

Dear Special Rapporteur on the right to education

Mr. Kishore Singh

India

Dear Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. David Kaye

United States of America

15th July, 2016.

Ref.: Violation of rights to education and freedom of expression in Brazil due to “School without party” Program in Brazil

Dear Special Rapporteurs,

Brazil faced a dictatorial regime for 21 years and the democratization process began only in 1988. Education also suffered impacts of this regime, becoming highly technical seeking to meet the interests of Brazil's increasing industrialization process in that period.

The principles that ruled the teaching relations were the main idea of transferring technical content by professors, with clear instructions about the prohibition of presenting critical view on the topics or even questioning the dictatorial regime.

The Federal Constitution of 1988 indicates the beginning of the democratic regime in Brazil and establishes humans rights as premises of democracy, including education and freedom of expression. The right to education, beyond being established by article 6 as an essential social right, is also provided by article 205 as being a right of everyone and duty of the State and family, aiming the full development of the person, his/her preparation for the exercise of citizenship and his/her qualification for work.

Article 206, in turn, points out principles that rule the Brazilian education and, among them, the freedom to learn, teach, research and express thought, art, knowledge and pluralism of ideas and pedagogical concepts.

Article 220 guarantees all persons the freedom of thought and expression, stating that no law can prevent this liberty so essential to democracy.

Despite these premises, in recent years a conservative wave has been growing and, consequently, impacting on education. It has recently emerged a movement called "School without party", stating that it is necessary to control the practice of teaching, preventing teachers to "indoctrinate" and "instrument" the education for ideological purposes.

This movement is responsible for presenting, all over the country, law projects at the municipal and state levels, aiming to approve the "School without party" Program, also known by its opponents as "Gag Law". At the website www.escolasempartido.org there is a draft of the law project to be reproduced and presented at the City Councils (municipal level) and Legislative Assemblies (state level) (Annex I).

We have identified the presentation of the law project that establishes the "School without party" Program in 15 cities around Brazil. Among them, there are 6 capitals (including Rio de Janeiro and São Paulo), and 10 states and the Federal District (Annex II).

In the justification of the law projects, it is stated that teachers are using their functions as educators to *brainwash* students and make them adhere to certain political and ideological views, to adopt patterns of judgment and moral/sexual conducts incompatible with the teachings of their parents. It is also stated that there is abuse of freedom to teach today in Brazil and, because of that, teachers are indoctrinating their students.

It is clear, however, that the concern of the idealizers of the "School without party" Program it is not to ensure rights, but scout the freedom of teaching in schools. It means, they defend that moral, religious and political education must be an exclusive responsibility of the parents.

Moreover, it is important to note that the “School without party” Program annuls individuality and emancipatory power of the students themselves, ignoring their condition of subjects of rights and questioning their ability to form their own opinions.

All this initiative attacks basic human rights as the right to freedom of expression and thought and the right to education, both provided by the Brazilian Constitution and several international human rights treaties, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and the Protocol of San Salvador.

By curtailing the freedom of teaching and learning the “School without Party” Program fails to ensure school as a plural space of knowledge. Schools need to ensure all children the opportunity to learn the sciences, contradictions, antitheses and refutations that occur in the world of knowledge and, therefore, subjects such as ethics, politics, religions and ideologies are essential. The initiative ultimately curbs the questioning, the development of critical thinking and the deconstruction of common sense, preventing citizen and political emancipation of the students.

Neutrality is a myth, because no person - even a teacher - is free of ideologies. Ideologies are built from their own experiences, knowledge, studies and world view, and it is these factors that make us unique as individuals sharing plural spaces with other also unique individuals.

To claim, therefore, that all teaching process should be neutral and free of ideology is, ironically, a non-plural ideology, since what it is neutral cannot be plural. It is not neutrality that is needed, but diversity and plurality of views in teaching.

The dimension that the movement is taking in different parts of the country is quite worrying, especially in a political landscape full of setbacks in human rights issues. Within the logic of the “School without party” Program, human rights issues such as gender discussions will be left out of the discussions and, therefore, out of teaching because it “hurts beliefs and family options” (sic). What would that be if not an ideologically positioned movement - not neutral - which stands for an

extremely conservative and limiting worldview of thoughts and expressions? Are we back to 1964, when the dictatorship used to rule?

