

## The situation of the right to differentiated education among the indigenous peoples of Brazil

### Joint submission evaluating Brazil in the third cycle of the Universal Periodic Review mechanism of the UN Human Rights Council

The present report was prepared by the organisations listed below, all of which have been working for many years in indigenous school education in different regions of the country and accompany the national policy for indigenous school education. All of them are represented on the Ministry of Education's National Committee of Indigenous School Education.

#### **OPIR – Organização de Professores Indígenas de Roraima**

The Organisation of Indigenous Teachers of Roraima (OPIR) is an indigenous organisation that represents leaders, teachers and students of the Wapixana, Makuxi, Taurepang, Ingarikó, Y'ekuana and Wai-Wai peoples and works to defend indigenous educational rights.

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#### **OPRINT – Organização dos Profissionais da Educação Escolar Indígena de Mato Grosso**

The Mato Grosso Organisation for Professionals of Indigenous School Education, created in 2003, has as its main objective to campaign to ensure the right of indigenous peoples to a specific, differentiated and intercultural school education. It represents 43 peoples living in Mato Grosso.

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#### **OPIAC – Organização dos Professores Indígenas no Acre**

The Acre Indigenous Teachers Organisation was created in 2000 with the objective of defending as an educational policy at local, national and international level, the ideas of differentiated indigenous education and its permanent relation to the defence of territories and environmental management, based on the valorisation of the traditional culture of indigenous peoples of Acre.

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**Iepé – Instituto de Pesquisa e Formação Indígena**

Iepé – the Institute for Indigenous Training and Research, founded in 2002, has the mission of contributing to the cultural and political strengthening and the sustainable development of indigenous communities in Amapá and the north of Pará, aiming to enhance their forms of community and collective management in order for the rights of these populations as distinct peoples to be respected.

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## **The situation of the right to differentiated education among the indigenous peoples of Brazil**

1. The right of indigenous peoples to quality education that respects and valorises traditional knowledge, knowhow and practices, and that guarantees opportunities and training equal to those to which other Brazilian citizens have access, faces serious challenges in becoming a reality in Brazil. Despite the existence of international commitments and an advanced and detailed national legislation that recognises the demands of indigenous peoples for quality schools in their villages, in practice a series of obstacles and difficulties have become entrenched over the years. This process has generated a situation of discrimination in relation to the guarantee of access to quality education for indigenous children and adolescents across the country, amounting to a scenario of rights violations.

2. In certain regions of the country, notably in the Central West, South and Northeast, where violence and racism against indigenous peoples, generally associated with disputes for land, the school has become the space where violence affronts the dignity of indigenous students and teachers: the absence of school meals, preventing use of school transport, bans on the use of indigenous languages, and racist and humiliating claims about indigenous peoples in history and geography classes are just some of the violations that have been registered and documented in recent years.

3. The dissatisfaction of many indigenous families with the schools existing in their villages and communities had resulted in an exodus to the towns and cities in search of higher quality education. This in turn has led to the removal of children and adolescents from family and community life, weakening identity ties and subjecting these youngsters to situations involving racial and social discrimination. In these contexts the lack of quality indigenous school education leads to the school becoming a vector for the destructuring of the collective life and autonomy of indigenous peoples with a consequent increase in vulnerability and in confrontations with discrimination and prejudice in the urban areas.

4. Although the country's educational legislation affirms the right of indigenous peoples to an education of their own that valorises traditional knowledge and practices, that is bilingual and valorises indigenous languages, and that recognises the desires of the communities in terms of training and qualification, using their own calendars and based on their own political-pedagogical proposals, in practice it is the national school model that continues to be imposed.

5. Hence in the field of the right to indigenous school education, we see the same old and persistent hiatus in the existence of formal rights that are denied and disrespected in practice. The indigenous educational legislation has been systematically disrespected and the provision of education in indigenous villages has been characterised by the low quality of teaching, precarious infrastructure and an absence of pedagogical practices specific to indigenous contexts. Brazil needs to

take concrete measures in order to comply with its indigenous educational legislation, strengthen its public policy for indigenous education and guarantee the right to intercultural education for indigenous children, adolescents and adults.

