ensured a current real value of other education expenditures "through a tier of specific education expenditures equivalent to 2017 levels, inflation adjusted".
- Even with the need to increase spending per student given the population's growth, still it might be necessary to increase spending on education even more.

<sup>1</sup> National Campaign for the Right to Education. [Balance of the National Education Plan: snapshots and trajectories of monitoring indicators](#). 2022. Accessed on: Oct 11 2022.

<sup>2</sup> National Campaign for the Right to Education World Action Week 2020. 2020. Accessed on: Oct 11 2022.

<sup>3</sup> Todos pela Educação. Education in Brazil: an internacional perspective. 2021, p. 74. Accessed on: 12 2022.

Fund for The Maintenance and Development of Elementary Education and the Valuation of Educators (FUNDEF)

Fund for the Maintenance and Development of Basic Education and Valuation of Educators (FUNDEB) (2007-2020)

EC 108/2020 (new permanent Fundeb)



Instruments that coordinate funding for education between states and that evaluate processes related to actions taken by the Brazilian State.



Although the Spending Ceiling does not affect the continuity of the amounts directed to Fundeb, the report from the organization Todos pela Educação mentions that such measure affects other relevant programmes in a scenario already marked by difficulties in the Ministry of Education's budget (MEC).

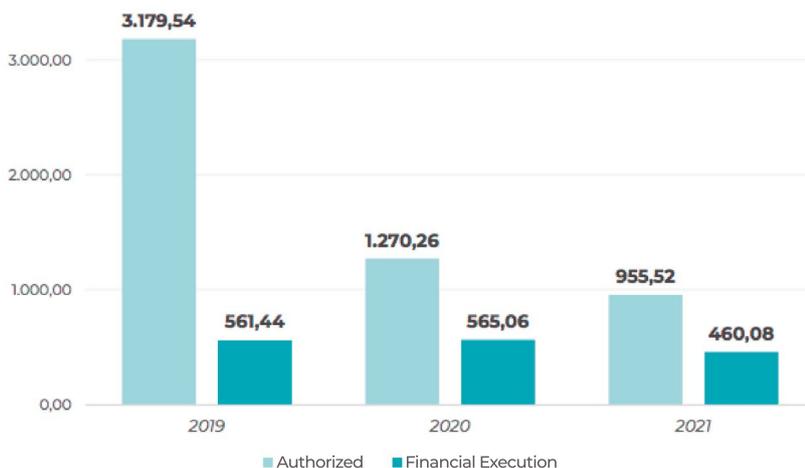
**Ministry of Education Budget | 2019 to 2021**  
Values in BRL Billions, corrected by IPCA of December 2021



Source: Data extracted on the 4th of February 2022  
Elaboration: Inesc

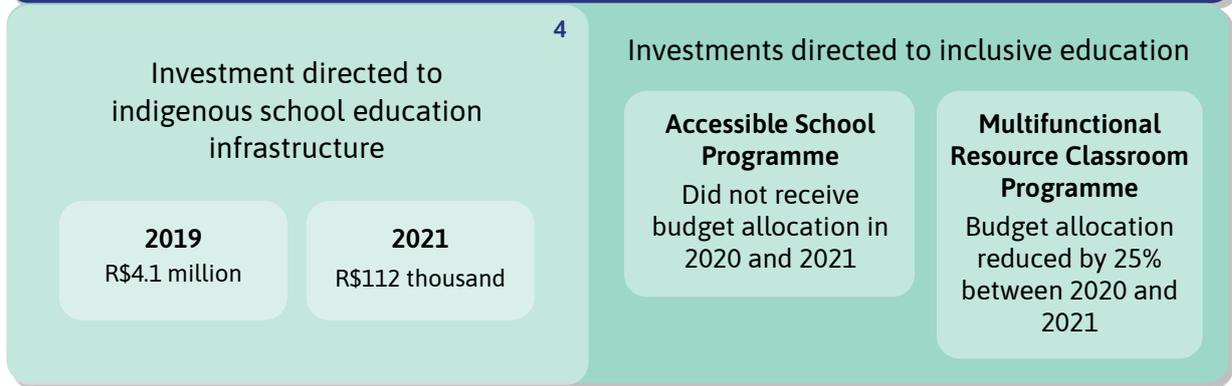
Disinvestment trend in MEC's budget since 2019

**Budget for Basic Education Infrastructure | 2019 to 2021**  
Values in BRL Billions, corrected by IPCA of December 2021



Source: Data extracted on the 4th of February 2022  
Elaboration: Inesc

## Development of actions aimed at specific groups



## Management measures of the Brazilian State

### Militarization of schools

- Priority of the Ministry of Education (MEC) among the measures for Basic Education: to implement 216 civic-military schools throughout the country, by 2023.
- Aspirations for Brazilian education have not been met, as pointed out by different organizations, or they do not have sufficient connection with the priorities established in the PNE.
- Creation of the National Programme of Civic-Military Schools (Pecim) – Decree No. 10.004/2019: provision of financial support for schools adhering to the management model with civil/military collaboration.



