**Ms. Farida Shaheed**

United Nations Special Rapporteur on the right to education

*Ref. Civil society contribution on teachers’ and professors’ freedom of expression in Brazil*

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| Entities submitting  information | * Coalition Against Ultraconservatism in Education * National Research Network on the Militarization of Education * Ação Educativa, Assessoria, Pesquisa e Informação * National Campaign for the Right to Education * Human Rights Platform DHESCA Brazil * Teachers Against the School Without Party * Public Policy and Human Rights Clinic at the Federal University of ABC * National Observatory on Violence against Educators |

**systematic persecution of Educators and the censorship of human rights issues in Schools**

1. Institutional spheres have been taken over by negationist policies that are unfolding in the field of education, in a phenomenon of systematic persecution of educators. The spread of moral panic has generated widespread unease in schools, which are currently haunted by an unfavorable and threatening school atmosphere for educators. Teachers are victims of a hate campaign[[1]](#footnote-1), are censored in more or less explicit ways[[2]](#footnote-2), and commit self-censorship to protect themselves, according to systematic reports[[3]](#footnote-3);
2. During Jair Bolsonaro's government (2019-2022), policies have been implemented to weaken a political culture that defends democracy and human rights. Sometimes actively, such as the National Civic-Military Schools Programme (PECIM, 2019 - see more below), the end of the clause excluding discriminatory textbooks from the National Textbook Programme (Programa Nacional de Livro Didático - PNLD) and the distorted use of public human rights reporting services such as DISQUE 100 to persecute teachers, other times through the Brazilian state's failure to act, as in the case of emergency remote education that was established precariously during the lockdown necessary to protect the population from Covid-19.
3. Nevertheless, the persecution of educators is a phenomenon that predates the previous government. The delegitimizing of school and academic knowledge, the development of denialism and the persecution of educators through hundreds of censorship bills[[4]](#footnote-4) were conditions of possibility for the rise of an extreme right-wing government. Thus, this is not a new problem; regardless, the Brazilian state has yet to implement policies to protect teachers.
4. These persecutions take the form of summary dismissals, the opening of administrative proceedings in the case of civil servants, intimidation at work in person or via exposure on social networks and messaging apps in their community groups, threats against physical integrity and life, and verbal and physical aggression against these professionals[[5]](#footnote-5).
5. Persecution is perpetrated by members of the school community (pupils, other teachers, members of the school board) as well as members of the management of education networks (in the case of public networks), leaders of the executive branch (mayors, for example), members of the legislative branch, influencers and rising political figures. The agent of persecution varies. The most notable are influencers and rising political figures since their modus operandi usually consists of exposing teachers on social media so that the victims are forced to self-censor or so that the education networks in which they work are forced to punish or dismiss them - very common in private schools[[6]](#footnote-6).
6. The topics of school knowledge that commonly are the target of persecution are mostly related to gender and sexuality issues, which are used to stir moral panic based on fake news*[[7]](#footnote-7)*. Systematic attacks on gender and sexuality agendas, through the mass diffusion of disinformation and the promotion of moral panic, are not only attacks on the academic freedom and freedom of expression, the rights of girls and women and the rights of the LGBTQIA+ population but also on human right to education and democracy itself. In Brazil, there has been a growing number of bills to prevent trans people from accessing basic rights in their educational life, such as their social name and access to public restrooms[[8]](#footnote-8). Before this recent surge, proposals to censor gender and sexuality issues in education were the linchpin of conservative mobilization around education.
7. Other topics that are also targeted: racism and Afro-Brazilian and indigenous history and culture, secularism of the state and the human right to religious freedom, colonial exploitation, military dictatorship, the history of the Middle Ages, the theory of evolution, vaccination, the use of pesticides, climate change and environmental destruction, as well as censorship of works of art, whether films, books, comics or visual arts. This curricular content has been avoided or curtailed in teachers' classes to prevent persecution and accusations of direct violation of students' right to education, culture, science and technology. These contents and topics are provided for in curricular regulations that oblige them to be covered in basic education. There is, therefore, extensive normative grounding, as well as ample political accumulation by Brazilian civil society on these issues, so that the state must implement them in basic education and defend teachers from the actions of authoritarian groups and movements.
8. The various forms of persecution should not prevent the state and its institutions from holding those who intimidate teachers accountable. The Supreme Court has categorically defended the freedom to teach in several 2020[[9]](#footnote-9) determinations, as has the Brazilian state's duty to address gender equality in schools as a way of preventing violence and sexual abuse against children and adolescents and the state's responsibility to guarantee children and adolescents' right to access humanistic and scientific knowledge beyond that advocated by their families' religious and political doctrines.