Because of this, the Institute for Development and Human Rights - **IDDH submits this report to the UN Rapporteurs as a way to give visibility to the wave of setbacks that has taken hold in educational discussions in Brazil and also asks that this issue be part of your agenda any time you address your attention to Brazil, especially in this democratically fragile period.**

ANNEX I – “SCHOOL WITHOUT PARTY” LAW PROJECT TEMPLATE

Art. 1. It is hereby created, in the municipal educational system of the city of (insert here), the “School without party” Program meeting the following requirements:

- I – Political, ideological and religious neutrality of the city;
- II – Pluralism of ideas in the academic environment;
- III – Freedom to learn as a specific projection in the educational field of the freedom of consciousness;
- IV – Freedom of belief;
- V – Recognition of the student vulnerability as the weakest part in the learning relation;
- VI – Student’s education and information concerning his/her freedom of consciousness and belief;
- VII – Right of the parents that their children receive moral education that meets their own convictions.

Art. 2. It is forbidden the practice of political and ideological indoctrination in classes, as well as propagation, in mandatory courses, of contents that could conflict the religious or moral convictions of the students or their parents;

§ 1. In optional courses in where are propagated the contents mentioned in the caput of this article the frequency of students will rely on previous and expressed authorization of the parents.

§ 2. Confessional schools, whose educational practices are oriented by conceptions, principles and moral, religious or ideological values, shall obtain expressed authorization from the parents at the moment of the enrollment of their children, to propagate the contents related to these principles and values.

§ 3. For the purpose of the previous paragraphs of this article, schools must present and deliver to the parents informative material that can elucidate all the contents and approaches that will be taught in classes.

Art. 3. In exercising his/her functions, the teacher:

I – Will not abuse the lack of experience and knowledge or the immaturity of the students with the purpose to force them into one or another political view.

II – Will not favor or undermine students due to their political, ideological, moral or religious convictions or the lack of them;

III – Will not make political party propaganda in class nor will urge his/her students to participate in protests or public acts;

IV – When dealing with political social, cultural or economic subjects, will fairly present the content taking into account the same depth to the main versions, theories, opinions and perspectives relate to that matter;

V – Except in confessional schools, will have to abstain himself/herself from introducing, in mandatory courses, contents that could be in conflict with the moral, religious or ideological convictions of the parents.

Art. 4. Schools will educate and inform the students enrolled in elementary and high grades about their rights related to freedom of conscious and belief secured by the Federal Constitutional, especially about article 3 of this law.

§ 1. For the purpose of the disposed in this article, schools will fixed in classrooms, in teachers rooms and in places where could be read by students and teachers, posters with the content and dimensions described in the Annexes of this law.

§ 2. In elementary schools, the posters mentioned in the paragraph above will be fixed only in the teachers room.

Art. 5. The Municipal Secretariat of Education will promote courses focused on ethics to teachers of the public system, open to the community, in order to inform and aware educators, students and parents about the ethical and legal limits of the teaching activity, especially in what means to the mentioned in article 1 of this law.

Art. 6. The Municipal Ombudsman will communicate the Municipal Secretariat of Education the complaints related to breaking this law, securing anonymity.

Single paragraph. The complaints referred in this article may be sent to the Public Prosecutor Office responsible for the rights of the children, under functional responsibility risk.

Art. 7. This law will enter into force in the date of its publication.

Original version available in:

<http://www.programescolasempartido.org/municipal>

ANNEX II – LIST OF BRAZILIAN CITIES AND STATES WHERE THE “SCHOOL WITHOUT PARTY” LAW PROJECT WERE PRESENTED TO THE LEGISLATIVE

States	Cities
Alagoas	Capitals
Amazonas	Belo Horizonte - MG
Ceará	Campo Grande - MS
Distrito Federal	Curitiba - PR
Espírito Santo	João Pessoa - PB
Goiás	Rio de Janeiro - RJ
Pernambuco	São Paulo - SP
Paraná	Teresina - PI
Rio de Janeiro	Porto Alegre - RS
Rio Grande do Sul	Other cities
São Paulo	Foz do Iguaçu - PR
	Joinville - SC
	Picuí - PB
	Santa Cruz de Monte Castelo - PB
	Toledo - PB
	Vitória da Conquista - BA



ANNEX III – MEDIA HEADLINES CONCERNING THE “SCHOOL WITHOUT PARTY” PROGRAM



The screenshot shows the top of a news article on the Agência Senado website. The header includes the logo 'agência senado' and social media icons for Facebook, Twitter, YouTube, RSS, Instagram, and Tumblr. A navigation bar lists categories: Todas, Tecnologia, Social, Política, Economia, Justiça, Infraestrutura, Meio A. Below this is a sub-navigation bar with links for Agenda Brasil, Especial Cidadania, Impeachment, Jornal, Rádio, TV, and Imagens. The article title is 'Ministro da Educação disse não apoiar movimento Escola sem Partido'. The date is 06/07/2016, 16h06 – ATUALIZADO EM 06/07/2016, 19h59. The text of the article states that the Minister of Education, Mendonça Filho, expressed his opposition to the 'School Without Party' movement, organized by civil society to combat alleged political indoctrination of students. He participated in a public hearing on Thursday (6) before the Commission of Education, Culture and Sports (CE). Social media sharing icons for Facebook, Twitter, Google+, and Pinterest are visible.