## **Background**

6. The school is an institution well-known to indigenous peoples. It arrived almost simultaneously with the first colonizers and was one of their main instruments to conquer the newly discovered lands and the peoples living in them. Throughout the entire history of this relationship between indigenous peoples and representatives of the colonial power, later those of the nation State, the school imposed itself in different forms, performing different functions. Used fundamentally to suppress the identity of indigenous peoples, fostering their integration with the national community, the school gradually became conquered by these peoples. Today they remain optimistic that it will become a tool to enhance the feeling of ethnic belonging, recuperating their own sociocultural values and practices that were, very often, weakened by the imposition of alien values and social patterns.

7. This new school, demanded by present-day indigenous peoples, has very particular characteristics. It was conceived, experimented and constructed in different indigenous communities across the country, who rejected the 'civilizing' school imposed by the State, where use of indigenous languages was prohibited, where indigenous culture and knowledge were not respected, and where the aim was to transmit only the values and practices of the western world. This model of the school was opposed by the emergence of alternative practices in which the indigenous language spoken by the children was utilized as the language of instruction, where the community participated in the decisions on the school's objectives, where traditional knowledge was valued and systemized in classrooms alongside learning western knowledge, and where indigenous teachers, members of their respective communities, prepared their own teaching materials. These experiences grew in strength and were gradually recognised and came to serve as a reference point for conceiving a new role for the school institution in indigenous communities. Starting out as alternative practices developed by non-government organisations supporting indigenous peoples in projects implemented in a few indigenous communities, they came to influence the elaboration of a specific public policy for these sectors of society.

8. This public policy, gestated over the last two decades, was rooted in a legal framework based on the 1988 Constitution and the Law of Directives and Bases of National Education of 1996, accommodated and detailed in legislation, norms and directives issued by the Ministry of Education and the National Council of Education, as well as specific national programs for providing school education in indigenous communities.

9. The right of indigenous peoples in Brazil to a differentiated, bilingual, quality education was established, guaranteeing the promotion of their languages and cultures and access to the school knowledge offered to other students in the country. For this to be possible the indigenous school needs to have its own specific

teaching materials, based on references from the culture concerned. Teaching indigenous children to read and write should be done by indigenous teachers from the student's own community, who need to be trained on their own programs, whether indigenous teaching course or intercultural training courses. This literacy teaching should be done in the maternal language, that is, the language spoken by the child, since it is proven that children should learn to read and write first in their own language before learning the national language. This explains the constitutional precept that school education in indigenous villages should be bilingual, including teaching in the language spoken by the specific people concerned and in Portuguese as the national language. In order for literacy teaching in indigenous communities to be able to advance, the village school needs to have its own building, contain libraries or collections of books and have access to the internet, all of which are basic conditions for pedagogical practices to be implemented in a context of cultural diversity. Hence Brazil can be said to have constructed the conceptual and legal bases to provide a quality education to indigenous peoples, not only according to its Constitution, but also in relation to commitments made at international level.

10. However, under the coordination of the Ministry of Education, the state and municipal education systems were made responsible for administrating the provision of education in indigenous villages. A large portion of the problems experienced today in terms of failing to ensure the right to quality indigenous education derive from the lack of coordination by the Ministry of Education in relation to this policy and the autonomy of the education systems resulting from the federal structure, in clear detriment to indigenous interests and rights. Running counter to the precepts and directives established in public policy, what is seen in practice and in the everyday life of the vast majority of the indigenous schools in the country is the exact opposite: most indigenous schools are precarious, many lack their own separate building, various schools have no teaching materials, and many do not practice bilingual education. A recent survey conducted by the Federal Prosecutor's Office showed the precariousness of the situation of the schools in the villages, lacking the minimum infrastructure needed for them to operate.<sup>1</sup>

11. Today there are 3,085 indigenous schools in Brazil, according to data from the 2015 School Census conducted by the Ministry of Education.<sup>2</sup> Of these 29.3% lack their own building and run in sheds, in the open air, in teachers' houses or in another improvised form. Just 7.1% of indigenous schools are connected to a mains water supply and 10.3% have no water supply at all. More than a third (39.4%) have no source of electricity. Almost a half of indigenous schools (48.5%) lack a sewage disposal system. In terms of equipment, the situation of indigenous schools is extremely precarious. Just 15.27% have access to the internet and only 11.12% have computer labs. Science labs are practically unknown in indigenous schools: a tiny 1.23% possess this resource. Worsening the picture, just 10.86% of indigenous

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<sup>1</sup> <http://www.mpf.mp.br/atuacao-tematica/ccr6/dados-da-atuacao/projetos/mpf-em-defesa-da-escola-indigena-1/relatorios-tecnicos>

<sup>2</sup> Official data for 2015, based on spreadsheets produced by the Anísio Teixeira National Institute for Educational Studies and Research, linked to the Ministry of Education and responsible for producing statistical data and evaluations.

schools have libraries. Generally speaking the infrastructural conditions and equipment for teaching in Brazil's indigenous schools are precarious and unable to provide adequate support for a form of education that should be based on interculturality and cultural specificity.