**Growing militarization of Basic Education**

1. In the last decade, the phenomenon of the increasing militarization of basic public education has emerged in Brazil, which consists of the total or partial transfer of the administration of ordinary schools to military police officers, military firefighters and the armed forces, with the consequent adoption of military discipline and the curtailment of the exercise of human rights in education.
2. In 2013, there were 39 (thirty-nine) state schools run by military police officers in 14 states of the federation. By 2018, this number had jumped to 122 (one hundred and twenty-two) militarized schools. It reached around 200 (two hundred) schools in this condition in 2019[[10]](#footnote-10), a process that was accelerated and disseminated with the creation of the National Civic-Military Schools Programme (Programa Nacional das Escolas Cívico-Militares - PECIM) by the federal government (Decree No. 10,004, September 5th 2019). This programme was responsible for implementing, with the financial support and assignment of military personnel from the federal armed forces, between 2019 and 2022, a further 216 (two hundred and sixteen) militarized schools in all 26 (twenty-six) states, in the Federal District and in 188 (one hundred and eighty-eight) Brazilian municipalities. Simultaneously, states and municipalities created new programmes to militarize basic education in the same period. Recent estimations by RePME researchers in all Brazilian states suggest that, by 2023, there will be more than 816 (eight hundred and sixteen) militarized public schools in Brazil, including state, municipal and district public networks - an increase of almost 21 times compared to 2013.
3. In November 2022, the civil society report3, referring to the submission by the RPU Collective, warned of setbacks in Brazilian education. In 2023, the Brazilian state accepted all of the recommendations[[11]](#footnote-11) it received - except for two, which defended the concept of traditional family. The main guidelines[[12]](#footnote-12) sent to the countries included the suspension of the militarization of schools.
4. In the same way, the report "The Situation of Human Rights in Brazil" (originally in Spanish "*Situación de los Derechos Humanos en Brasil*"), approved by the Inter-American Commission on Human Rights in February 2021, on "Chapter 6: Democratic and Human Rights Institutions" states:

Educational policies, inequality and groups at risk (...) 451. The IACHR also expresses its concern about the process of militarization of public schools with the creation of the National Civic-Military Schools Programme. Guaranteeing the right to education requires a pedagogy that respects individuality, promotes citizenship and socialization with respect for human rights, and requires specialized personnel. In this regard, the Commission draws attention to the different nature of the Armed Forces compared to the nature of the educational dynamic.

