

Universal Periodic Review
(27th session, April-May 2017)

Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

BRAZIL

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

Table:

| <i>Title</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations /reservations</i> | <i>Recognition of specific competences of treaty bodies</i> | <i>Reference to the rights within UNESCO's fields of competence</i> |
|--|--|--|---|---|
| Convention against Discrimination in Education 1960 | State party to this Convention (ratification 19/04/1968) | <i>Reservations to this Convention shall not be permitted</i> | | Right to education |
| Convention on Technical and Vocational Education 1989 | Not state party to this Convention | | | Right to education |
| Convention concerning the Protection of the World Cultural and Natural Heritage 1972 | 01/09/1977 Acceptance | <i>Brazil declared not to be bound by the provisions of Article 16, paragraph 1 (regarding compulsory contributions.</i> | | Right to take part in cultural life |
| Convention for the Safeguarding of the Intangible Cultural Heritage 2003 | 01/03/2006 Ratification | | | Right to take part in cultural life |
| Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005 | 16/01/2007 Ratification | | | Right to take part in cultural life |

II. **Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P**

Right to education

1. NORMATIVE FRAMEWORK

1.1 Constitutional framework

1. The federal Constitution of 1988¹ defines education as a social right of the Brazilian citizen (**Article 6**).

2. **Article 205** states that “education, which is the right of all and duty of the state and of the family, shall be promoted and fostered with the cooperation of society, with a view to the full development of the person, his preparation for the exercise of citizenship and his qualification for work.”

3. In addition, **Article 7** recognizes the right of urban and rural workers to get “nationally unified minimum wage, established by law, capable of satisfying their basic living needs and those of their families with [...] education [...]”.

4. Title VIII, Chapter III of the Constitution is entitled “Education, Culture and Sports” and Section 1 of that chapter (**Articles 205 to 214**) concern Education specifically.

5. **Article 206** provides that “education shall be provided on the basis of [...] equal conditions of access and permanence in school; [...] free public education in official schools; [...]”. Furthermore, according to **article 208**, (as modified by the **Constitutional Amendment No. 59 of 11 November 2009**²), the duration of compulsory education is now from 4 to 17 years of age (previously the compulsory age was from 9 to 14 years) The article states that “the duty of the State towards education shall be fulfilled by ensuring the following: [...]

- i. mandatory basic education, free of charge, for every individual from the age of 4 (four) through the age of 17 (seventeen), including the assurance of its free offer to all those who did not have access to it at the proper age;
- ii. progressive universalization of the free high-school education;
- iii. specialized schooling for the handicapped, preferably in the regular school system;
- iv. infant education to children of up to 5 (five) years of age in day-care centers and pre-schools;
- v. access to higher levels of education, research and artistic creation according to individual capacity;
- vi. provision of regular night courses adequate to the conditions of the student;
- vii. assistance to students in all grades of basic education, by means of supplementary programmes providing school materials, transportation, food, and health care.

¹ Accessible at: http://bd.camara.gov.br/bd/bitstream/handle/bdcamara/1344/constituicao_ingles_3ed.pdf?sequence=7 , <http://www.unesco.org/education/edurights/media/docs/102214568054ab6abe510fb72574257257bad1ee.pdf>

² Accessible at (Portuguese) : http://www.planalto.gov.br/ccivil_03/constituicao/Emendas/Emc/emc59.htm

6. Paragraph 1. The access to compulsory and free education is a subjective public right.
7. Paragraph 2. The competent authority shall be liable for the failure of the Government in providing compulsory education, or providing it irregularly. [...]"
8. The Constitution also recognizes the right of Indian Communities to use their native language and specific learning procedure at elementary level (**Article 210, paragraph 2**). The Constitution establishes that “the Union shall apply, annually, never less than eighteen percent, and the states, the Federal District, and the municipalities, at least twenty-five percent of the tax revenues [...], in the maintenance and development of education” (**Article 212**).
9. “Two **constitutional Amendments** are particularly important for education: **No. 14**, of September 13th 1996 – it created the Fund for the Development of Primary Education and Valuing of Education Professionals (Fundef), allowing a decisive advance in the expansion of Primary Education; and **No. 53**, of February 19th 2006 – it created the **Fund for the Maintenance and Development of Basic Education and for valuing of Education Professionals** (Fundeb), making the expansion and qualification of the whole of basic education”³. “In assisting the development of inclusive educational systems, **Decree 6.571/2008**, institutes, as of January 1st 2010, for the purpose of distribution of Fundeb’s resources, the counting of the enrollment of students in the public network’s regular education that receive complementary specialized educational service, without interfering with the counting of these enrollments in the regular basic education”⁴.
10. **Article 5** sets out that “All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms:
- I - men and women have equal rights and duties under the terms of this Constitution; [...] XLII - the law shall punish any discrimination which may attempt against fundamental rights and liberties.”
11. **Article 6**. Education, health, food, work, housing, leisure, security, social security, protection of motherhood and childhood, and assistance to the destitute are social rights, as set forth by this Constitution. (CA No. 26, 2000; CA No. 64, 2010)
12. **Article 7**. The following are rights of urban and rural workers, among others that aim to improve their social conditions: (CA No. 20, 1998; CA No. 28, 2000; CA No. 53, 2006)

³ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, pp. 27-28, http://www.ibe.unesco.org/National_Reports/ICE_2008/brazil_NRO8.pdf

⁴ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 11

IV – nationally unified minimum monthly wage, established by law, capable of satisfying their basic living needs and those of their families with housing, food, education, health, leisure, clothing, hygiene, transportation, and social security, with periodical adjustments to maintain its purchasing power, it being forbidden to use it as an index for any purpose;

XXV – free assistance for children and dependents of up to five years of age, in day-care centres and pre-school facilities;

CHAPTER II

Education, Culture and Sports

SECTION I

Education

13. **Article 205.** Education, which is the right of all and duty of the State and of the family, shall be promoted and fostered with the cooperation of society, with a view to the full development of the person, his preparation for the exercise of citizenship and his qualification for work.

14. **Article 206.** Education shall be provided on the basis of the following principles:

(CA No. 53, 2006)

I – equal conditions of access and permanence in school;

II – freedom to learn, teach, research and express thought, art and knowledge;

II – pluralism of pedagogic ideas and conceptions and coexistence of public and private teaching institutions;

IV – free public education in official schools;

V – appreciation of the value of school education professionals, guaranteeing, in accordance with the law, career schemes for public school teachers, with admittance exclusively by means of public entrance examinations consisting of tests and presentation of academic and professional credentials;

VI – democratic administration of public education, in the manner prescribed by law;

VII – guarantee of standards of quality;

VI – a nationwide professional minimum salary for public school teachers, under the terms of a federal law.