Home > Áudios

Ministro da Educação disse não apoiar movimento Escola sem Partido

06/07/2016, 16h06 – ATUALIZADO EM 06/07/2016, 19h59

O ministro da Educação, Mendonça Filho, manifestou-se contrário ao movimento Escola Sem Partido, organizado pela sociedade civil para combater uma suposta doutrinação política dos alunos, por parte dos professores. Apesar das críticas ao que chamou de “tribunal de opinião”, Mendonça Filho disse que respeita a opinião dos parlamentares que apoiam a ideia. O ministro participou de audiência pública nesta quarta-feira (6) na Comissão de Educação, Cultura e Esporte (CE). Detalhes com a repórter da Rádio Senado Marcela Diniz.

Translation: “The Ministry of Education affirms that he do not support School without party movement”.



The screenshot shows the top of a news article on the G1 website. The header is a dark red bar with a 'MENU' icon, the G1 logo, and the word 'EDUCAÇÃO' in white. Below the header, the date is 11/05/2016 15h01 - Atualizado em 11/05/2016 15h08. The article title is 'Lei contra 'doutrinação' nas escolas de Alagoas é inconstitucional, diz MEC'. The text of the article states that teachers are required to maintain 'neutrality' in the classroom. A merchant claims that the law violates the freedom of students to learn. Social media sharing icons for Facebook, Twitter, Google+, and Pinterest are visible.

MENU G1 EDUCAÇÃO

11/05/2016 15h01 - Atualizado em 11/05/2016 15h08

Lei contra 'doutrinação' nas escolas de Alagoas é inconstitucional, diz MEC

Professores são obrigados a manter 'neutralidade' nas salas de aula. Mercadante afirma que lei fere a liberdade de os alunos aprenderem.

Translation: “Law against indoctrination in schools in (the state of) Alagoas is unconstitutional, said Ministry of Education”

≡ EL PAÍS

BRASIL

No Rio Grande do Sul, mobilização estudantil contra “Escola sem Partido”

Movimento teve vitória parcial e paralisou projetos, entre eles o que propõe privatizar escolas

Translation: “Students’ mobilization stands against “Schools without party” in Rio Grande do Sul”.

DC

≡ MENU

VOCÊ ESTÁ EM NOTÍCIAS

CENSURA OU NEUTRALIDADE?

COMENTE!

Sob protestos, Programa Escola Sem Partido é discutido em Joinville

07/06/2016 - 19h09min

Sugerir correção

Por
**ALEX
SANDER
MAGDYEL***

COMPARTILHE:

FACEBOOK 

TWITTER 



Translation: “Under protests, School without party is discussed in Joinville”



06/07/2016 05h50 - Atualizado em 06/07/2016 22h17

Debate sobre gênero e sexualidade em aula é previsto em lei, diz GDF

Distrital enviou ofício a escola de Ceilândia questionando atividade em sala. Secretaria cita Plano Nacional; projeto contra o ensino tramita na Câmara.

Translation: "Gender and sexuality debate in class are secured by law, affirms the Government of the Federal District"

ARTIGO

A falácia da Escola Sem Partido (ou do pensamento único)

A doutrinação ideológica está presente nas escolas desde sempre com seus conteúdos, suas relações. Educar é um ato político em si

Translation: "The fallacy of the School without party (or the unique thinking)"



29/04/2016 07h51 - Atualizado em 29/04/2016 11h10

Além de AL, 4 estados e DF avaliam lei sobre 'doutrinação' em sala de aula

Autores buscam 'neutralidade' dos professores.

Especialistas em educação criticam censura e risco de retrocesso.

Translation: "In addition to (the state of) Alagoas, 4 states and the Federal District evaluate law against indoctrination in classrooms"

capitalnews

EXPERIÊNCIA

O SITE DE NOTÍCIAS DA CAPITAL E DE MATO GROSSO DO SUL

🏠 últimas notícias política polícia cotidiano esporte cultura e entretenimento ru

POLÍTICA

Terça-Feira, 05 de Abril de 2016, 07h-00

Tamanho do texto A - A+

Em MS, projeto 'Escola sem Partido' foi apresentado em 2014 por ex-vereador condenado por exploração sexual

Um ano após apresentar a proposta, Alceu Bueno renunciou para se defender em escândalo sexual envolvendo adolescentes

Translation: "In (the state of) Mato Grosso do Sul, School without party was present in 2014 by ex-Municipal Councilor condemned by sexual exploitation"