5  
The MMFDH included, in 2021, the category “gender ideology” in the Human Rights Taxonomy Manual (regulates the categories used in the Human Rights Hotline) and excluded the category “gender”.

Claim of Non-compliance with Fundamental Precept (ADPF) 457/2020: judged as unconstitutional the law No. 1.516/2015 from the municipality of Novo Gama (GO), which prohibited the use of school materials that were linked to what has become known as “gender ideology”.

Claim of Non-compliance with Fundamental Precept (ADPF) 942/2022: challenges the insertion of the category “gender ideology” in the Human Rights Hotline and mentions complaints made by directors and teachers from the municipalities of Rezende (RJ) and Salvador (BA) based on accusations related to the alleged teaching “gender ideology”.

<sup>4</sup> External Commission for Monitoring the Work of MEC (CEXMEC) CEXMEC Report 02/2021. Brasília: Chamber of Deputies, 2021, p. 31.

<sup>5</sup> National Campaign for the Right to Education Action in the Supreme Court questions use of Hotline 100 for political persecution. February 10, 2022 Accessed on: Oct. 5, 2022

## Homeschooling



The Brazilian State intensified prioritizing homeschooling since 2019, although there is a lack of evidence on its effectiveness and relevance to the PNE goals and objectives.

The Ministry of Education (MEC) has been favouring homeschooling, which threatens inclusive education (Marcele Frossard, representative of the National Campaign for the Right to Education in the Extraordinary Public Audience of the Commission on Human Rights and Minorities, held on June 25, 2021)

Studies prove that homeschooling contributes to increased domestic violence and sexual abuse against children and adolescents, weakens inclusive education policies and erodes democracy by making it impossible, through homeschooling, to socialize and learning from difference, not to mention the burden on public coffers (Denise Carreira, executive secretary of the Dhesca Platform in the Extraordinary Public Audience of the Commission on Human Rights and Minorities, held on June 25, 2021).

6

### Points of concern:<sup>7</sup>

- Recurring exchange of Ministers of Education and secretariats of the portfolio, with short and constant interruptions in ministerial administrations in the field of education.
- Constant intrusions in the work of municipalities linked to the Union, such as INEP and the Coordination for the Improvement of Higher Education Personnel (Capes), generating institutional crises, putting at risk important national policies, such as the National High School Exam.

## Impacts of the COVID-19 Pandemic

More than 5 million Brazilians were out of school during the pandemic<sup>8</sup>  
(UNICEF, November/2020)

+ 40% were children aged 6 to 10 years  
(age group in which education was practically universal before the pandemic)

**66%** increase in children aged 6-7 who could not read or write, between 2019 and 2021<sup>9</sup>

2019

1.9 MILLION CHILDREN

2021

2.4 MILLION CHILDREN

The increase is even worse among black and low-income students.

<sup>6</sup> House of Representatives Shorthand Notes from the Extraordinary Public Hearing of the Commission on Human Rights and Minorities, held on June 25, 2021.

<sup>7</sup> Todos pela Educação [Educação Já 2022: contribuições para a construção de uma agenda sistêmica na educação básica brasileira](#). 2022. Accessed on: 10 Oct. 2022.

<sup>8</sup> Unicef. [School Exclusion Scenario in Brazil: A warning about the impacts of the COVID-19 pandemic on Education](#). Brazil: United Nations Children's Fund (UNICEF). 2021.p. 5. Accessed on: Oct 11

<sup>9</sup> Todos pela Educação. Nota Técnica. [Impacto da pandemia na alfabetização de crianças](#). São Paulo: Todos Pela Educação. 2021.

# Challenges for inclusive and equitable education

## Goal 4- National Education Plan (2014-2024)

Access to basic education and specialized educational care must be universalized, preferably in the regular school system, for students with disabilities, global developmental disorders and high abilities or giftedness.