1. Despite these recommendations, the Brazilian federal government's stance oscillated from being silent until 2018 to directly encouraging militarization between 2019 and 2022. In March 2023, the civil society coalition "*Articulação contra o Ultraconservadorismo na Educação*" (Coalition Against Ultraconservatism in Education) and the network "*Rede Nacional de Pesquisa sobre Militarização da Educação*" (National Research Network on the Militarization of Education) sent a public document to the Brazilian government called "*Carta da sociedade civil pela desmilitarização da educação e da vida*"[[13]](#footnote-13) (Civil Society Letter for the Demilitarization of Education and Life), in which they demanded that the new government revoked Decree 10.004, of September 5th 2019, which established the National Civic-Military Schools Programme (PECIM), and committed to acting directly and within the framework of federative coordination to promote the end of public school militarization programmes developed in the states, municipalities and the Federal District, by suspending ongoing school militarization processes and demilitarizing militarized schools in the country.
2. In July 19th 2023, the federal government published Decree No. 11.611/2023, which revokes the Decree that created PECIM[[14]](#footnote-14). Despite the progress this federal-level decision represents, it was not accompanied by pronouncements from the authorities involved on the inappropriateness of the militarization of public schools as such. On the contrary, the current Minister of Education Camilo Santana and President Lula have stressed that the continuation of the militarization process is the autonomous decision of each federal entity, which in practice reiterates the omissive stance that prevailed until 2018, but in a context where militarization is much more widespread.
3. As a result, the militarization of basic education continues to expand in the country, as researchers and civil society organizations have immediately warned. Various state governments have declared that they will maintain and broaden the militarization process by creating new programmes in their respective territories.
4. Regarding the right to education and academic freedom, the increasing militarization of basic education in Brazil:
5. **It violates the academic freedom and institutional autonomy** that should be granted to school communities[[15]](#footnote-15), given that teachers and students find these aspects drastically limited in daily school life and tend to be persecuted, repressed and/or excluded from militarized schools for thinking differently, as can be seen in different reports[[16]](#footnote-16)
6. **It adopts military discipline that is incompatible with the human rights regime in education[[17]](#footnote-17),** given that different reports and research document that the application of military codes of conduct in ordinary schools leads to repeated cases of disrespectful and humiliating treatment in militarized schools[[18]](#footnote-18), which end up alienating students from the educational environment[[19]](#footnote-19);
7. It **violates the prohibition of setbacks in human rights**[[20]](#footnote-20) insofar as the increasing militarization of basic education in Brazil, in addition to the violations already reported in the items above, establishes an environment in schools that is favourable to the apology of violence and torture promoted by state agents, to anti-democratic regimes and blocks human rights education policies based on obligations of memory, truth and justice, according to various records[[21]](#footnote-21).

**Requests For Recommendations In The Report On Academic Freedom And Freedom Of Expression In Educational Institutions**

1. In light of the facts and violations exposed, we urge the United Nations Special Rapporteur on the right to education to include in her report:
   1. Incorporate apprehensions expressed concerning the severe violations of the human right to education that result from the increasing militarization of basic education, the systematic persecution of educators and the censorship of human rights issues in schools in Brazil;
   2. **Recommend that the Brazilian state, in regard to all federal spheres and powers:**

b.1) Adopts measures to **demilitarize public schools** and promote democratic school management, human rights education, the right to memory and truth and the democratic literacy of the population;

b.2) Adopts measures to acknowledge educators as human rights defenders or agents and establish **measures for prevention, protection, compensation and accountability in cases of persecution and censorship** perpetrated against these professionals through policies for identifying and monitoring cases, legal and psychological support and human rights education;

b.3) Records and presents data on cases of systematic persecution of educators and censorship of human rights issues in schools in Brazil as a way of monitoring progress in protecting educators and school communities, as well as planning and carrying out the necessary policies in each context;

b.4) Actively confronts the situation of censorship and self-censorship imposed in Brazilian schools and universities through policies to combat science denialism and disinformation;

b.5) Promotes gender, race and sexuality equality in basic and higher education, with a focus on implementing Article 8 of the Maria da Penha Law (Law No. 11.340/2006) and other national and international regulations on the subject;

b.6) Actively confronts racism in basic and higher education in Brazil by fully implementing Laws 10.639/2003 and 11.645/2008, making studying Afro-Brazilian and indigenous history and culture compulsory.

1. PENNA, Fernando. “*The hatred towards teachers*”. In: AÇÃO EDUCATIVA (org.) A ideologia do Movimento Escola Sem Partido – 20 autores desmontam o discurso. São Paulo: Ação Educativa, 2016. [↑](#footnote-ref-1)
2. MARINHO, R. *Bill 1411/2015. Criminalizes the crime of Ideological Harassment and makes other provisions* Câmara dos Deputados, Brasília, 2015. Available at:

   https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=975011 (Accessed: 24.08.2023). [↑](#footnote-ref-2)
3. HUMAN RIGHTS WATCH. *"I'm afraid, that was their goal." Efforts to ban gender and sexuality education in Brazil*. Available at:

   https://www.hrw.org/sites/default/files/media\_2022/05/brazil\_lgbt0522pt\_web.pdf (Accessed: 24.08. 2023). [↑](#footnote-ref-3)
4. MOURA, Fernanda Pereira de; SILVA, Renata da C. A. da.*6 years of "School without Party" projects in Brazil: a study of state, municipal, district and federal bills that censor the freedom to learn and teach.* Brasília: Frente Nacional Escola Sem Mordaça, 2020. Available at:

   https://professorescontraoescolasempartido.files.wordpress.com/2021/01/relatocc81rio-6-anos-de-projetos-de-censura-frente-nacional-escola-sem-mordaccca7a.pdf (Accessed: 24.08 2023). [↑](#footnote-ref-4)
5. SARTORI, B. Conservative wave in public education: (self)censorship and resistance among teaching professionals in the municipality of São Paulo. 2021. Dissertação (Mestrado em) – Faculdade. Universidade Federal do ABC, CIDADE, 2021. Available at:

