

Urgent civil society warning and updated brief information on the serious risks to the right to education and related human rights in Brazil

Notes for the UN Universal Periodic Review

Joint submission by relevant stakeholders on the human right for education in Brazil



1. Introduction

1. This document is jointly written by the Brazilian Campaign for the Right to Education (BCRE), the NGO Ação Educativa, the Latin-American Campaign for the Right to Education (CLADE), and the National Association of Centers for the Defense of Child Rights - Anced. It aims at providing important and urgent information to OHCHR on the very serious and most updated risks to the right to education in Brazil in order to support delegations and representatives that are responsible for the review of the country in the 27th session of the 3rd cycle of the United Nations Universal Periodic Review (UPR).

2. The BCRE is the biggest network that act for the right to education in Brazil, being composed by more than 200 Brazilian civil society organizations. The BCRE is part of CLADE's coalition, that embrace 28 members, including national and international networks and international NGOs in Latin America and the Caribbean. The NGO Ação Educativa integrates the BCRE's Steering Committee and is one of the oldest and most relevant organizations that act for the right to education, youth and culture in Brazil. Anced is present in 16 Brazilian states and in the Federal District, and operates through of 31 Defense Centers for Children and Adolescents (CEDECAs), who work for legal and social protection of human rights of children and adolescents. These four organizations have large experience with grassroots organizations and are highly committed on following and providing updated inputs to the UN Treaty Bodies, guaranteeing civil society "voice" and participation in the international human rights monitoring processes, as well as improving State awareness and social control on the implementation of educational public policies.

3. Issues on financing for education and the high risk of recent economic measures announced by Brazilian government for the fulfillment of the right to education in the framework of the National Education Plan Law implementation (Law 13.005/2014) are presented in this report. A brief overview of the ongoing privatization processes in education in the country and its negative impacts on the achievement of the human right to education are contextualized. Furthermore, the document presents concerns regarding discrimination based on the gender, sexual orientation and race discrimination and inequalities within Brazilian educational system.

4. This civil society submission to UPR is part an urgent warning about the high risks to the right to education in Brazil that we are putting in place since August 2016. This alert has been done during the last UN General Assembly, in the occasion of the Education Commission report launch, when we hand-delivered to Gordon Brown (current UN Special Envoy for Global Education and Chair of the Education Commission) a paper with our concern. Similarly, the UN Special Rapporteur to the Right to Education, Madame Koumba Boly Barry, and many international human rights civil society organizations have been alerted of this situation.

5. This document is aligned to the "voice" raised by the secondary student's movement that occupied public schools in the Brazilian states of Ceará, Espírito Santo, Goiás, Mato Grosso, São Paulo, Rio de Janeiro and Rio Grande do Sul since November 2015. The students took the streets and occupied their schools, claiming the local authorities for urgent better infrastructure, learning conditions and more participation in education policies and schools, as well as denouncing the negative impacts of privatization of education in Brazil. Even though suffering extreme repression, the students have been heard by the media and got public opinion attention, achieving high impacts.

6. Since the first day of the occupations, the BCRE is supporting the students' movement – especially respecting their voice and autonomy in the fight and political representation. We followed closely specific situations in each Brazilian state, at the National Congress and the media. Also, we have been doing many efforts to enlarge the impact of their voice. In July, the BCRE held a two-day meeting with two representatives of students who had occupied secondary schools per state and

members of our steering committee, regional committees, and partners. The students produced a document, showing what they would like to highlight, which now is the base of our fight for quality education.

7. We are extremely concerned about the violations of the right to education and to the right to participation that these children and adolescents are suffering while they raise their voice. We urge the States to express their deeply concern on the lack of guarantees to their freedom of expression in their right to education. See more details in: <https://goo.gl/u6hyY4> [report from CEDECA-CE] and in <https://goo.gl/OywgW7> [report from Article 19 Brazil to the Inter-American Commission on Human Rights (IACHR)].