Sole paragraph. The law shall provide for the classes of workers to be considered basic education professionals, as well as for the deadline for the preparation or adaptation of their career schemes, within the sphere of the Federal Government, the States, the Federal District, and the Municipalities.

15. **Article 207.** The universities shall have didactic, scientific, administrative, financial and property management autonomy and shall comply with the principle of non-dissociation of teaching, research and extension. (CA No. 11, 1996)

Paragraph 1. The universities are permitted to hire foreign professors, technicians and scientists as provided by law.

Paragraph 2. The provisions of this article apply to scientific and technological research institutions.

16. **Article 208.** The duty of the State towards education shall be fulfilled by ensuring the following: (CA No. 14, 1996; CA No. 53, 2006; CA No. 59, 2009)

I – mandatory basic education, free of charge, for every individual from the age of 4 (four) through the age of 17 (seventeen), including the assurance of its free offer to all those who did not have access to it at the proper age;

II – progressive universalization of the free high-school education;

III – specialized schooling for the handicapped, preferably in the regular school system;

IV – infant education to children of up to 5 (five) years of age in day-care centers and pre-schools;

V – access to higher levels of education, research and artistic creation according to individual capacity;

VI – provision of regular night courses adequate to the conditions of the student;

VI – assistance to students in all grades of basic education, by means of supplementary programmes providing school materials, transportation, food, and health care.

Paragraph 1. The access to compulsory and free education is a subjective public right.

Paragraph 2. The competent authority shall be liable for the failure of the Government in providing compulsory education, or providing it irregularly.

Paragraph 3. The Government has the power to take a census of elementary school students, call them for enrollment and ensure that parents or guardians see to their children's attendance to school.

17. **Article 209.** Teaching is open to private enterprise, provided that the following conditions are met:

I – compliance with the general rules of national education;

II – authorization and evaluation of quality by the Government.

18. **Article 210.** Minimum curricula shall be established for elementary schools in order to ensure a common basic education and respect for national and regional cultural and artistic values.

Paragraph 1. The teaching of religion is optional and shall be offered during the regular school hours of public elementary schools.

Paragraph 2. Regular elementary education shall be given in the Portuguese language and Indian communities shall also be ensured the use of their native tongues and their own learning methods.

19. **Article 211.** The Union, the states, the Federal District and the municipalities shall cooperate in the organization of their educational systems. (CA No. 14, 1996; CA No. 53, 2006; CA No. 59, 2009)

Paragraph 1. The Union shall organize the federal educational system and that of the Territories, shall finance the federal public educational institutions and shall have, in educational matters, a redistributive and supplementary function, so as to guarantee the equalization of the educational opportunities and a minimum standard of quality of education, through technical and financial assistance to the states, the Federal District and the municipalities.

Paragraph 2. The municipalities shall act on a priority basis in elementary education and in the education of children.

Paragraph 3. The states and the Federal District shall act on a priority basis in elementary and secondary education.

Paragraph 4. In the organization of respective educational systems, the Federal Government, the States, the Federal District, and the Municipalities shall establish forms of cooperation, so as to guarantee the universalization of mandatory education.

Paragraph 5. Public basic education shall give priority to regular education.

20. **Article 212.** The Union shall apply, annually, never less than eighteen percent, and the states, the Federal District, and the municipalities, at least twenty-five percent of the tax revenues, including those resulting from transfers, in the maintenance and development of education. (CA No. 53, 2006; CA No. 59, 2009)

Paragraph 1. The share of tax revenues, transferred by the Union to the states, the Federal District and the municipalities, or by the states to the respective municipalities, shall not be considered, for purposes of the calculation provided by this article, as revenues of the government which transfers it.

Paragraph 2. For purposes of compliance with the head paragraph of this article, the federal, state and municipal educational systems, as well as the funds applied in accordance with article 213 shall be taken into consideration.

Paragraph 3. In the distribution of public funds, priority shall be given to the providing for the needs of compulsory education, as regards universalization, assurance of quality standards, and equality, as set forth in the national education plan.

Paragraph 4. The supplementary food and health assistance programmes provided by article 208, VII, shall be financed with funds derived from social contributions and other budgetary funds.

Paragraph 5. Public basic education shall have, as an additional source of financing, the social contribution for education, a payroll tax levied on companies, as provided by law.

Paragraph 6. State and municipal quotas of the proceeds from the collection of the social contribution for education shall be distributed in proportion to the number of students enrolled in basic education in the respective public school systems.

21. **Article 213.** Public funds shall be allocated to public schools, and may be channelled to community, religious or philanthropic schools, as defined by law, which:

- I – prove that they do not seek profit and that they apply their surplus funds in education;
- II – ensure that their assets shall be assigned to another community, religious or philanthropic schools, or to the Government in case they cease their activities.

Paragraph 1. The funds provided by this article may be allocated to elementary and secondary school scholarships, as provided by law, for those who prove insufficiency of means, when there are no vacancies or no regular courses are offered in the public school system of the place where the student lives, the Government being placed under the obligation to invest, on a priority basis, in the expansion of the public system of the locality.

Paragraph 2. Research and extension activities at university level may receive financial support from the Government.

22. **Article 214.** The law shall establish a ten-year national education plan, with a view to organizing the national education system with the cooperation of states and municipalities, as well as to defining implementation directives, objectives, targets, and strategies so as to ensure maintenance and development of teaching, at its various levels, grades, and modalities, by means of integrated federal, state, and municipal government actions leading to: (CA No. 59, 2009)

I – eradication of illiteracy;

II – universalization of school assistance;

III – improvement of the quality of education;

IV – professional training;

V – humanistic, scientific and technological advancement of the country;

VI – stipulation of an amount of public funds to be invested in education as a proportion of the gross domestic product.

1.2 Legislative framework

23. The **National Education Guidelines and Framework Law** (*Lei de Diretrizes e Bases da Educação—LDB*) **No. 9.394**⁵, approved on **20 December 1996**, lays down aims and objectives, means and powers of educational actions.⁶

24. After the LDB followed other important laws, expanding it, modifying its provisions or, in the majority of cases, regulating and implementing the provisions. Of the subsequent laws, it worth noting **Law No. 10.172, of January 9th 2001**⁷ which published the **National Educational Plan**.⁸

25. In November **2002**, **Law No. 10558**⁹ made official the establishment of the **Diversity in the University Program** within the Ministry of Education (MEC), aiming to implement and

⁵ Accessible at (Portuguese): http://www.planalto.gov.br/ccivil_03/Leis/L9394.htm and <http://www.unesco.org/education/edurights/media/docs/cfcc4e1d3cc1b66625fd08ebf36f60d9c39f9da9.pdf>

⁶ IBE, World Data on Education, 6th ed., 2006-2007, Brazil, p. 7, [http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN AMERICA and the CARIBBEAN/Brazil/Brazil.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/LATIN_AMERICA_and_the_CARIBBEAN/Brazil/Brazil.pdf),