### **Current Situation**

12. Over recent years Brazil's national policy for indigenous school education has been marked by a new set of administrative measures introduced by the Ministry of Education (MEC) that, in their execution, proved flimsy both in terms of uptake by the education systems and in terms of attaining the designated objectives. The autonomy of the teaching systems in relation to MEC, combined with the lack of political commitment to indigenous education on the part of state executive officers, has tended to undermine initiatives developed at federal level. This situation is exacerbated by the fact that the initiatives were designed without indigenous participation and engagement, and have suffered from changes in administration and poor budget execution. The outcome is the deepening of problems that have become entrenched over recent years without encountering solutions in the public policies issued by the federal government.

13. Indigenous communities continue to be dissatisfied with the quality of the education provided in village schools, the majority of them lacking any infrastructure consistent with the aim of offering a differentiated education. Indigenous teachers continue to wait for the beginning or continuation of professional training processes capable of providing them with the skills to teach interculturally, while indigenous students persist in an educational environment unable to respond adequately to the challenge of preparing them for an increasingly uncertain future. The proposal of an indigenous school education that is differentiated, bilingual and intercultural remain an indigenous demand and a government discourse, but it fails to materialize in the everyday practice of most indigenous village schools in the country.

14. In terms of quality and pedagogical processes, the Ministry of Education's 2015 School Census reports that practically a half of indigenous schools in the country lack their own differentiated teaching materials, constructed on the basis of indigenous languages and cultures (46.4%). Moreover in a third of these schools (33.1%) lessons are taught only in the national language. This data reveals that the education offered in indigenous villages is not based on the idea of intercultural education, as established in the legislation, and that neither are indigenous cultures, knowhow, practices, knowledge and languages valorised by the school education, which follows the national model, in clear detriment to the right to identity, autonomy and social participation of indigenous peoples.

15. The expansion in the number of indigenous schools and enrolments, which continue to grow each year, as attested by the School Census data, merely amplifies the known deficiencies in this modality of teaching: communities without a school, without trained teachers, without differentiated teaching materials, without equipment, without their own school calendars, without intercultural

curricula, without pedagogical or administrative autonomy – in sum, without any support towards exercising the right to their own educational practice, anchored in the valorisation of their own languages and cultures.

16. In this scenario of complacency with failures, the incorporation of the Indigenous School Education Coordination Office in the Department of Continuing Education, Literacy, Diversity and Inclusion (SECADI) failed to represent a new prioritization of this issue in the Ministry of Education's agenda, as had been proclaimed when the new department was created. With few technical officers, a low operational capacity, lacking direct budget execution mechanisms and with its actions restricted to more general educational policies, the MEC Coordination team was unable to put together a positive and proactive agenda capable of responding to the innumerable issues that have mounted up with the expansion in the number of schools and students in all the country's indigenous villages.

17. A quick perusal of some of the data collected and published by the Ministry of Education itself sheds lights on the precarious situation in which indigenous schools in the country find themselves and on the low quality of teaching offered in the villages, demonstrating that impasses continue when it comes to effective realization of the right to differentiated education. In this context, the situation of indigenous teachers emerges as extremely worrying, since it exposes the violation of workers' rights and the discriminatory and unequal treatment.

18. Although progress had been made in the procedures for training indigenous teachers, with training policies implemented by the federal government in cooperation with educational systems, universities and non-governmental organisations, the overall situation has involved one-off initiatives later discontinued and left unevaluated. In terms of the staff presently working in village schools, there were 20,238 teachers in 2015, the large majority indigenous, although the MEC Census does not allow us to ascertain how many non-indigenous teachers also work in indigenous schools. Today 46% of teachers have graduate training but the challenge remains of extending university training to the 46.5% of teachers who have secondary education and the 6.9% who have just primary education, completed or not.