8. All the issues raised in this document are in accordance to the last Committee on the Right of the Child concluding observations to Brazil, to the UN Special Rapporteur on the Right to Education periodic reports and to the last Brazilian UPR reports. It intends to reinforce the need to guarantee proper financing for the public offer of quality education – from preschool to higher education – and the duty of the Brazilian State itself on ensuring the public provision of education. It is in order to fully accomplish all aspects of this right, understanding education as a public good and that privatization has threatened the accomplishment of the human right to education, as highlighted by the UN Special Rapporteur on the Right to Education in his periodic reports¹ (A/HRC/20/21 and A/69/402) and on the UN Committee on the Rights of the Child (CRC/C/BRA/2-4)².

9. To substantiate our concerns, we will briefly characterize in this document the Brazilian educational system with regards to its financing situation; to the activities of the private sector in Brazil; to gender, sexuality and race discrimination in the country, and its impacts for the achievement of the human right to education, taking as reference the rights standards as established in General Comment No. 13 - Committee on Economic, Social and Cultural Rights (E/C.12/1999/10)³, as well as the recommendations received by Brazil in the first and second UPR cycles.

1 Report of the Special Rapporteur on the right to education: Normative Action for Quality Education (A/HRC/20/21) <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-21_en.pdf>. Report of the Special Rapporteur on the right to education (A/69/402) <<http://www.ohchr.org/en/newyork/Pages/HRReportstothe69thsessionGA.aspx>>.

2 The Committee considered the combined second to fourth periodic reports of Brazil (CRC/C/BRA/2-4) at its 2036th and 2037th meetings, held on 21 and 22 September 2015, and adopted the concluding observations at its 2052nd meeting, held on 2 October 2015. <<http://acnudh.org/26190/>>

3 CESCR General Comment 13. The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 70 (2003) <<http://www1.umn.edu/humanrts/gencomm/econ.htm>>.

2. Financing of education

10. The National Education Plan (NEP) 2014-2024, approved by Brazilian National Congress in June 2014 - Federal Law 13.005/2014, represents an important achievement of Brazilian society which has dedicated itself to its preparation since 2010 and an important planning tool for the medium and long term. Notwithstanding, one of the 14 targets and strategies of Law 13.005/2014 with forecast for 2015 and 2016 were fully met. Among them, one have significant impact on the effectiveness of all other goals: the implementation of the Cost of Initial Quality Education per Student (CAQi), the funding parameter in the Plan that determines a minimum quality education. For the text of the law translated to English, please see: <https://goo.gl/oOliiV>.

11. The mechanisms to ensure these enhancements are planned under Goal 20 of the Plan, which states that the country should reach an investment equivalent to 10% of GDP in education by 2024, and also provides a strategy to implement the Cost of Initial Quality Education per Student (CAQi) and subsequently the Cost of Quality Education per Student (CAQ). Both are calculated based on the set of minimum standards in education law, as indicators of qualifying expenses and remuneration of teaching staff and other professionals in public education, acquisition, maintenance, construction and maintenance of facilities and equipment, educational materials, food and school transportation. The CAQi itself demands additional R\$ 37 billion in the annual budget for education to ensure the well-payment of teachers and good public schools⁴. For detailed information about the mechanism please see: <https://goo.gl/99rtf3> and <https://youtu.be/6YMsfwuclY>.

12. It is necessary to reiterate that the NEP's Law is not only a letter of intent. The NEP is a project that aims to expand enrollment, combining it with quality. In 2015, the fiscal adjustment promoted by Joaquim Levy, then Dilma Rousseff's Minister of Finance, obstructed the achievement of important goals and strategies of the Plan.

13. The risk of these measures was raised by the BCRE, jointly with other civil society organizations – Ação Educativa, Anced and Conectas - to the CRC experts in Geneva who took it into consideration in the concluding observations on Brazil. The Committee expressed concern about the "budget cuts in the education sector, and its negative effects on the implementation of the National Education Plan". This recommendation incorporated the main message taken to the UN in Geneva by the BCRE that highlighted the importance of guaranteeing financial resources for the implementation of the National Education Plan as a priority for the fulfillment of the right to education, even in crises (economic or political).