⁷ Accessible at (Portuguese): https://www.planalto.gov.br/ccivil_03/leis/leis_2001/l10172.htm and <http://www.unesco.org/education/edurights/media/docs/4296ccf41a1c4a3752e84157df210972eb478d19.pdf>

⁸ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 28, http://www.ibe.unesco.org/National_Reports/ICE_2008/brazil_NR08.pdf,

⁹ Law No. 10558, accessible at (Portuguese): http://www.planalto.gov.br/ccivil_03/Leis/2002/L10558.htm,

evaluate strategies to promote the access of individuals belonging to socially disfavored groups, especially the black and indigenous native populations, to higher education. [...] **The LDB was amended by Law No. 10639/03**¹⁰, which rendered mandatory the introduction of Afro-Brazilian Culture and History in the official curriculum of the Education Network. [...] In order to meet the amendment to the LDB, the National Education Council prepared a report including the National Curriculum Guidelines for Education on Ethnic-Racial Relations and for the teaching of African and Afro-Brazilian Culture and History¹¹, which provides the details of the relevant amendment. [...] [These Guidelines] define the affirmative action policies as those devoted to repair, recognize and value the history, culture and identity of the black population.”¹² A “**course on Education- Africanities- Brazil**” is aimed to implement Law n°10639/03.¹³

26. “**Primary education** is the **compulsory** stage of Brazilian education provided **free of charge** in the official establishments. The LDB stipulated this stage of education to last eight years, but **Law No. 11.274**¹⁴, of **February 6th 2006**, prolonged it to **9 years**, comprising the age group 6 to 14 years old.”¹⁵ [A constitutional amendment of November 11, 2009, No. 59¹⁶, modified the scope of compulsory and free basic education to cover children from 4 to 17 years old].

27. In terms of **educational funding**, the Constitutional provision that defines the percentages of taxes that are to be allocated to education (Article 212) is complemented by amendment **No. 14** and **No. 53** and by the **Laws No. 9.424**, of December 24th 1996, that regulated the Fundef, and No. 11.494, of June 20th 2007, that regulated the Fundeb. Also dealing with educational funding is Law No. 10.260, of July 12th 2001 (modified by Law No. 11.552, of November 19th 2007), that regulate the Financing Students in Higher Education Fund (educational credit) and Law **No. 11.096**, of January 13th 2005, that instituted the University for All Program (Prouni), allocating complete and partial non-refundable grants to economically disadvantaged students of the private higher education network.”¹⁷

¹⁰ Law No. 10.639, accessible at (Portuguese): http://www.planalto.gov.br/ccivil_03/Leis/2003/L10.639.htm,

¹¹ CNE/CP Report nº 003/2004 and Resolution CNE nº 1/2004. Available at <http://portal.mec.gov.br/cne/arquivos/pdf/003.pdf>.

¹² Brazil report submitted within the framework of the seventh consultation of Member States on the measures taken for the implementation of the 1960 UNESCO’s Convention against Discrimination in Education (covering period 2000-2005), 2007, pp. 2-3

¹³ Brazil report submitted within the framework of the seventh consultation of Member States on the measures taken for the implementation of the 1960 UNESCO’s Convention against Discrimination in Education (covering period 2000-2005), 2007, p. 12

¹⁴ Law No. 11.274, accessible at (Portuguese): http://www.planalto.gov.br/ccivil_03/Ato2004-2006/2006/Lei/L11274.htm,

¹⁵ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 14, http://www.ibe.unesco.org/National_Reports/ICE_2008/brazil_NR08.pdf,

¹⁶ Constitutional Amendment No. 59, accessible at (Portuguese): http://www.planalto.gov.br/ccivil_03/constituicao/Emendas/Emc/emc59.htm

¹⁷ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 28, http://www.ibe.unesco.org/National_Reports/ICE_2008/brazil_NR08.pdf

28. Still deserving of mention are: **Law No. 9.795**, of April 27th 1999, that instituted the National Policy for Environmental Education; **Law No. 10.219**, of April 11th 2001, that created the National Minimum Income Program connected to education (the school Grant Program, “*Bolsa Escola*”); **Law No. 10.436**, of April 24th 2002, which regulates the Brazilian Sign Language (Libras); **Law No. 10.861**, of April 14th 2004 which institutes the National System for Evaluation of Higher Education (SINAES); **Law No. 10.845**, of March 5th 2004 which created the Program for Complementation of the Specialized Educational Services for people with Disabilities; **Law No. 11.129**, of June 30th 2005 – it instituted the National Program for Youth Inclusion (*Projovem*), the National Youth Council and the National Youth Secretariat; **Law No. 11.180**, of September 23rd 2005, which created the Factory School Project, authorized the concession of persistence allowance to students who are beneficiaries of the University for All Program (*Prouni*) and instituted the Tutorial Education Program, allocating grants for scientific initiation to undergraduate students and tutorial grants to advising teachers; [...] and finally, **Law No. 11.738**, of July 16th 2008 which sets the national minimum wage for public teaching professionals in basic education.¹⁸

29. **As regards curricular policies, contents and strategies of teaching-learning**, physical education is compulsory as regulated by LDB and reaffirmed through **Law No. 10.328**, of December 12th 2001, and **Law No. 10.793**, of December 1st 2003.¹⁹ “With regard to the resolutions of the National Education Council, it is important to highlight **Resolution CEB n° 2, of April 7th 1998** – it instituted the National Curricular Parameters for Primary Education (PCN); **Resolution CEB/CNE No. 03, of June 26th 1998** – it instituted the National Curricular Guidelines for Secondary Education (DCNEM); **Resolution CEB No. 1, of April 7th 1999** – it instituted the curricular Guidelines for early Childhood Education; and the resolutions that defined the National Curricular Guidelines (DCN) for the higher undergraduate courses”.²⁰ **Resolution CNE/CEB No. 2/2001** provides National Guidelines for Special Education in Basic Education.²¹

30. Still, the existence of a vast number of **Presidential Decrees, Ministerial Ordinances and Resolutions from National Education Council** must be mentioned as constitutive and important parts of the legal framework of Brazilian education. Among them, **Decree No. 5.622**, of December 20th 2005 – it regulated Distance Education [...]; **Decree No. 5.626/2005** – it regulates Law n° 10.436/2002 and the Brazilian Sign Language (Libras); **Decree No. 6.094**, of April 24th 2007 – it regulates the implementation of the Plan of Objectives

¹⁸ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, pp. 28-29, http://www.ibe.unesco.org/National_Reports/ICE_2008/brazil_NR08.pdf,

¹⁹ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 22.

²⁰ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 29.

²¹ National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 20.

