

São Paulo (Brazil), 7 September 2015.

BRAZILIAN CIVIL SOCIETY URGENT UPDATES TO THE COMMITTEE ON THE RIGHTS OF THE CHILD

CRC 70TH Session on Brazil - BRIEF SUMMARY 2015

The Committee on the Rights of the Child was briefed by the National Association of Centers for the Defense of Child Rights and other NGOs during the pre-session in February 2015 and that received the *II Alternative Report on the Situation of the Rights of the Child in Brazil* organized by Anced, including a brief overview of the ongoing privatization processes in education in Brazil and its negative impacts on the achievement of the human right to education of children and adolescents “*Privatization of education and rights violations in Brazil: notes for the Committee on the Rights of the Child*”, produced by the Brazilian Campaign for the Right to Education and the NGO Ação Educativa.

We would like to request a meeting to inform the Committee on the Rights of the Child on some last minute events that need to be shared urgently before the dialogue with the State party (during the 70th Session).

On behalf of Ação Educativa, Anced, Brazilian Campaign for the Right to Education and Conectas, we share the Brazilian Civil Society urgent updates to the Committee in this document and we in an urgent basis would be very pleased to provide in person any other further information you may need.

BRAZILIAN CIVIL SOCIETY URGENT UPDATES BEFORE THE CRC 70TH SESSION

Lowering age of criminal responsibility from 18 to 16 for certain crimes

In August 2015, the Brazil's House of Representatives submitted to the second round of voting the approval of the bill n. 171/1993 which lowers the age of criminal responsibility from 18 to 16 for certain crimes (major crimes – such as rape and robbery with murder – and also for murder, and assault and battery followed by death).

[For more information please read page 3]

Cuts on social budget in 2015 and the risks regarding the national education plan and the implementation of the cost of initial quality education per student

In the first round of cuts announced in 2015, which amounted to R\$ 9.2 billion, the expansion of child education was affected, specially the building of pre-school (for 4 and 5 year olds) equipment. In the second round, which amounted to R\$ 1 billion, once again the field lost important financial resources. These cuts put at risk the enforcement of the law of the National Education Plan according to which up to June 2016 the CAQi (Cost of Initial Quality Education per Student), created by civil society, must be implemented.

[For more information please read pages 3 and 4]

Setbacks on gender and race in State and City Education Plans

In 2015, due to the pressure made by the religious caucus and supported by evangelical and catholic churches, local representatives in at least eight states and various cities removed from State and City Education Plans goals and strategies that aimed at both overcoming gender, sexual orientation and race inequalities and fighting discriminations in the school environment that violate the human right to education.

[For more information please read pages 4 and 5]

Negative impacts of the privatization of education

The offering of private education by transnational companies, the purchase of private teaching systems, planning, management and evaluation by public schools, together with contracts to manage special education schools and pre-schools, and the adoption of charter schools in the states of Goiás and Pará have been draining public resources and decreased the government's management capacity. Nevertheless, full fulfillment of the human right to education has not been achieved.

[For more information please read pages 5 and 6]

Increase of militarization of education in public schools

The year 2015 has the spread of worrisome phenomenon: the increasing militarization of public schools in many Brazilian states. It means these schools, mostly high schools, are managed by the military police. Civil rights are replaced by officials, and armed policemen begin to work inside these schools to ensure order.

[For more information please read page 6]

1. LOWERING AGE OF CRIMINAL RESPONSIBILITY

In August 2015, Brazil's House of Representatives submitted to the second round of voting the approval of the bill n. 171/1993 which lowers the age of criminal responsibility from 18 to 16 for certain crimes (major crimes – such as rape and robbery with murder – and also for murder, and assault and battery followed by death). The bill was approved in the first round of voting in June and had received a favorable report from the Special Commission and the Commission of Constitution and Justice.

The bill was approved because, currently, most members of the House are conservative and punitive – including the speaker of the House (Eduardo Cunha). They claim to base their positions on polls according to which nearly 90% of the population agrees with what the bill proposes. The bill must also be approved in two rounds of voting by the Senate to become effective. The Federal Government is against reducing the age of criminal responsibility, but presented an alternative to the lowering that would increase the maximum legal punishment in detention centers. Up to now, most Senators seem to agree to the latter alternative, so much so that the bill, which establishes the increase of punishment in detention centers from 3 to 10 years, has already passed in the Senate and sent to the House of Representatives.