14. During the closed meeting with members of the Committee, the BCRE presented the CAQi and pointed out the negative impacts of privatization of education; the social cuts of 2015 and its risks to the NEP; and the setbacks in the promotion of gender equality in education plans, themes incorporated into official recommendations. "Raising funds for the education sector in order to strengthen public education and prioritize the implementation of the National Education Plan and, in doing so, ensure that, in cases of shortage of resources, assignments to public educational institutions are prioritized". This is what recommended the UN/CRC to the Brazilian State in its final report that has been published with the findings on the situation of children's rights in Brazil.

15. Now, the BCRE states a new urgent international warning on human rights: in the framework of the new president Michel Temer recent economic announcements, the NEP implementation is in even higher risk due to lack of official priority to social issues and education given by the new government, the economic and political crisis. Since May 2016, when the Brazilian ex-president Dilma

⁴ About CAQi please see: <https://youtu.be/6YMsfwuclY>

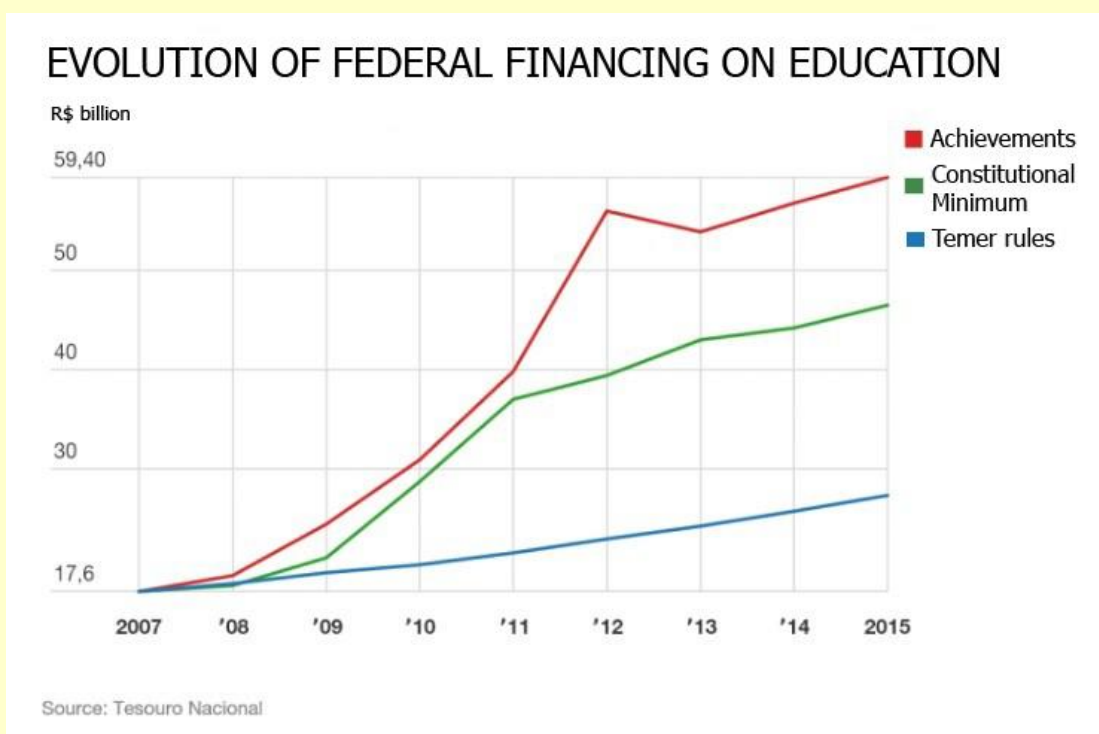
Rousseff was dismissed and her vice, the current president Temer became the effective president in the framework of impeachment process, and the political scenario is changing every day.