Commitment of All towards Education, for the Federal Government, in a collaborative effort with the Cities, the Federal District and the States, and the participation of the families and the community, through programs and actions of technical and financial assistance, with the aim of social mobilization for the improvement of the quality of basic education; and the **Decrees No. 5.773**, of May 9th 2006, and **No. 6.303**, of December 12th 2007 – they regulate the exercise of functions of regulation, supervision and evaluation of the higher education institutions and higher undergraduate and sequential courses in the federal educational network; **Decree No. 6.571**, of September 17th 2008 – it regulates the technical and financial support for the public educational network of the States, of the Federal District and the Cities, with the goal of expanding the offer of specialized educational service for students with disabilities, global development disorders and special skills/exceptional gifts, enrolled in the public regular education network.²² The “**Decree No. 6.755 of 29 January 2009** established the National Policy for the Training of Basic Education Teachers, and a National Plan for Training of Basic Education Teachers (PARFOR) was defined accordingly.²³

31. Decree No. 7.626²⁴ of November 24th, 2011 (*Decreto nº 7.626, de 24 de Novembro de 2011*) establishes the Strategic Plan for education in the prison system (*Plano Estratégico de Educação no âmbito do Sistema Prisional* - PEESP). It aims to extend and qualify the supply of education in prisons (article 1). The Decree stipulates for the PEESP to provide basic education in the form of youth and adult education, vocational and technological education and higher education (**article 2**).

32. Specific law in 2008 (Law 11,741/08), (...) Courses can be divided in initial or continued training or professional qualification; technical professional education at the secondary school level; and technological professional education at graduation and post-graduation levels (...).²⁵

33. The **1990 Statute of the Child and the Adolescent (Law No. 8,069, July 13, 1990)** also affirms the right to education. It establishes the duty of parents or guardians to enroll their children or wards in the regular educational system. Failure to fulfill this obligation constitutes the crime of intellectual abandonment, prescribed in the Criminal Code, in those situations in which the parents cease to provide primary education to their school-aged children.

34. Moreover, **Law No. 7716 of 5 January 1989**²⁶, which defines the crimes arising from discrimination resulting from race, color, ethnicity, religion or national origin, provides a

²² National Report of Brazil, submitted within the framework of the 48th International Conference on Education, 2008, p. 29.

²³ IBE, World Data on Education, 7th ed., 2010-2011, Brazil, p.32, accessible at: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Brazil.pdf

²⁴ Decree No. 7.626, accessible at (Portuguese): <http://www2.camara.gov.br/legin/fed/decret/2011/decreto-7626-24-novembro-2011-611828-publicacaooriginal-134326-pe.html>,

²⁵ EFA National Review 2015, accessible at: <http://unesdoc.unesco.org/images/0023/002300/230021e.pdf>

²⁶ <http://www.planalto.gov.br/ccivil/Leis/L7716.htm>

sentence of three to five years will be handed down for anyone who, through discriminatory attitudes, refuses, denies or impedes a student's enrolment or entry to a public or private education establishment in any way.

35. A decree taken on December 22, 2005, in application of the law No.10.436 of April 24, 2002, makes it mandatory for the sign language to be integrated in professors' training (**article 3**).

36. The **Act No. 12.978 of 2014** defines the sexual exploitation of children as a heinous crime and **the Convergence Agenda for the Integral Protection of Children in the Context of Major Events** are initiatives to curb child sex tourism aiming awareness-raising programmes in the context of the 2014 World Cup and 2016 Olympic Games.

1.3 Institutional Framework

37. The current National Education Council-CNE member joint committee of the Ministry of Education was established by Law 9.131, of 11/25/95, in order to collaborate in the formulation of the National Policy on Education and exercise assignments normative, deliberative and advice to the Minister of Education.

38. The CNE's mission is the pursuit of democratic alternatives and institutional mechanisms that allow, within its sphere of competence, to ensure the participation of society in the development, improvement and consolidation of national education quality²⁷.

1.4 Policy Framework

i) General information

39. The bill that created the Education National Plan (ENP)²⁸ for the years 2011-2020 presents ten guidelines and twenty objectives, with implementation strategies.²⁹ Objective 1 aims at "universalizing (..) the school attendance rate for children of age 4 to 5 [...]". Objective 2 is pursuing the "universalization of fundamental education of 9 years for children aged 6 to 14". Objective 3 seeks to "universalize (...) the school attendance rate of children aged 15 to 17 [...]". Objective 4 is set on universalizing for children aged 4 to 17 the school attendance rate of disabled students, or students having special needs. Objective 5 pursues the literacy of all children until age 8.³⁰

²⁷ Accessible at (Portuguese): http://portal.mec.gov.br/index.php?option=com_content&view=article&id=14302%3Acne-missao&catid=323%3Aorgaos-vinculados&Itemid=754

²⁸ The bill was approved on June 2012.

²⁹ Brazil Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2013, p. 2, unofficial translation

³⁰ Ibid, pp. 2-3, unofficial translations

40. “In April 2007, the Ministry of Education launched the **Educational Development Plan (PDE)**, which is a policy of integrating all fundamental actions of the Ministry of Education centered on the maintenance and development of education at all levels, of research, of expansion and assessment. The Fundamental premise of the PDE is the “Commitment of All towards Education”, a motivation that stimulated an extensive social mobilization in favor of the access to and permanence of children, young people and adults in schools. The PDE is comprised of 40 programs or actions, the major part of which have a direct relation with the fight against poverty, social exclusion and cultural marginalization. The principal programs are the following:

- Fund for the Maintenance and Development of Basic Education and Valuing of Education Professionals (Fundeb) [...]
- On the Road to school – School Transportation Program for Students in basic education living in rural areas [...]
- Literate Brazil Program [...]
- Light for All Program – All public schools in Brazil will have electric power [...]
- Minimum Wage Teachers in Basic Education [...]
- National School Library Program for Secondary Education (PNBEM) [...]
- National School Library Program (PNBE) [for early childhood and primary education] [...]
- National Program for Reorganization and Equipment of the Public School System for Early Childhood Education (Proinfância) [...]
- Installation of Multifunctional Resource Rooms Program [...]
- Family Health Program [...]
- Look at Brazil Program [...]
- More Education Program [...]
- The BPC in school Program [...]
- Direct Funding to Schools Programs [...]
- Digital inclusion [...]
- Incentives for overcoming illiteracy [...]
- Program for Supporting the Reorganization and Expansion Plans for the Federal Universities (REUNI) [...]
- University for All Program (Prouni) [...]
- Financing Students in Higher Education Fund (FIES) [...]
- Open University of Brazil [...]
- Include Program: Accessibility in Higher Education [...]
- Federal Institutes for Education, Science and Technology and expansion of the Vocational Technological Education [...]
- Regulation of the Practical Vocational Training [...].”