Anced and Conectas, as well as various others Brazilian civil society organizations have been organizing actions in many Brazilian states, preparing and issuing political and technical notes, conducting advocacy actions aiming at members of the congress and authorities, obtaining support and public positions from national and international agencies, as well as from Brazilian and foreign civil society organizations. In addition, they have been reporting on this attempt to lower the age of criminal responsibility to human rights international platforms.

2. CUTS ON SOCIAL BUDGET IN 2015 AND THE RISKS REGARDING THE NATIONAL EDUCATION PLAN AND THE IMPLEMENTATION OF THE COST OF INITIAL QUALITY EDUCATION PER STUDENT

For nearly 4 years, the National Education Plan remained pending in the National Congress and was approved in its entirety by President Dilma Rousseff in June 2014. Some of the measures established by the National Education Plan are that, up to 2016, the country must universalize the right to education for all children and adolescents from 4 to 17 years old, ensuring 14 years of mandatory school as a subjective constitutional right. This aspect is in accordance with the bill n. 59/2009 and with the Child and Adolescent Statute (1990). However, although President Dilma Rousseff has chosen the motto "Brazil: Educating Country" for her second term (2015-2018), the field of education has suffered a series of budget cuts, being one of the fields the recently-adopted tax adjustment policy has affected the most. In the first round of cuts, which amounted to R\$ 9.2 billion, the expansion of child education was affected - the building of pre-school (for 4 and 5 year olds) equipment. In the second round, which amounted to R\$ 1 billion, once again the field lost important financial resources.

These cuts put at risk the enforcement of the law of the National Education Plan according to which up to June 2016 the CAQi (Cost of Initial Quality Education per Student) mechanism, created by the Brazilian Campaign for the Right to Education, must be implemented. The CAQi demands additional R\$ 37 billion in the annual budget for education to ensure the payment of teachers and good public schools. Instead of following the law in effect and increase the budget, the Federal Government has been making a series of cuts. This is extremely harmful for the right to education and puts at risk the education of nearly 3.8 million children aged from 4 to 17 who are out of school, according to estimates made by the Brazilian Campaign for the Right to Education and UNICEF, through the initiative Out of School Children.

3. SETBACKS ON GENDER AND RACE IN EDUCATION

In recent years, Brazil has been witnessing strong religious proselytism, which threatens the lay state and affects the fulfillment of the human right to education in the country. In 2015, religious groups elected an unprecedented number of 78 representatives in the congress, thus being able to occupy an increasingly number of key-positions in the development of public policies. The same thing happened at state and city levels, which are responsible for approving local education plans in accordance with the guidelines of the National Education Plan. Due to the pressure made by the religious caucus and supported by evangelical and catholic churches, local representatives in at least eight states and various cities removed from State and City Education Plans goals and strategies that aimed at both overcoming gender, sexual orientation and race inequalities and fighting discriminations in the school environment that violate the human right to education. These goals, which had already been removed from the National Plan due to pressure made by the same groups, aimed at concretizing the Brazilian Constitution, the education legislation, and the various international standards to which Brazil is a signatory.

It is important to point out that Brazil still has deep educational inequalities regarding gender, race and sexuality. Data from the 2011 National Household Sample Survey (Pnad) indicate that women have an average of more 0.4 year of study than men. When it comes to the 4.7% Brazilians who have more than 15 years of study, this percentage drops to 1.7% among the African-Brazilian population and to only 0.12% among the indigenous population. As for the LGBT population, a survey conducted by IBGE (Brazilian Institute of Geography and Statistics) shows that only 431 out of the 5,570 Brazilian municipalities have some sort of public policy developed by the human rights managing agency on behalf of Lesbians, Gays, Bisexuals, Transvestites and Transsexuals. The survey entitled "Juventudes e Sexualidade no Brasil" [Youth and Sexuality in Brazil], published by UNESCO in 2004, shows that 39.6% of boys say they would not like to have a homosexual classmate.