16. One urgent concern is the Proposed Amendment to the Constitution (PEC) 241/2016 which establishes a new tax regime and determines that no investment in social areas may exceed the inflation adjustment for 20 years. This means that no new features will be invested in the construction of schools, preschools, day care centers, to improve public universities, basic education establishments, or for teachers' salaries. In short, the PEC 241/2016 render the goals and strategies of the law 13.005/2014 (NEP) almost impossible to reach.

17. The PEC 241 is extremely harmful for the right to education and puts at risk the education of nearly 3.8 million children aged from 4 to 17 who are out of school, according to estimates made by the BCRE and UNICEF, through the initiative Out of School Children. To ensure the human right to education and fulfill the NEP goals we need to expand: 3.4 million enrollments in kindergarten; 0,5 million in primary education; 1.6 million in high school; and 2 million in public higher education.

18. Thus, Brazil needs to expand enrollment and increase investment in education (as calculated by CAQi, it means more R\$ 37 billion in the annual budget for education) and not reduce it. The chart below sets out a simulation of the impact of PEC 241 if it had be implemented in last 8 years (from 2007 to 2015) - a period in which civil society had its main achievements in the financing of education in Brazil. The red line (in the top) in this graphic shows that the civil society got more features than shown by the green line (in the middle), which is the constitutional minimum. The draft law (PEC 241), had it been in operation, the reality of education's investment would be very low – represented by the blue line (in the bottom).

Figure 1 – Evolution of Federal Financing on Education x PEC 241



19. The loss of this matter is an absolute prejudice to the Brazilian population and for the development of the country. Brazil lives currently his last demographic bonus – it is the last scenario where the population has a high representation of children and youth. The country is gradually becoming more adult and elderly. An old population that did not have access to quality education means a country without effective capacity to participate in the world economy. It seems that we

are talking only of our present or only of the NEP (which ends in 2024), but in reality we are talking about a twenty-year period of validity of this proposal for reduction of investment in education, health, and social assistance.

20. Faced with this situation, we need to position ourselves strongly and urgently against PEC 241/2016, which prevents the implementation of CAQi, which should be our priority. In this sense, we call international community attention to the negative impacts of such measures in the fulfillment of the right to education.

ISSUES UNDER DIRECT RISK OF PEC 241/2016

LAW 11.494/2007	Primary and Secondary Education Maintenance and Development Fund (FUNDEB)
LAW 11.738/2008	National Wage Level of the Magisterium
LAW 12.858/2013	Allocation of oil resources for education and health
LAW 13.005/2014	National Education Plan
	National Education System's regulation
	CAQi/CAQ (Cost of Initial Quality Education per Student/ Cost of Quality Education per Student)'s regulation

21. We encourage the UPR to recommend, even in economic crises or political instability context, the urgent need of the State assuming the duty on guarantying the financial resources for the implementation of the National Education Plan - Law 13.005/014 - centering efforts on the achievement of goal 20 through CAQi/CAQ implementation.

22. We encourage the UPR to recommend that in the context of new economic measures and fiscal adjustments, the Brazilian State keep the allocated budget to education as guaranteed by the Federal Constitution and the National Education Plan

3. Privatization of education

23. The UN Human Rights Council (UNHRC) in a historic resolution (A/HRC/32/L.33) during its 32nd session, urged all States to "address any negative impacts of the commercialization of education", in particular by putting in place a normative framework to regulate and monitor education providers, holding to account providers that negatively impact the right to education. This resolution adds a strong political statement from States.

24. The resolution follows a previous resolution from June 2015 (A/HRC/29/L.14/Rev.1) that addresses some of the same issues, but included the need to address commercialization in the core of the text. The UN Special Rapporteur on the right to education and UN monitoring bodies have already raised serious concerns regarding the issue of the negatives impacts of privatization of education, specifically on the violations risks in Brazil (A/HRC/20/21; A/69/402; and CRC/C/BRA/2-4).