   Http://Biblioteca.Ufabc.Edu.Br/Index.Php?Codigo\_sophia=122493 (Accessed: 24.08.2023).

   Threat To History Teaching Practice In Basic Education In Fortaleza (2017-2019). Available at:

   https://r.search.yahoo.com/\_ylt=AwrNPeb7HeZkWw8NRwDz6Qt.;\_ylu=Y29sbwNiZjEEcG9zAzEEdnRpZAMEc2VjA3Ny/RV=2/RE=1692831356/RO=10/RU=https%3a%2f%2fwww.snh2021.anpuh.org%2fresources%2fanais%2f8%2fsnh2021%2f1628541288\_ARQUIVO\_ed4d6518ecdb1f6471bbca715a0b9827.pdf/RK=2/RS=dLm6whxLf\_2gZuUd3gS8wqFjaoc- (Accessed: 24.08.2023). [↑](#footnote-ref-5)
6. AZEVEDO, E. *How Bolsonaro's persecution and censorship culminated in the dismissal of a teacher in Curitiba*. Carta Capital, São Paulo, 26 ago. 2021. Available at:

   https://www.cartacapital.com.br/educacao/como-a-perseguicao-e-censura-bolsonaristas-culminaram-na-demissao-de-um-professor-em-curitiba/ (Accessed: 24.08.2023).

   CARNEIRO, K. *After the School Without Party scandal, what's life like*?. Nova Escola, São Paulo, 2 mar. 2020. Available at:

   https://novaescola.org.br/conteudo/11638/depois-do-esculacho-do-escola-sem-partido-como-fica-a-vida (Accessed: 24.08.2023).

   *MIGALHAS. Fachin prevents SC congresswoman from publicising complaint hotline against teachers*. Available at:

   https://www.migalhas.com.br/quentes/296066/fachin-impede-deputada-de-sc-de-divulgar-canal-de-denuncia-contra-professores/ (Accessed: 24.08.2023).

   CONGRESSO EM FOCO. *Goiás teachers report persecution because of congressman.* Available at:

   https://congressoemfoco.uol.com.br/area/congresso-nacional/professores-em-goias-acusam-deputado-gustavo-gayer-de-perseguicao/ (Accessed: 24.08.2023). [↑](#footnote-ref-6)
7. JUNQUEIRA, Rogério Diniz. *The invention of "gender ideology": the emergence of a political and the development of reactionary anti-gender rhetoric.* Psicologia Política , v. 18, n. 43, p. 449-502, 2018. Available at: http://pepsic.bvsalud.org/scielo.php?script=sci\_arttext&pid=S1519-549X2018000300004&lng=pt&nrm=iso (Accessed: 24.08.2023). [↑](#footnote-ref-7)
8. AVELAR, Dani. *Brazil has a new anti-trans bill every day, and the 'Nikolas effect' is a cause for concern.* Available at:

   https://www1.folha.uol.com.br/poder/2023/03/brasil-tem-um-novo-projeto-de-lei-antitrans-por-dia-e-efeito-nikolas-preocupa.shtml (Accessed: 24.08.2023). [↑](#footnote-ref-8)
9. XIMENES, Salomão; VICK, Fernanda. *The judicial extinction of School Without Party*. Available at:

   https://diplomatique.org.br/a-extincao-judicial-do-escola-sem-partido/ (Accessed: 24.08.2023).

   BRASIL. Supremo Tribunal Federal. Acórdão da ADPF nº 526 Paraná. Teor do Acórdão da Arguição de Descumprimento de Preceito Fundamental nº 526 Paraná. Relatora: Ministra Cármen Lúcia. Available at:

   https://portal.stf.jus.br/processos/detalhe.asp?incidente=5496114 (Accessed: 24.08.2023).