It also provides for the guarantee of an inclusive educational system, multifunctional resource rooms, classes, schools or specialized services, be they public or affiliated



Monitoring this goal's provisions is one of the most fragile aspects, due to lack of information and State transparency in relation to data referring to students with disabilities.



In 2010

**82,5%** of the population aged 4<sup>10</sup> to 17 years with disabilities went to school. (2010 Demographic Census/IBGE)



About **190 thousand** of these children and adolescents were not inserted in the educational system.

It did not include people with global developmental disorders (GDD) and special skills/giftedness.

In 2020

**6,7%** of students with GDD and special skills/giftedness were enrolled in special classrooms and not in regular education classes with other students, as indicated by the policies and regulations for inclusive education, according to the Balance of the National Education Plan.

<sup>10</sup> Campanha Nacional pelo Direito à Educação. **Balanco do Plano Nacional da Educação**. Brasil, 2021, p. 5. Accessed on: September 28, 2022.

## Enrollments<sup>11</sup>

Number of students with disabilities, autism spectrum disorders and giftedness, in common classrooms and special classrooms – Brazil – 2010 and 2020



### Per grade

	Common Classes		Special Classes - Specialized Schools		Total	
	2010	2020	2010	2020	2010	2020
Early Childhood Education	34.044	102.996	35.397	7.742	69.441	110.738
Elementary Education	416.959	878.681	180.842	146.618	597.801	1.025.299
High School	32.233	165.227	1.349	1.430	33.582	166.657
Professional Education	1.096	5.971	683	235	1.779	6.206
Basic Education	484.332	1.152.875	218.271	156.025	702.603	1.308.900

**Source:** MEC/Inep/DEED - Microdata from the 2019/2020 School Census. Elaboration: Todos Pela Educação.

Note 1: The same student can have more than one enrollment.

Note 2: Only curricular classes are considered, excluding Complementary Service and Specialized Educational Service (AEE) classes.



It is important to consider, in addition to the number of enrollments, the investments in teachers' trainings and school evasions of this population.

## Data from the Brazilian Yearbook of Education (2021) - Todos Pela Educação<sup>12</sup>

Brazilian Schools of Basic Education

**56,1%** had, in 2020, a bathroom suitable for people with disabilities or reduced mobility.

**28,3%** present a multifunctional resource room for Specialized Educational Service (ESA).

About **68%** have adequate installments and pathways for students with disabilities or reduced mobility

<sup>11</sup> Anuário Brasileiro da Educação Básica 2021. [www.moderna.com.br/anuario-educacao-basica/2021/educacao-especial-inclusiva.html](http://www.moderna.com.br/anuario-educacao-basica/2021/educacao-especial-inclusiva.html)

<sup>12</sup> Idem.

## Presidential Decree No. 10,502/2020

Establishes the National Policy on Special Education: Equitable, Inclusive and with Lifelong Learning, providing for the creation of specialized classes and schools to serve only students with disabilities.

The Supreme Court considered the decree unconstitutional because it understood that the standard could support public policies that weaken the imperative of including students with disabilities, global developmental disorders and giftedness in the regular school system.

## Educational programmes and resource allocation for inclusive education between 2019 and 2021<sup>13</sup>

Offer of courses for bilingual education of those with hearing impairment

**2020**

About 3,800 teachers trained

**2021**

Expected participation of 4,500 professionals in continuous education

The initiative will reach only 0.37% of the total Basic Education teachers, considering the amount of the public reached and the contingent of professionals foreseen for the 2021 training.

Continued teacher training by the National Network for the Training of Education Professionals (Renafor)