25. In the Michel Temer's new government, several pronouncements and projects indicate the incentive of privatization processes in the basic education, as well as in higher education. The analysis from the document "A Bridge to the Future", published by Temer party by the impeachment process (started in the first semester of 2016), shows relaxation proposals of public budgets and limiting expenditures and advocates untying of budgetary resources to the areas of education. This agenda indicates the opening of partnerships with private schools and represents an abyssal setback in delivering basic education to the private sector.

26. Moreover, Temer's proposals follow the same as the privatization processes that are setted in the state of Goiás. It gives rise to forms of "endogenous" privatization, such as public-private partnerships that lead to the proliferation of market logic in public education and the incidence of corporate

actors in the management of educational policy at the expense of democratic participation mechanisms. The privatization of education, as we know, is essentially made by vouchers (financing in the form of grants to the private sector) or by outsourcing the public policies management to social organizations. Both forms are targeted in Temer government on the grounds that this is not privatization.

27. Although the NEP's discussion started in a participatory manner through a comprehensive process of conferences, the dispute with representatives of private interest, particularly in Congress, opened loopholes for the state to exempt itself from meeting many of the goals set out in the Plan. Although the civil society achieved the inclusion of 10% of the GDP for education, it does not guarantee that these funds are used to strengthen the public sector. Paragraph 4 of Article 5 of the Law lists all public investments necessary to achieve Goal 20, and includes a calculation of funds to be transferred to the private sector through the expansion of professional and higher education programs, including in the form of incentives and tax exemption, scholarships granted in Brazil and abroad, grants for student loan programs, and funding for nurseries, preschools and special education through public-private partnerships ["conveniamentos"].

28. The privatization of education in Brazil, nevertheless, is older than that and has been increasing in the past years. As can be noted in Table 1, not only has the total enrollment in primary education been declining in recent years in Brazil, there is also a decrease of State involvement in the provision and maintenance of education in the country.

Table 1 - Participation of public and private sectors in basic education in Brazil, and total enrollments

	2007	2009	2011	2013
No. Public enrollments (%)	46.643.406 (87,9%)	45.270.710 (86%)	43.053.942 (84,4%)	41.432.416 (82,8%)
No. Private enrollments (%)	6.385.522 (12,4%)	7.309.742 (13,9%)	7.918.677 (15,5%)	8.610.032 (17,2%)
Total enrollments	53.028.928	52.580.452	50.972.619	50.042.448

Source: Censo Escolar – MEC/Inep

[School Census – Brazilian Ministry of Education / National Institute of Researches]

29. It is important to highlight the great number of enrollments by private institutions that have collaboration agreements with the government and often have challenges such as poor infrastructure and precarious working conditions of their employees, thereby undermining the human right to education.

30. The advancement of the private sector in virtually all stages and types of education in Brazil contributes to increased educational inequalities and the shrinking and weakening of the public sector, without guaranteeing the human right to education in all its aspects. Besides these aspects of exogenous privatization, there is also a worrying growth in processes of endogenous privatization through the sale of private systems of standardized teaching and packages for planning and management to public schools, especially to municipalities.

31. The sale of standardized private school systems to public networks, mainly the municipal ones, is becoming an important aspect of privatization in Brazil, with the development of a competitive market of such services to the Municipalities. Packages sold by companies or private consultancies to Municipalities vary in scope: teaching materials to be used by teachers and students; teacher training to use the materials; creation and implementation of mechanisms for assessing the learning that considers this logic; management of schools and all public education tools. It is another form of competition for resources to guarantee the human right to education.