   BRASIL. Supremo Tribunal Federal. Acórdão da ADI nº 5537 Alagoas. Teor do Acórdão da Ação Direta de Inconstitucionalidade nº 5537 Alagoas. Relator: Ministro Luís Roberto Barroso. Available at:

   https://portal.stf.jus.br/processos/detalhe.asp?incidente=4991079 (Accessed: 24.08.2023).

   BRASIL. Supremo Tribunal Federal. Acórdão da ADI nº 5580 Alagoas. Teor do Acórdão da Ação Direta de Inconstitucionalidade nº 5537 Alagoas. Relator: Ministro Luís Roberto Barroso. Available at:

   https://portal.stf.jus.br/processos/detalhe.asp?incidente=5036462 (Accessed: 24.08.2023).

   BRASIL. Supremo Tribunal Federal. Acórdão da ADPF nº 467 Minas Gerais. Teor do Acórdão da Arguição de Descumprimento de Preceito Fundamental nº 467 Minas Gerais. Relator: Ministro Gilmar Mendes. Available at:

   https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753189469 (Accessed: 24.08.2023). [↑](#footnote-ref-9)
10. CAMPOREZ, Patrik. *The number of "militarized" public schools in the country is growing under the pretense of bringing students into line*. Available at:

    https://oglobo.globo.com/epoca/numero-de-escolas-publicas-militarizadas-no-pais-cresce-sob-pretexto-de-enquadrar-os-alunos-22904768. (Accessed: 23.08.2023). [↑](#footnote-ref-10)
11. Campanha Nacional pelo Direito à Educação. *UN Hearing: The High Commissioner and civil society in Brazil express concern about guaranteeing the right to education in the country; Brazilian state digresses.* Available at:

    <https://campanha.org.br/noticias/2022/11/14/um-quarto-dos-paises-recomendaram-ao-brasil-fortalecimento-do-direito-a-educacao-em-sabatina-na-onu/>. (Accessed: 23.08.2023). [↑](#footnote-ref-11)
12. Coletivo RPU Brasil. *More than 115 UN member states have made recommendations to Brazil, indicating that the country must end inequalities and discrimination based on race/ethnicity, gender, and against people with disabilities; in addition to strengthening public education and implementing the PNE.* Available at:

    <https://plataformarpu.org.br/storage/publications_documents/VGBTkrKxfPOBwvb0v09E6c1onW2dxu7Uec5z8Ywx.pdf>. (Accessed: 23.08.2023). [↑](#footnote-ref-12)
13. Ação Educativa. *Civil Society Letter for the Demilitarization of Education and Life*. Available at: https://acaoeducativa.org.br/editoriais/carta-da-sociedade-civil-pela-desmilitarizacao-da-educacao-e-da-vida/. (Accessed: 23.08.2023). [↑](#footnote-ref-13)
14. Presidência da República, Casa Civil - Secretaria Especial para Assuntos Jurídicos. *Decreto Nº 11.611, De 19 De Julho De 2023*. Available at:

    https://www.planalto.gov.br/ccivil\_03/\_ato2023-2026/2023/decreto/D11611.htm. (Accessed: 24.08.2023). [↑](#footnote-ref-14)
15. “39.(…) The enjoyment of academic freedom carries with it obligations, such as the duty to respect the academic freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds” (ESCR, General Comment 13 The Right to Education).

    [↑](#footnote-ref-15)
16. [↑](#footnote-ref-16)
17. “41. In the Committee’s view, corporal punishment is inconsistent with the fundamental guiding principle of international human rights law enshrined in the Preambles to the Universal Declaration of Human Rights and both Covenants: the dignity of the individual. Other aspects of school discipline may also be inconsistent with human dignity, such as public humiliation.” (ESCR, General Comment 13 The Right to Education). [↑](#footnote-ref-17)
18. See Attachment I. [↑](#footnote-ref-18)
19. See Attachment I. [↑](#footnote-ref-19)
20. “45.There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education, as well as other rights enunciated in the Covenant” (ESCR, General Comment 13 The Right to Education). [↑](#footnote-ref-20)
21. See Attachment I. [↑](#footnote-ref-21)