19. In terms of job situation, an alarming situation is evident: just 21.3% of teachers working in indigenous village schools are on full-time or permanent contracts, while the vast majority (71%) have temporary or provisional job contracts. In many situations there are indigenous teachers who have been hired and fired every year for more than a decade, without any labour right being respected. Many of them lack equal pay with other teachers employed by the state or municipality, in a clear case of labour discrimination. Although the legislation on indigenous education establishes the creation of an indigenous teaching career, the creation of the post of indigenous teacher and the holding of differentiated public service entrance exams, most of the Brazilian states have not implemented these precepts. As a result, most of the indigenous teachers in the country are still today hired and remunerated through administrative and temporary contracts, renewable each year. This situation has generated administrative illegalities that entrench

prejudices and discrimination, as well as a denial of rights, and that has contributed to the low quality of education in indigenous villages. It has also prompted a series of legal interventions, either by recommendations or actions via the courts, on the part of the Federal Prosecutor's Office to safeguard rights and prerogatives already established in legal texts and systematically ignored on a day-to-day basis by the education systems.<sup>3</sup> With more than 70% of the teacher working in the country's indigenous village schools in unstable employment, experiencing precarious forms of hiring and remuneration through seasonal, temporary contracts, with restrictions on labour rights and lacking wage parity, they are effectively victims of state discrimination.

20. The MEC School Census indicates that in 2015 there were 262,013 students, distributed unequally among the different levels of education: the majority of students are concentrated in the first years of primary education (43.5%) and in the final years (25.2%). Secondary education accounts for just 10.4% of the students. This reveals the lack of educational structure in the villages. Indigenous students who wish to continue their studies have to leave their communities and look for schooling in towns and cities, reinforcing the exodus and abandonment of indigenous lands.

21. At the end of 2015 the Brazilian government held the First National Conference on Indigenist Policy. No less than 65 proposals were approved in the final plenary session that specifically addressed the issue of indigenous school education, making evident that the aspiration of indigenous peoples for their right to a differentiated and quality school education to be observed is not being guaranteed by the Brazilian State.

### **Ethnoeducational Territories**

22. Through Presidential Decree 6.861, issued May 27, 2009, MEC proposed the creation of Ethnoeducational Territories as a new administrative framework for the execution of the national policy for indigenous school education. The Ethnoeducational Territory was defined as encompassing "indigenous lands, even where non-adjacent, occupied by indigenous peoples who maintain intersocietal relations characterized by social and historical roots, political and economic relations, linguistic affiliations, shared values and cultural practices." Each Ethnoeducational Territory to be created will have its own action plan for indigenous school education, drafted by a committee that will meet at least twice a year and will submit this plan for consultation by the indigenous communities involved. The Decree also establishes that MEC will coordinate the implantation, monitoring and evaluation of indigenous school education, respecting the

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<sup>3</sup> See among other initiatives: <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/mpf-requisita-dados-para-fazer-pente-fino-na-educacao-indigena-no-para> / <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/indigenas-impedidos-de-acessar-educacao-diferenciada-devem-ser-indenizados-insiste-mpf> / <http://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/mpf-quer-o-fim-de-turmas-multisseriadas-em-escolas-indigenas-em-tefe-am>

autonomy and maintaining the responsibilities and powers of the state and municipal governments.

23. The proposal to set up the new Ethnoeducational Territories has aroused suspicion and criticism from the outset. Three main objections deserve attention. The first focuses on the fact that this new spatial design now being constituted overlaps other public policies targeted at indigenous peoples without dialoguing with them, creating new administrative units that fail to take into account the current design generated by the restructuring of FUNAI, which regrouped indigenous lands into 36 new Regional Coordination Offices, nor the current configuration of the 34 Special Indigenous Health Districts (DSEIs), or the 120 Citizenship Territories, many of which also include indigenous lands. The profusion of administrative entities has led to the formation of niches for the development of sector-based indigenist policies, each with its own particular structures. This pattern reveals both the difficulty experienced by the Brazilian State in responding at an administrative level to the cultural and political diversity of the more than 235 indigenous peoples living today in Brazil, and its incapacity to coordinate its indigenist policy, bearing in mind that various federal actions with indigenous peoples continue to be implemented autonomously and disconnectedly by a variety of ministries. Closely associated with this criticism is the fact that the new territories are being set up through regional discussions, coordinated by MEC and FUNAI, that combine very diverse indigenous peoples and schools, sometimes small in size, sometimes extensive. This runs the risk of creating a diverse range of units that will pose considerable difficulties when it comes to managing and monitoring the final set of territories.