32. The privatization of education in Brazil violates the human right to education in Brazil in its different aspects in the availability, accessibility, acceptability and adaptability of education. These paragraphs reflect the document "Privatization of education and rights violations in Brazil: notes for the Committee on the Rights of the Child", attached to the II Alternative Report on the Situation of the Rights of the Child in Brazil, presented by the Ancead and partner organizations to support the review of Brazilian State by the UN Committee on the Rights of the Child, and this document explains all of this aspects in detail. Access it here: <https://goo.gl/unlPE4>. More information about aspects of privatization of education in Brazil can be seeing here: <https://youtu.be/UQaGSOiJBIU> (Theresa Adrião, PhD from Unicamp), here: <https://goo.gl/am3CX2> (Ação Educativa Report) and here: <https://goo.gl/Zmxc4> (Mapeo CLADE).

33. We encourage the UPR to recommend that the Brazilian State commit to ensure the public provision of education and the obligation to train basic education teachers, understanding education as a public good and that privatization has threatened the accomplishment of the human right to education

34. We encourage the UPR to recommend that the Brazilian State adopt normative parameters to ban or drastically limit private profit in education, especially in basic public education, and strengthen its capacity to monitor and enforce basic standards of quality private institutions.

4. Gender, sexuality and education

35. Every year, millions of Brazilian children, teenagers and adults are excluded from schools or have their educational trajectories discontinued because of inequalities, discrimination and violence present within the Brazilian society and reflected in the school environment.

36. In spite of the average female Brazilian population having higher rates of education, the country still has deep educational inequalities. Data from the 2011 National Household Sample Survey (Pnad) indicate that women have an average of more 0.4 year of study than men. However, it does not reflect on better jobs or income for women. According to and International Labour Organization (ILO) study from 2012, in the group of young people aged between 15 to 24 years, men unemployment rate is 13.9%, while among women the rate gets to 23.1%. Among the young people who neither study nor work, 12.1% are men and 24.8%, women. The same study shows a decrease in the distance between the average income of men and women. In 2000, men received an average remuneration 32.5% higher than women with the same qualification. In 2009, men salaries was about 29.3% above women salaries. Despite that, women still account, mainly, for jobs without remuneration (52.2% of the total, in 2000), for occupations less qualified and more precarious employment relationships, as well as greater participation in the total contingent of poor people.

37. Another social indicator impacted by the absence of gender and sexual education policies is the teenage pregnancy rate. Data from the Brazilian Ministry of Health from March 2010 show a downward trend of teenage pregnancy between 2005 and 2009, when there has been a decrease of 22.4% in pregnancies among women aged between 10 and 19 years. The incidence of teenage pregnancy, however, is higher among adolescents with low income and low education. According to a study from the Institute of Applied Research (IPEA), the prevalence of teenage pregnancy is still concentrated in classes with lower purchasing power: 44.2% of girls aged from 15 to 19 years with children are in the range of per capita family income of up to ½ minimum wage. This means that almost 18% of young stratum of lower income in the country are mothers.

38. The impacts of pregnancy on girls' education trajectory is extremely high and may compromise the future income of the teenage mothers. Among girls aged between 10 and 17 years without

children, only 6.1% do not study. Among those with children, the proportion is 75.7%, and 57.8% of them do neither study nor work, according to IPEA.

39. The lack of policies to face gender inequalities also reflects on violence against women, which, in 2013, was responsible for the death of about 5,000 women. In the same year, 500,000 cases of rape or rape attempt were reported, according to a research from IPEA released in 2015.

40. As for the LGBT population, they have their human right to education even more affected by homo lesbo and transphobia that are within the Brazilian society and reflected within the education systems.

41. Another study, held by the Latin American Faculty of Social Sciences, the Organization of Ibero-American States and the Brazilian Education Ministry also shows that about 20% of students aged between 15 and 29 years, from primary, secondary and Youth and Adult Education would not like to have homosexual or transsexual classmates. The research heard more than 8,300 young people throughout the country, in 2013.

42. The National Survey on LGBT Students and School Environment 2016, conducted by the Brazilian Association of Lesbian, Gay, Bisexual and Transgender, present some of the results of this hostile environment. The study heard 1,016 LGBT students aged between 13 and 21 years during the year of 2015. The results show that 60% of them felt unsafe at school in the previous year because of their sexual orientation and 43% felt unsafe because of their gender identity, since 48% heard homophobic comments made by their peers and 55% heard negative comments specifically about transgenders.