41. With regard to government activities, two of the country's implemented tools of policy management are worth noting: **the Education Development Plan (PDE)** and the **Plan on Coordinated Activities (PAR)**. PDE was launched in 2007 with the aim of assembling several federal government initiatives into a single tool. Hoping to usher in a new regime for cooperation between the country's federated entities, the government established the All for Education Commitment Plan, which comprises 28 targets. PAR constitutes a part of PDE, having been created to make efficient tools of evaluation and policy implementation available

to states, municipalities, and the Federal District, in order to improve the quality of education in the country, especially public Basic Education³¹.

42. The main elements of school planning in Brazil are the **Political Pedagogical Project (PPP)** and the School Development Plan (PDE-Escola), which constitutes a prerequisite of the federal government for the transfer of funds to public schools. The PPP is included in the LDB, which delegates the responsibility of formulating and executing the government's pedagogical proposals to local schools (LDB, Article 12, I). They must be developed with the participation of teachers, in accordance with the principle of democratic management (LDB, Article 13, II), and parents must be notified of their execution (LDB, Article 12, VII)³².

ii) Education levels

➤ Early Childhood

43. Wide review of draft versions of the **2010 National Plan for Early Childhood**³³

➤ Primary education

44. The first milestone of the political decision of achieving this goal [“ensuring that by 2015 all children, particularly girls and children in difficult circumstances, have access to and complete, free and compulsory primary education of good quality”] was the Ten-Year Education for All Plan (1993), which was continued for the two following decades³⁴.

45. In the period since the Dakar Framework for Action, an important achievement for this step of basic education was its extension from 8 to 9 years (Law 11,274/96). There were two major challenges for primary education, beginning in the 1990s and peaking by the end of the last decade. The first concerned universal offer: in 2000, enrolment was 16.8% higher than the population in this age group (35,717,948 students x 30,518,929 population). The demand for infrastructure and human resources over a very short period required a great management capacity and the focusing of initiatives from the public powers³⁵. The second challenge faced in attempting to provide universal access to primary education was the significant age-grade distortion found. Specific policies to decrease it were implemented, resulting in a drop from 35.3% in 2001 to 23.6% in 2010. During the same period, the population in this age group suffered a 4.7% reduction (corresponding to 1,439,688 individuals) while the decrease in

³¹ EFA National Review 2015, p. 68

³² EFA National Review 2015, p. 68

³³ EFA Global Monitoring Report 2015, p. 57, accessible at: <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

³⁴ EFA National Report 2015, p. 26, available at: <http://unesdoc.unesco.org/images/0023/002300/230021e.pdf>

³⁵ EFA National Review 2015, p. 14, accessible at: <http://unesdoc.unesco.org/images/0023/002300/230021e.pdf>

enrolment was 3.5 fold greater, demonstrating both the decrease of the distortion and the increase of the net schooling rate³⁶.

➤ **Technical and vocational education**

46. The best-known graduate of **Brazil's Serviço Nacional de Aprendizagem Industrial (SENAI)**. It operates one of the world's largest integrated vocational systems, administered by the *Confederação Nacional da Indústria* (National Confederation of Industry). Delivering courses through about 700 training centres in twenty-seven states, it trains 2.8 million professionals a year. Working with government agencies, SENAI has established rigorous, world-class standards for training and certification, enabling graduates to switch between employers and states, promoting employment prospects for all groups³⁷. Financed through a payroll tax on industry, the SENAI system is managed by entrepreneurs. Companies play an important role in identifying priority areas for training and in the design of courses. Administration also involves national and regional governments, and trade unions.³⁸

➤ **Higher education**

47. The Programme for the Support of Superior Training and Intercultural Indigenous Licentiate Degrees (Prolind) consists of a support programme for the superior training of teachers that are active in indigenous schools of basic education. It fosters the development of course projects in the area of Intercultural Licentiate Degrees in state and federal public institutions of higher education. It aims to train professionals willing to teach the final grades of primary school and all grades of secondary school at indigenous communities. In 2013, it released funds for 16 Higher Education Institutions (IES), assisting 2,938 indigenous teachers. The intercultural professorship for the training of midlevel indigenous teachers and continuous training courses for teachers and education managers involved in indigenous school education have been implemented under PAR and through partnerships with Seducs and IESs. They have benefitted 4,274 professors by offering 11 teaching courses and 13 continuous training projects. In 2013, 116 teachers graduated from their courses in superior training and indigenous licentiate degrees³⁹.

48. The current expansion underscores this duality between the public and the private sectors of higher education, but is marked by a new pattern: the private sector in Brazil nowadays comprises mainly of for-profit institutions. It is important to note that in Brazil, public higher education is free, according to the Constitution,² and private higher education is paid for by

³⁶ EFA National Review 2015, p. 14

³⁷ Carlos Villalobos Barria and Stephan Klasen, "The Impact of SENAI's Vocational Training Programme on Employment Wages and Mobility in Brazil: what lessons for Sub Saharna Africa?", July 2014, IRIBA Working Paper.

³⁸ EFA Global Monitoring Report 2010, p. 79, <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>,

³⁹ EFA National Review 2015, p. 98

the students' families, both in the private not-for-profit and for-profit institutions. The recent expansion, particularly with for-profit institutions, results from the confluence of several factors over a period of at least 20 years. On the one hand, structural factors increased the demand for higher education, such as the stabilization of the currency, the improvement in employment and income rates, and progress in the educational flow with the universalization of basic education and the subsequent increase in the number of students who finish secondary school. On the other hand, additional factors influenced the increase in the supply of higher education and the access to this level of education – legal provisions that stimulate the increase in the number of vacancies and of public institutions,³ consolidation of the private sector, and policies aimed at social inclusion in higher education, particularly affirmative action programs such as social and ethnic/color quotas⁴ adopted by public universities and the scholarship and loan programs for low-income students enrolled in for-profit private institutions.⁴⁰

➤ Literacy

49. In order to face the challenge of **adult literacy**, the Ministry of Education created the Literate Brazil Programme (PBA), through Law 10,880/2004, with the goal of overcoming youth and adult illiteracy and fostering the progressive continuity of that group's studies to higher levels of education, via the shared responsibilities of the Union, states, the Federal District, and municipalities. PBA supports and finances projects in youth and adult literacy that are introduced by federated entities. It offers supplementary resources for the expansion of literacy classes via efforts to train and provide scholarships to teachers, Brazilian Sign Language translators, and class coordinators. It also purchases school materials, food, transportation, textbooks, reading material, and cognitive tests for pupils. Since the programme's inception, over R\$ 2.2 billion have been invested in the development of literacy actions in all of Brazil, through the donations of federated entities and scholarships paid to volunteers, as shown in Figure 82. The reduction in financing registered in 2013 reflects the decrease of pupils, due to the fact that most illiterate people live in rural areas, are aged 40 or more, are difficult to locate or access, and have little motivation to engage in programmes of this nature⁴¹