24. The second criticism, which has more direct implications for the eventual success of the initiative, relates to the fact that the creation of the Ethnoeducational Territories does not break with the current regime of cooperation between the systems, nor involve the delineation of a new autonomous unit able to allocate resources with its own budget, preserving the model in which resources continue to be managed by MEC, FUNAI and the education departments. As an entity without its own specific resources and management, the fear is that it will suffer from poor financial administration of federal public funds, transferred by the federal government via FNDE, by the education systems, as made evident in the implementation of the PAR Indígena project, jeopardising the agenda of actions to be agreed in each territory.

25. The third reservation concerns the lack of any team in MEC to coordinate and monitor the implantation and operation of the Ethnoeducational Territories. This function is being delegated to consultants hired on a temporary basis through tenders run by international cooperation agencies, revealing the absence of government staff in the SECADI structure who can ensure the continuity and institutionality of this new management model. The current team of the General Coordination Office for Indigenous School Education has just two full-time officers to coordinate the actions throughout the country.

26. Although under suspicion, the proposal to create the Ethnoeducational Territories represents an innovation in the current scenario defined by the absence of any top-down management of indigenous education in the country, revealing a proactive stance on the part of MEC in seeking to organise a model that brings together representatives of the federal government, the education systems, indigenous teachers and communities, civil society organisations supporting indigenous peoples and universities, in the diagnosis, planning, execution and joint and participative evaluation of indigenous education initiatives in each of the territories to be constituted.

27. However, over the last four years this new management model has made few advances. Just 25 territories were established, few work plans were drafted and some councils from the territories have met just once.<sup>4</sup> The expected participation and public oversight have not taken place and the education systems continue to operate indifferent to legal precepts and the right to differentiated education, offering a low quality education in the country's indigenous villages.

## **Recommendations to the Brazilian State**

Given the impasses that have occurred and become accentuated over recent years, which tend to undermine the right of indigenous peoples to their own specific, intercultural and bilingual education, as established in the national legislation, the following recommendations are suggested for presentation to the Brazilian State:

01. Demonstrate advances in the quality of the education offered in indigenous villages, with respect to the political-pedagogical projects, use of differentiated teaching materials and bilingual lessons.
02. Demonstrate advances in the production, editing, publication and use of differentiated teaching materials in indigenous languages in village schools.
03. Develop a national program for valorising indigenous languages, guaranteeing and supporting the right to use indigenous languages in schools and in public spaces.
04. Demonstrate advances in the recording and documentation of indigenous languages and in initiatives for strengthening and valorising the languages, especially those with few speakers and few records.
05. Demonstrate advances in complying with the legislation on indigenous education throughout the country, through the effective implementation of the Ethnoeducational Territories, with a specific budget allocation to boost the quality of the education offered in the villages with indigenous participation.

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<sup>4</sup>See: *Documento base do Seminário Nacional de Lançamento da II Conferência Nacional de Educação Escolar Indígena*. 2016. Brasília: MEC, 52 pages.

06. Demonstrate advances in the offer of bilingual and intercultural education in indigenous village schools, creating new opportunities for training indigenous youths.
07. Adopt urgent measures to strengthen the sector of indigenous school education of the Ministry of Education for coordinating indigenous school education initiatives in the country.
08. Demonstrate advances in the creation of indigenous teaching careers and the organisation of differentiated public service entrance exams as a form of breaking away from the lack of remuneration, recognition and valorisation of teachers working in the villages.
09. Demonstrate advances in the coordination of indigenous school education initiatives in the country, inducing the education systems to adopt an active stance in creating a specific indigenous teaching career, creating and recognising the category of indigenous teacher with plans for separate and specific public exams for the selection and recruitment of teaching staff.
10. Demonstrate advances in constructing and improving the infrastructure of schools in indigenous villages and in the provision of material and equipment for intercultural education.
11. Demonstrate advances in improving the quality of data and information on the supply of school education in villages and on the functional situation of indigenous teachers in order to obtain an accurate assessment of education in the country's indigenous villages.
12. Adopt measures for the federal government's Multi-Year Plan to contain specific targets for investing in and improving policies targeted at school education, especially in relation to the training of indigenous teachers, the production of teaching materials, improving the infrastructure of indigenous schools and expanding secondary education in the villages.
13. Adopt measures to implement the 65 proposals approved to improve the national policy for indigenous school education during the First National Conference on Indigenist Policy.