43. The discrimination against LGBT students often leads to aggressions or physical violence inside schools. According to the study, 27% of LGBT students were physically assaulted because of their sexual orientation and 25% of them were physically assaulted because of their gender identity. More than 50% of the interviewed students claimed to have been sexually harassed at school. From this total, 36% believed education professional ability to prevent the attacks was "ineffective".

44. When the education system is ineffective in preventing discrimination and violence towards LGBT students, their right to education is seriously affected by the fear of violence or depression. LGBT students who experienced higher levels of verbal aggression because sexual orientation or gender expression were 1.5 more times likely to suffer from depression. Students who had suffered higher levels of aggression related to their sexual orientation were also twice as likely to have been absent from school on the month before the research.

45. The data presented here show the need and the importance of developing public policies for facing those issues in the society as a whole, especially inside the educational system. Since children and adolescents spend most of their days in school and day care, these spaces are considered privileged to prevent or stop the cycle of violence. Teachers have daily contact for hours with their students, which would allow them notice changes in behavior and adopt protective procedures. Schools, through sex education, can open spaces that provide children and adolescents information about safe sex, sexual violence and sexual diversity. This could prevent many of the violent inside and outside schools.

46. The right to education for equality of gender, sexual orientation and gender identity has a legal basis in the Brazilian Constitution (1988), the Maria da Penha Law (2006), the Law for Guidelines and Bases of National Education (LDB / 1996), and the National Curriculum Guidelines approved by the National Council for Education. This right is also ensured by the international human rights agreements Brazil is signatory, such as the International Convention on the Rights of the Child (1989), the Convention on Action against Discrimination in Education (1960), the Convention for the

Elimination of All Forms of Discrimination against Women (1979), the International Convention for the Elimination of All Forms of Racial Discrimination (1968) and the International Covenant on Economic, Social and Cultural Rights (1966).

47. In recent years, although Brazil is a secular State, it has been witnessing strong Christian-based religious proselytism in the public sphere, which threatens the fulfillment of the human right to education in the country, tending to increase prejudice and discrimination against social or symbolic minorities, such as women, Afro-Brazilians, indigenous people, followers of Afro-Brazilian religions and the LGBT population.

48. In 2015, religious groups elected an unprecedented number of 78 representatives in the Brazilian Congress. The same happened at state and city levels. Due to the pressure made by the religious leaderships and supported by churches, local representatives in at least 12 of the 27 Brazilian states and various cities removed from State and City Education Plans goals and strategies aimed at overcoming gender, sexual orientation and race inequalities and fighting discriminations in schools.

49. In some of the cases, local governments not only excluded the public policies from the educational plans, but also proposed specific laws to forbid teachers or education professionals to approach gender and sexual issues at schools. An initiative led by conservatives politicians and religious leaders called *Escola sem Partido* [Party free Schools] have been promoting law propositions aimed at forbidding education professionals to approach gender and sexual orientation issues in schools. According to a mapping conducted by the Reference Center for Integral Education, at least 10 Brazilian states legislative bodies and 9 city councils from the Brazilian state capitals have bills based on *Escola sem Partido* propositions. In one of them, Alagoas, the bill was approved, even though its content violates the Brazilian Constitution, the educational legislation, and the various international agreements Brazil is signatory.

50. In face of all the facts presented, we consider that the Brazilian State did not accomplish the recommendations A/HRC/21/11, par. 119.33, A/HRC/21/11, par. 119.47, and A/HRC/21/11, par. 119.94, since the withdrawal of gender and sexuality related issues from education plans represents a setback in policies for equality and against discrimination of women and the LGBT population. Actually, the threat of setbacks on the legal bases to face gender and sexual orientation discrimination and inequalities can even put the country in the opposite direction.