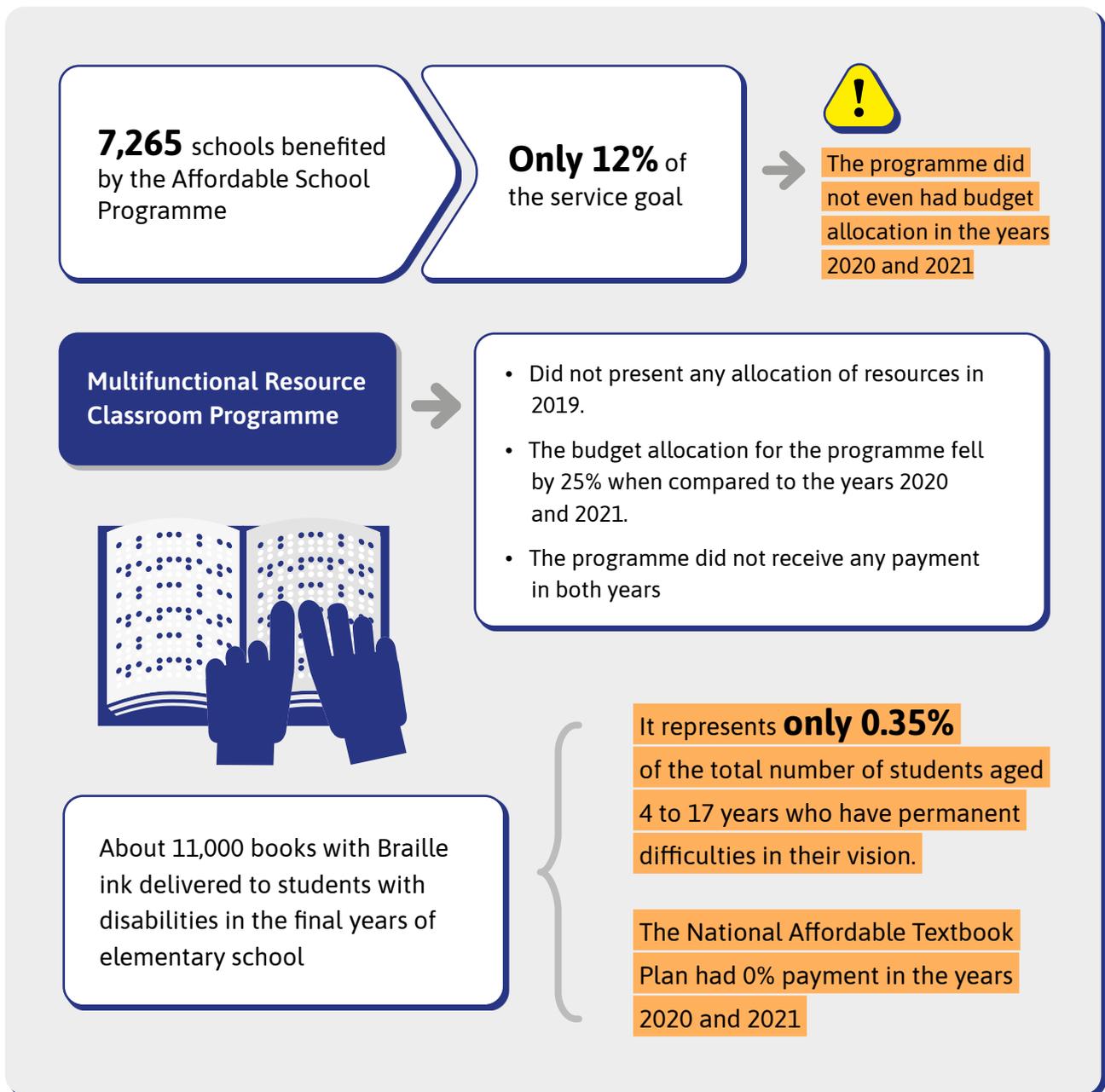
Offered **25 thousand vacancies** in 2019, 2020 and 2021

It will correspond to only **1,1%** of the total Basic Education teachers.

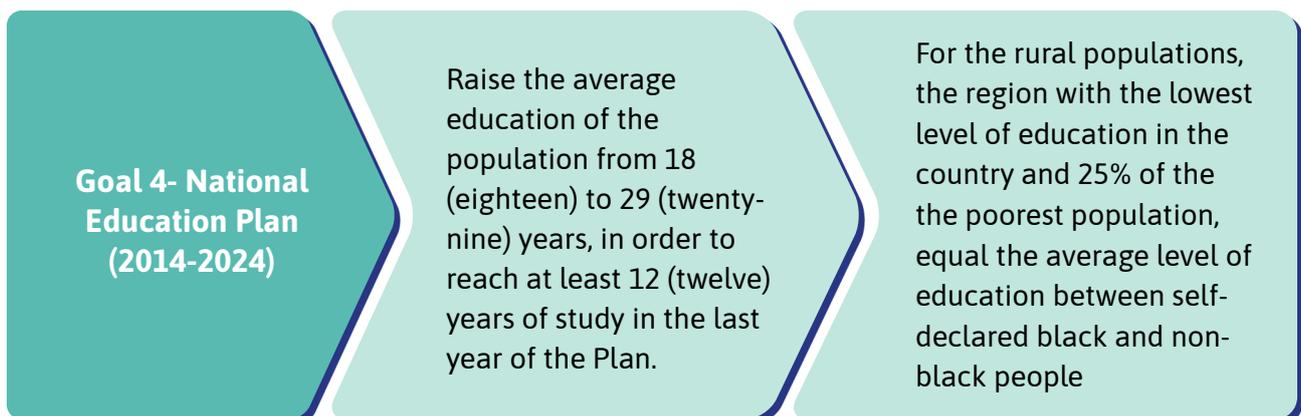
The action shows lowered participation since 2014 and was suspended in 2019.