50. Brazil was able to reduce its illiterate adult population by 2.8 million from 2000 to 2007⁴². Nevertheless, around 14 million Brazilian youth, adults and elderly people lack basic reading and writing skills. The **Literate Brazil Programme (Programa Brasil Alfabetizado)** initiated by President Luiz Inácio Lula da Silva in 2003 is the first concerted national effort to consign illiteracy to the history books. The programme is coordinated by the Ministry of Education but operates through a highly decentralized structure. It functions in 3,699 municipalities, just over

⁴⁰ [Helena Sampaio](#) (2015), Higher Education in Brazil: Stratification in the Privatization of Enrollment, in Robert T. Teranishi, Loni Bordoloi Pazich, Marcelo Knobel, Walter R. Allen (ed.) *Mitigating Inequality: Higher Education Research, Policy, and Practice in an Era of Massification and Stratification (Advances in Education in Diverse Communities: Research, Policy and Praxis, Volume 11)* Emerald Group Publishing Limited, pp.53 - 81

⁴¹ EFA National Review 2015, pp. 98-99

⁴² EFA Global Monitoring Report 2011, p. 7, <http://unesdoc.unesco.org/images/0019/001907/190743e.pdf>

1,000 of which have been accorded priority status because they have illiteracy rates over 25%. The effort primarily targets disadvantaged groups such as indigenous people, small farmers and farm workers, child labourers (as part of the Programme to Eradicate Child Labour) and people covered under the Bolsa Familia social protection programme. Literate Brazil is open to anyone over 15 with less than a year of education. Thus far it has provided literacy training to about 8 million learners.

51. Literacy classes typically last six to eight months and are attended by groups of eighteen to twenty-five learners. Federal transfers cover the cost of training and providing grants to literacy facilitators, many of whom are teachers. Literacy textbooks are produced in local languages and reflect local circumstances and needs. Innovative pedagogical approaches have been developed. Teaching is organized around the idea of ‘making people literate’ through dynamic learning processes that lead to the acquisition of reading, writing and numeracy skills. Students’ abilities are assessed and recorded by government agencies, and qualifications are provided that can be used to enter formal education. Literate Brazil has been about more than providing services. Political leaders have challenged the culture of silence and indifference surrounding illiteracy. A Ministry of Education programme has put the development of textbooks for literacy, a previously neglected subject, on the same footing as books for primary and secondary school. Prizes are awarded for the development of literacy materials and the best entries are integrated into national programmes, with specific prizes for Afro-Descents Brazilians, an educationally disadvantaged group.⁴³

iii) Education content and quality

➤ Curriculum

52. A study in Brazil found that the introduction of computer laboratories in schools had a negative impact on student performance, but that teachers’ use of the Internet as a pedagogical resource supported innovative classroom teaching and learning, resulting in improved test scores. In Brazil, over-age students in grades 5 to 8 were taught a substantially modified curriculum, covering more than one grade in a year. Overall, schools’ share of students with a two-year age grade gap was reduced from 46% in 1998 to 30% in 2003. Once the students were restored to the right grade for their age, they were able to maintain their performance and their promotion rates in secondary school were comparable with those of other students.⁴⁴

53. Between 1996 and 2001, over-age pupils in grades 5 to 8 were taught a substantially modified curriculum, supported by extensive teaching materials, delivered through small supplementary classes and covering more than one grade in a year. The **Brazil Accelerated Learning Programme** promoted cooperative learning and focused on students’ confidence and self-esteem. Unlike most programmes of its kind, which use community teachers, the

⁴³ EFA Global Monitoring Report 2010, p. 103, accessible at: <http://unesdoc.unesco.org/images/0018/001866/186606E.pdf>, Accessed on 17/02/2014

⁴⁴ EFA Global Monitoring Report 2013-2014, p. 35 accessible at: <http://unesdoc.unesco.org/images/0022/002256/225660e.pdf>

Brazil programme used qualified civil service teachers who had volunteered to teach these classes in addition to their regular classes. In Paraná state, the proportion of over-age students who were at least two grades behind the expected grade for their age fell from 37% in 1995 to 15% in 2001. Nationally, the share of students with a two-year age grade gap was reduced from 46% in 1998 to 30% in 2003. A follow-up study found that, once participants were restored to the right grade for their age, they were able to maintain their performance, and their promotion rates in secondary school were comparable to those of other students (Lück and Parente, 2007).”⁴⁵

54. ‘Teachers’ ability to use ICT as an educational resource plays a critical role in improving learning. A study in Brazil found that the introduction of computer laboratories in schools had a negative impact on pupils’ performance in and of itself, but that teachers’ use of the internet as a pedagogical resource to support innovative classroom teaching and learning resulted in improved test scores, especially in mathematics (Sprietsma, 2007).”⁴⁶

iv) Education management

➤ Financing education

55. Brazil had the greatest increase of investment in education over the past decade, but still faces major challenges in financing education.

56. In Brazil – the world’s sixth largest economy – tax revenue was equivalent to 24% of GDP and expenditure per person was US\$4,952 (IMF, 2013). This huge difference is a key reason Brazil has managed to go further in improving education quality and narrowing learning inequality. The levels of current spending on education as a share of total government expenditure in the two countries also reflect the greater priority that Brazil affords to the education sector. In 2011, government spending on education in Brazil was 18% of total government expenditure, with US\$2,218 being spent on each primary school child.⁴⁷

57. Brazil’s redistribution of funds to poorer and more marginalized parts of the country has contributed to improvements in school attendance, pupil/teacher ratios and learning outcomes. Greater equity in national spending has been at the heart of Brazil’s reforms to tackle widespread education inequality between states. In the mid-1990s, the government introduced the **Fund for Primary Education Administration and Development for the Enhancement of Teacher Status (FUNDEF)**, which guaranteed a certain minimum spending level per pupil by complementing state spending with federal allocations. [...] In 2006, FUNDEF was replaced by the Fund for the Development of Basic Education and Appreciation of the Teaching Profession (FUNDEB), also with the aim of establishing a minimum allocation per student. Average school attendance among children from the poorest 20% of families, which had been four years in the mid-1990s, had risen to eight years. FUNDEF led to rapid and

⁴⁵ EFA Global Monitoring Report 2013-2014, p 283.

⁴⁶ EFA Global Monitoring Report 2013-2014, p. 294 .