51. We encourage the UPR to recommend that the State discuss, approves and implements National Curriculum Guidelines on Education, Gender and Sexuality for Basic Education and Higher Education.

52. We encourage the UPR to recommend that the State acts to guarantee contents related gender and sexual orientation and identity in teacher initial and continued training courses.

53. We encourage the UPR to recommend that the State ends confessional religious education in public schools, prohibiting automatic enrollment for the religious education discipline and reviews the existing legislation on the subject.

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

5. Racism and education

55. School exclusion in Brazil is also closely related to racism against the black population. Racism is still very strong in Brazilian society and schools, through the devaluation of African history and afro-

Brazilian cultures in the school curriculum; the non-recognition of the rights of black women, who face the imposition of a beauty model that favors the aesthetics of white women; and through violence and discrimination against adepts of afro-Brazilian religions.

56. Since 2008, the percentage of the black population (composed of blacks and brown) exceeded the white population due to the higher fertility of black women and more black people self recognition in the population census. According to the 2011 National Household Sample Survey, the female group is composed 50% by black women and 48.9% by white women, and the male group is composed by 46.4% of white men and by 52.6% of black men. Although, the black population is the majority in the Brazil, those numbers are not equality reflect when it comes to education. Brazil lived, in the recent decades, a growth in access to primary education, but the rates were still insufficient to ensure the universalization of compulsory school, especially in poorer regions and among the black population.

57. According to the Summary of Social Indicators 2010, produced by the Brazilian Institute of Geography and Statistics, the black and brown population have twice the incidence of illiteracy seen in the white population: 13.3% of blacks and 13.4% of browns, against 5.9% of whites, are illiterate. Functional illiteracy concerns more strongly black (25.4%) and browns (25.7%) than whites (15.0%). The same study shows that the average years of schooling for the white population aged 15 years or older was 8.4 years, whereas the black population had an average of only 6.7 years of schooling. Another important element to be observed concerning race inequalities in education is the strong selectivity of basic education, in which black boys are the most affected by school exclusion. At the higher education, the percentage of people with over 15 years of study is about 10% of the general population. This percentage drops to 4.11% between the black population and to only 0.5% between the indigenous population.

58. The lack of policies to ensure the right to education for the black population also reflects in less opportunities of employment and social mobility for this population. While the white youth unemployment rate is of 16.6%, according to the Summary of Social Indicators 2010, it is of 18.8% among the black youngsters. Young black women have the highest rates of inequality, presenting an unemployment rate of 25.3% (12.2% higher than the group of young white men). Among the young people who neither study nor work, 16.1% are white and 20.4% are black. Again, Afro-Brazilian girls are at a disadvantage, making 28.2% of the group which neither study nor work.

59. The Brazilian state has made some important progress in establishing a legal framework to face racial discrimination in schools and to ensure the right to education for the Afro-Brazilian population by the approval of Law 10.639, in 2003, which made compulsory the teaching of "African history and Afro-Brazilian Culture" in basic education for public and private schools. Other important legal frameworks were approved based on the law from 2003, as the National Guidelines for Racial-Ethnic Relations Education and the Teaching of African and Afro-Brazilian Culture (2004), the National Plan for the Education for Racial and Ethnic Relations and the Teaching of African and Afro-Brazilian Culture (2008), and the National Guidelines Curriculum of Quilombola School Education (2012). However, researches point out the limits of this advance: still marked by low institutionalization of the law in the education system, caused by the lack of investments in education, lack of public policies to ensure training for education professionals and the existence of proper didactic materials.

60. Therefore, we consider that the Brazilian State did not accomplish the recommendation A/HCR/2011, par. 119.159, and that extra specific recommendations are necessary to guarantee the human right to education for all and the overcome of the inequalities between the black and the white population.

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

62. We encourage the UPR to recommend that the State acts to guarantee contents related to African History and Afro-Brazilian culture in teacher initial and continued training courses.