According to the *Informe Brasil – Gênero e Educação* (2013), which was presented to the Inter-American Commission on Human Rights of the Organization of American States (OEA), gender inequalities in Brazilian education are characterized by six big challenges:

1) educational inequalities persist among Brazilian women, especially the situation of African-Brazilian women, indigenous women and women living in rural areas; 2) boys,

adolescents, specially African-Brazilian boys and adolescents, have the poorest school performance and face biggest obstacles to stay in school; 3) the persistence of a sexist, homophobic/lesbophobic/transphobic, racist and discriminatory education; 4) the concentration of women in courses and careers that are considered to be “feminine”, in which professionals are less valued and there is little social recognition; 5) the undervalue of basic education professionals, out of which nearly 90% are women; 6) unequal access to quality pre-schools.

4. NEGATIVE IMPACTS OF THE PRIVATIZATION OF EDUCATION

Over the last years, we have been witnessing the increasing participation of the private sector, often with public subsidies, in nearly all the phases and modalities of education in Brazil. Nevertheless, full fulfillment of the human right to education has not been achieved. The offering of private education by transnational companies, the purchase of private teaching systems, planning, management and evaluation by public schools, together with contracts to manage special education schools and pre-schools, and the adoption of charter schools in the states of Goiás and Pará have been draining public resources and decreased the government’s management capacity. This pushes education away from the concept of public good that can be socially controlled and democratically managed. As a result, inequalities tend to increase when it comes to the fulfillment of the right to education.

Between 2010 and 2013, nearly 1.4 million basic education students – from 4 to 17 years of age – left public schools to enroll in private schools (School Census). This may be understood as means of structural discrimination, since the high monthly payments are a strong selection mechanism that strengthens and reproduces social, economic and ethnic-racial inequalities. As for non-mandatory pre-schools, from 0 to 3 years old (day care centers), between 2007 and 2013 there has been a 41.9% increase in the number of enrollments in the private sector institutions, most of which have contract with the governments. In addition, many of these institutions are religious institutions, which pose threat to freedom of opinion, belief and religion; others present a wide range of problems that range from infrastructure to employees’ bad working conditions.

In this context, those whose education is compromised the most by the decrease in government investment and management are children from zero to 5 and adolescents from 15 to 17, especially the poor, the inhabitants of rural areas, the *quilombolas* and indigenous youths, youth and adults with low education level, as well as children and adolescents who are disabled or have special educational needs. Only 21.2% of children from 0 to 3 years old were enrolled in day care centers in 2013. A total of 21.8% of children aged 4 to 6 were still out of school. Among adolescents aged from 15 and 17, the enrollment rate is 84.2%. However, the net attendance rate was only 54%, because the rest of the population of this age was still in the *ensino fundamental* [1st to 8th grades] due to school failure, or were out of school (School Census 2013).

In view of this scenario, the Brazilian government must adopt parameters to forbid or limit profit from education, to improve regulation and supervision of private basic and high education institutions. In addition, it must revise its tax policy, which encourages enrollment in private education, and gradually reduce transferring of funds to the private

sector by means of contracts. This will ensure both the increase of investment in public education and the direct compliance with the quality standards ensured by Brazilian legislation.

5. MILITARIZATION OF EDUCATION

The year of 2015 has been witnessing the spread of worrisome phenomenon: the increasing militarization of public schools in many Brazilian states. It means these schools, mostly high schools, are managed by the military police. Civil rights are replaced by officials, and armed policemen begin to work inside these schools to ensure order and discipline. In most cases students are forced to cut their hair and behave as if they were military recruits. Punishments are grossly disproportionate. This how many local governments have been responding to urban violence, which enters schools and affect mainly the country's poor and black youth.

According to a recently-conducted survey (Folha de São Paulo newspaper, Education, 10/8/2015), in the states of Goiás, Minas Gerais and Bahia – where this model is being adopted – a total of 51 schools have become managed by the military, mostly this year.

In addition to the violation of rights, such as charging from R\$ 500,00 to R\$ 700,00 for uniforms, the military management – under the pretext of pacification and improvement of teaching-learning quality indicators – limits the freedom of teachers and students, violates the mission of citizen education and is not compatible to the democratic management of public schools. In Goiás State, for instance, militarization has been approved as a law without any consultation to school communities and implemented against the will of most members of said communities.