⁴⁷ EFA Global Monitoring Report 2013-2014, p 118.

substantial improvement in northern Brazil. [...] To address the need to target out-of-school populations, Brazil complemented FUNDEB with the **Bolsa Familia programme**, which provides a cash transfer to compensate for the loss of children's labour, conditional on children attending school (Bruns et al., 2012).⁴⁸

➤ **Teachers**

58. In 2006, among other things, two courses (distance and on-site training) were delivered **to train teachers on ethnic-racial diversity**. The distance course was delivered in partnership with the University of Brasilia, benefiting 5,000 education professionals of the National Education System. The on-site course reached 7,000 professionals in the 26 Brazilian capital cities in the Federal District, and in the municipalities that host racial equity promotion agencies recognized by the Special Secretariat of Racial Equity Promotion.⁴⁹ In addition, “the **Color of Culture**”, “a partnership between the civil society and the Federal Government that aims at joining efforts to value and preserve of the Afro-Brazilian cultural heritage, [...] [aims to] “contribute to create successful teaching practices in order to fight ethnic-racial and gender discrimination, by producing audio-visual materials on Afro-Brazilian history and culture, and by valuing inclusion initiatives, giving visibility to the affirmative actions already promoted by the society.”⁵⁰

59. In addition, “Decree No. 6.755 of 29 January 2009 established the National Policy for the Training of Basic Education Teachers, and a National Plan for Training of Basic Education Teachers (PARFOR) was defined accordingly.”⁵¹

Teaching Respect for All” – the UNESCO-USA-Brazil joint initiative⁵²

60. Launched on 18 January 2012, the UNESCO-USA-Brazil project Teaching Respect for All aims to design a curricular framework to fight racism and promote tolerance, which countries can adapt to their respective contexts and needs. The project also elaborates educational materials for addressing racism and tolerance in education. These tools build on lessons learned and current good practices in the field. The materials are disseminated worldwide by UNESCO through education ministries as well as the Organization's extensive networks, including the UNESCO Associated Schools.

61. Reforms in Brazil in recent years have included collective bonuses linked to wider school performance, which have shown encouraging results. In the north-east, Pernambuco state's **Educational Performance Bonus**, for example, is paid to all employees of a school, depending on how well the school meets student performance targets. Teachers in successful schools may receive a bonus larger than one month's salary. [...] The programme seems to

⁴⁸ EFA Global Monitoring Report 2013-2014, pp. 125-126.

⁴⁹ Brazil report submitted within the framework of the seventh consultation of Member States on the measures taken for the implementation of the 1960 UNESCO's Convention against Discrimination in Education (covering period 2000-2005), 2007, pp. 6-7

⁵⁰ Ibid, pp. 8-9

⁵¹ IBE, World Data on Education, 7th ed., 2010-2011, Brazil, p. 32.

⁵² Accessible at: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/human-rights-education/resources/projects/teaching-respect-for-all/>

have had a positive impact on learning achievement, especially for schools setting higher, more ambitious targets. The requirement that schools achieve at least 50% of their targets to receive a school performance bonus is a strong incentive; just missing out on the bonus in the first round had a positive effect on schools' motivation and performance. Teachers in schools that had achieved the school performance bonus spent more time on teaching and were much less likely to be off task or absent from school.”⁵³

V) Inclusive education

➤ Gender equality

62. The Women in Science Programme aims at achieving gender parity and equality and increasing female presence in fields that are traditionally male-dominated. It was developed by the President's Secretariat for Women's Policies (SPM-PR), in association with the Ministry of Education and other government organizations. The program unfolds through awards, government notices in support of studies and research on scientific topics, triennial meetings among researchers, and inclusive action geared at raising the number of women in scientific and technological careers and positions, such as Constructing Gender Equality Prize, Government Notices on Gender, Women, and Feminism, Thinking Gender and Science and □Girls and Young Women Doing Science, Technology, and Innovation⁵⁴.

➤ Minorities

63. The Black population / Quilombo:

In 2008 of **the National Policy on Special Education** from the Perspective of Inclusive Education. However, the Committee is concerned about the continuation of segregated special education for children with disabilities in several states, including São Paulo, Minas Gerais and Paraná, as well as the establishment of additional special schools, pursuant to goal 4 of the State party's National Education Plan, which perpetuate segregated education for children with disabilities⁵⁵.

In October 2015, the Committee on the Rights of the Child expressed its concern about the structural discrimination against indigenous and Afro-Brazilian children, children with disabilities, lesbian, gay, bisexual, transsexual and intersex children, children in street situations, and children living in rural, remote, and marginalized urban areas, including favelas. The Committee is also seriously concerned that strategies aimed at eliminating discrimination based on gender, sexual orientation and race have been removed from the education plans of

⁵³ EFA Global Monitoring Report 2013-2014, p. 263.

⁵⁴ EFA National Review 2015, p. 100

⁵⁵ CRC, Concluding Observations, October 2015, para. 44.

several states. Furthermore, it is concerned about the patriarchal attitudes and gender stereotypes that underpin discrimination against girls and women⁵⁶.

➤ **Disadvantaged groups**

64. In urban Brazil between 1993 and 2003, chronic poverty was 29% for those with no education, 22% for those with incomplete primary education, 12% for those with primary education and 7.5% for those with at least lower secondary education (Ribas and Machado, 2007).⁵⁷ In Brazil, while working in poverty is less common – and almost non-existent for those with at least secondary education – 13% of those lacking primary education are consigned to this situation (Understanding Children’s Work, 2013).⁵⁸

Vi) Cooperation

65. Brazil is a **party** to the 1960 UNESCO Convention against Discrimination in Education since 19/04/1968.

66. Brazil **reported** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Convention against Discrimination in Education within the framework of the:

- **Sixth Consultation** of Member States (covering the period 1994-1999),
- **Seventh Consultation** of Member States (covering the period 2000-2005),
- **Eighth Consultation** of Member States (covering the period 2006-2011).

67. Brazil **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- **Fourth Consultation** of Member States (covering the period 2005-2008),
- **Fifth Consultation** of Member States (covering the period 2009-2012).

68. Brazil **reported** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of:

- the **First Consultation** of Member States (1993)
- the **Second Consultation** of Member States (2011).

69. Brazil is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education

⁵⁶ CRC, Concluding Observations, October 2015, para. 23.

⁵⁷ EFA Global Monitoring Report 2013-2014, p. 145.

⁵⁸ EFA Global Monitoring Report 2013-2014, p. 146.

Freedom of opinion and expression

1. Constitutional and Legislative Framework:

70. The 1988 Constitution guarantees the status of press freedom under Article 139, Point III⁵⁹ and freedom of expression is guaranteed under Article 5⁶⁰.

71. Access to Information is guaranteed under the Constitution⁶¹. The Law on Access to Information determines that public bodies must provide information in a proactive fashion and establishes terms or deadlines to be met when data is requested by the citizenry. However, there is no specific, independent ombudsman office or any other state body in the public administration to oversee requests for information and function as an appeals body.

72. The Brazilian civil code establishes indemnity for injury, defamation or calumny⁶². Defamation is punishable under the Penal Code⁶³. It is also mentioned in a number of other laws including the Military Penal Code, National Security Law and the Brazilian Code of Telecommunications.