<sup>13</sup> External Commission for Monitoring the Work of the MEC (CEXMEC). [CEXMEC Report 02/2021](#). Brasília, DF: Câmara dos Deputados, 2018. Accessed on: Oct 13, 2022.



## Intercultural education, disparities in access to education for people of African descent, low-income and rural people



Average schooling of the population aged 18 to 29



It went from 11.3 years to 11.6 years of study, between 2017 and 2019

Average schooling, in study years, of the population from 19-29 years							
Population	2014	2015	2016	2017	2018	2019	<b>2020</b>
Rural	9,0	9,3	9,4	9,6	9,8	10	<b>10,3</b>
25% of the poorest			9,4	9,7	9,8	<b>9,9</b>	
Northeast	10,1	10,3	10,4	10,6	10,7	10,9	<b>11,1</b>

Source: PNAD Contínua/IBGE. Elaboration: National Campaign for the Right to Education

Among the five regions of the country, the Southeast was the only region that reached the minimum level of scholastic studies of 12 years in 2019.

To meet the goal by 2024, the projections of the National Campaign for the Right to Education<sup>14</sup> indicate that the growth should be, on average, 0.33 p.p. per year.

Compared to those with higher income, 25% aged between 18 and 29 years, the average of this population segment reached 13.5 years of scholastic studies in 2018.<sup>15</sup>



**In 2019**  
Age group: 18 to 29



Black people had, on average, 11 years of scholastic studies



The non-black population maintained the average of 12 years of scholastic studies

- Among the Goal 8 indicators, equity between black and non-black people is the indicator that least advanced. Between 2012 and 2019 this indicator grew by only 3.5 percentage points.
- Although there have been advances provided by affirmative and racial inclusion policies and measures, the evaluation and monitoring of these actions must be strengthened, so that the challenges that arise after this first period implementation may be measured.
- The schooling of the social strata covered by goal 8 has been increasing, but not at the speed necessary to circumvent historical inequalities that are reproduced and expanded in the educational system.

<sup>14</sup> National Campaign for the Right to Education. [Balanço do Plano Nacional da Educação](#). Brazil, 2021, p. 9. Accessed on: 02 Out. 2022.

<sup>15</sup> Ministry of Education. [Relatório do 3º ciclo de monitoramento das metas do Plano Nacional de Educação \(PNE\)](#). Brasília, IPEA/MEC, 2020, p. 198. Accessed on: 02 Out. 2022.

# Indigenous, rural and quilombola education<sup>16</sup>



In 2019, there was no supply of vacancies for the Escola da Terra (Earth School)

In 2021, the goal is to train only 960 basic education teachers in rural and quilombola education, out of a total universe of almost 300 thousand teachers.

Continued education for teachers from the rural and quilombola communities in state and municipal networks that work with the early years of Elementary Education in multigrade or serial classes.

In the period from 2018 to 2020, 3 indigenous schools, 1 quilombola school and 58 rural schools were approved and were running

Decree No. 9,759/2019 provided for the extinction of the National Commission for Indigenous Education (CNEEI) and the National Council for Indigenous Policy (CNPI), participatory instruments of the indigenous population that are central to elaborating and monitoring public policies for schools and indigenous communities. In June 2019, the Federal Supreme Court, through an injunction, concluded that the presidential decree cannot extinguish a collegiate whose existence is guaranteed by law.

## School Census<sup>17</sup>



Indicates that the number of enrollments in indigenous and quilombola schools has been increasing progressively from 2007 to 2019

but

there is also a reduction in the number of students enrolled in basic education in schools in rural areas

<sup>16</sup> External Commission for Monitoring the Work of the MEC (CEXMEC). [CEXMEC Report 02/2021](#). Brasília, DF: Câmara dos Deputados, 2018. 2021, p. 29. Accessed on: 2 Oct. 2022.

<sup>17</sup> Lima et al. [As escolas com localização diferenciada e o direito à educação](#). Cadernos de Estudos e Pesquisas em Políticas Educacionais. Cenário do Direito à Educação/INEP. v.3, n. 4, 2021.

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