73. Broadcast licenses are issued by the National Congress upon recommendation by the Ministry of Science, Technology and Communication. The telecommunications and cable industry are regulated by Telecom Regulator (ANATEL), which board is appointed by the President, upon the confirmation by the Senate.

74. The Internet Steering Committee, a multi-stakeholder body, is in charge of domain allocation, but has no responsibility in content regulation and media regulation in general. In 2014, the Civil Rights Framework for the Internet was created, which reinforces freedom of expression and privacy online, while also establishing parameters for net neutrality⁶⁴.

75. The identity of journalistic sources is protected under Article 5 of the constitution⁶⁵.

2. Media Self-Regulation:

⁵⁹ https://www.constituteproject.org/constitution/Brazil_2015?lang=en

⁶⁰ https://www.constituteproject.org/constitution/Brazil_2015?lang=en

⁶¹ https://www.constituteproject.org/constitution/Brazil_2015?lang=en

⁶² http://www.wipo.int/wipolex/en/text.jsp?file_id=226198

⁶³ http://www.wipo.int/wipolex/en/text.jsp?file_id=226394

⁶⁴ http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12965.htm

⁶⁵ https://www.constituteproject.org/constitution/Brazil_2015?lang=en

76. There is no Press Council in Brazil. There is a code of ethics established for journalists⁶⁶ by the National Federation of Brazilian Journalists⁶⁷. Also, a few media companies have implemented their own self-regulatory mechanisms.

3. Safety of journalists:

77. UNESCO has recorded 31 killings of journalists and members of the media in Brazil since 2008⁶⁸. Government has replied to the enquiries of the UNESCO's Director General regarding the killings of journalists.

III. RECOMMENDATIONS

78. Recommendations made within the framework of the second cycle of the Working Group on the Universal Periodic Review, considered in July 2012 (21stth session)⁶⁹:

119. The following recommendations will be examined by Brazil, which will respond in due course, but no later than the twenty-first session of the Human Rights Council in September 2012. These responses will be included in the outcome report adopted by the Human Rights Council at its 21st session:

119.38. Ensure that people with disabilities in situations of abandonment or without family support are able to live in the community in a non-segregated way, providing for their access to services such as health, education or social security

119.103. Focus on developing a system allowing effective collaboration between the health, social security, education, and tourism sectors with the aim of adequately tackling all forms of sexual exploitation in the country

119.109. Improve the protection of children by fighting against child labour, providing for children living in the streets and ensuring education for them

19.138. Continue to address the grievance of and empower vulnerable groups – particularly women, children, indigenous people, and people of African descent – by reducing urban rural discrepancies and promoting equal access to opportunities for all, especially access to health care, education, employment, housing and social security

119.154. Take more effective measures to address the problem of social and economic inequality, in particular in the areas of health, education and employment opportunities between the population in the urban and rural areas

⁶⁶ <https://accountablejournalism.org/ethics-codes/Brazil-Journalist>

⁶⁷ <http://gjin.org/member/brazilian-association-of-investigative-journalism-abraji/>

⁶⁸ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/brazil/>

⁶⁹ Accessible at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BRSession13.aspx>

119.156. Continue with its religious education programmes in public schools

119.157. Implement strategies to solve problems facing education, particularly at the elementary level

119.158. Take adequate measures to combat illiteracy and guarantee to all citizens the enjoyment of the right to education, especially for poor people, those living in rural areas or indigenous minorities

119.159. Adopt additional measures for access to education, in order to contribute to overcoming the educational gap between the black and white populations

119.160. Continue its educational strategies to ensure that all children enrol in school and receive a quality basic education

119.161. Complete the national guidelines for education in the field of human rights and pursue a participatory approach in cooperation with civil society

79. Analysis:

During the reporting period, Brazil has, to the extent of our knowledge, continued to take significant measures to ensure the right to education. The Literate Brazil Programme (Programa Brasil Alfabetizado) notably promotes literacy, drawing attention as well to Afro-Descents and disadvantaged groups as well as the SENAI which provides rigorous vocational training and certification promoting employment prospects for all groups. According to available information, Brazil has not taken further measures toward avoiding discrimination against indigenous and Afro-Brazilian children and preventing the rapid expansion of for-profit institutions in education, especially in higher education. Furthermore, to the extent of our knowledge, Brazil has not taken necessary measures to combat structural discrimination towards lesbian, gays, transsexual and intersex children, particularly after several states removed the strategies aimed at eliminating these discriminations. Finally, it would seem that primary education challenges have not been specifically targeted further.

80. Specific Recommendations:

1. Brazil should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education-related standard-setting instruments.
2. Brazil could be encouraged to further implement equal educational opportunities and inclusion and take additional measures toward avoiding discrimination in education against indigenous and Afro-Brazilian children
3. Brazil should be encouraged to pursue its efforts in addressing challenges in primary education

4. Brazil could be encouraged to take more effective measures to eliminate discrimination based on gender and sexual orientation.

Cultural Rights

81. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)⁷⁰, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)⁷¹, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)⁷², Brazil is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Brazil is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of opinion and expression

82. Brazil is recommended to decriminalize defamation and place it within a Civil Code that is in accordance with international standards.⁷³

83. Brazil is recommended to facilitate the introduction of self-regulatory mechanisms among media professions and online.

84. The Government of Brazil is urged to continue to investigate the cases of killed journalists. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

Freedom of scientific research and the right to benefit from scientific progress and its applications

85. Brazil, in the framework of the 2015-2017 consultations related to the revision of the Recommendation on the Status of Scientific Researchers, as well as to its 2013-2016

⁷⁰ Periodic Report available at: <http://w hc.unesco.org/document/123037>

⁷¹ Periodic Report available at: <http://w ww.unesco.org/culture/ich/doc/download.php?versionID=33237>

⁷² Periodic Report available at <http://en.unesco.org/creativity/monitoring-report/quadrennial-reports/available-reports/periodic-report-brazil>

⁷³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

monitoring exercise (November 2016 - April 2017) is encouraged to report to UNESCO on any legislative or other steps undertaken by it, to implement this international standard-setting instrument, adopted by UNESCO in 1974. Following-up to its 2011-2012 report on the implementation of the 1974 Recommendation, when replying to the 2013-2016 monitoring questionnaire, Brazil is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation. Brazil is invited to complete the online questionnaire which has been prepared by UNESCO to guide and assist Member States with their reporting. It aims to collect, in a simplified manner, information on the extent to which Member States have mainstreamed the principles of the 1974 Recommendation in their STI and other relevant systems, focusing on promotion of respect for autonomy and independence of scientific researchers and respect for their human rights and fundamental freedoms. Responses to this questionnaire will be considered as the official national report for each Member State. The questionnaire can be completed and submitted online through the link which will be indicated in due course on the web page: <http://en.unesco.org/themes/ethics-science-and-technology>.