



## Education and Human Rights: analysis of the development in secondary and professional school levels

*Educação e Direitos Humanos: análise da formação no  
Ensino Médio e Profissional*

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### **Abstract**

This text presents an analysis of secondary and professional school levels as public policy for the development of the citizen and the worker. The focus is on the proceedings of secondary and professional levels according to LDBEN 9394/96 and their relation to the exercise of human rights and citizenship. For this purpose, we start from an analysis of the social, political and economical context in order to conduct the study of the guiding regulations of secondary and professional teaching. We discuss the proposal that support secondary and professional teaching and highlight the goals of the training based on human rights and citizenship, but that in the current societal context can also lead to the strengthening of neoliberal ideals in meeting the interests of the productive system.

**Keywords:** Public policies. Secondary and professional school levels. Human rights.

**Resumo**

*Apresenta-se, neste texto, uma análise do Ensino Médio e Profissional como política pública para formação do cidadão e trabalhador. O foco são os encaminhamentos do ensino médio e profissional a partir da LDBEN 9394/96 e sua relação com o exercício dos direitos humanos e da cidadania. Para tanto, realiza-se uma análise do contexto social, político e econômico objetivando a realização do estudo das normativas norteadoras do ensino médio e profissional. Discutem-se as propostas que sustentam a formação média e profissional e destacam-se os objetivos da formação com base nos direitos humanos e na cidadania, objetivos que, no contexto societário atual, podem levar também ao reforço dos ideais neoliberais ao atender interesses do sistema produtivo.*

**Palavras-chave:** *Políticas públicas. Ensino Médio e Profissional. Direitos Humanos.*

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**Introduction**

In this study, a discussion is proposed upon public policies for high school and professional education, an important formation stage for the exercise of human rights and citizenship. Education, as a human right, must be accessible to all men and it aims at contributing to their development as well as at enabling the acquisition of historically built knowledge by the people who lived in this world, besides developing forms of living based on fraternity among men, and, hence, seeking dignified ways of survival for all. Benevides (2000, p. 1, our translation) clarifies:

What does it mean to say that we want to work with Education in Human Rights? Education in Human rights is essentially the formation of a culture of respect to human dignity by means of promoting and living values of liberty, justice, equality, helpfulness, cooperation, tolerance and peace. Therefore, the formation of this culture means creating, influencing, sharing and consolidating mentality, costumes, attitudes, habits and behaviors which originate from those essential values aforementioned — which must be transformed into practice.

Considered an essentially human activity, education should target at formation based on this content. It is universally acknowledged that all men should have their inherent rights respected. Benevides (2000, p. 3) states that human rights are “[...] basic to all human beings independently of gender, nationality, ethnicity, skin color, age, social class, profession, mental and physical condition, political standing, religion, education level and moral judgment distinctions”.

If all human rights are guaranteed to all, for being universal, public policies for education are defined in conformity with constitutional precepts. In Brazil, education, according to the Federal Constitution (BRASIL, 1988), must be ministered with a basis on the principles described in Article 206, which, together, must grant the access of the child, the teenager, and the adult to school, and ensure that, inside school, quality, democratic management, and gratuity conditions are met as well as the value of education professionals. With these requirements, student’s success, learning, and the effective formation of men are ensured. The constitution, in its Article 205, guarantees the person’s “full” development, as well as the preparation for work and the exercise of citizenship.

School must organize pedagogical actions which will enable the achievement of constitutional principles. Education, as a public policy, is the main means for the effective formation of men. It is also the main factor of learning value and the exercise of human rights.

Legal prescriptions promise to guarantee education, and through it, to develop citizenship guided by human rights. However, the socially excluding context and the presence of a dual structure have directed high school and professional education towards a formation aimed at the work market, with inconsistent pedagogical projects. Public schools serve workers’ children, by supplying teaching which is incapable of forming them as conscious citizens of their human rights. How can high school and professional education be developed in a way that is both based on human rights and modeled by a social and political reality which is guided by neoliberal policies? Within this reality, would not the political assumptions, which

guide formation, be preventing the promotion of human rights and citizenship? This will be the focus of this text, which has the objective of discussing political proposals for high school and professional education and their connection with the promotion of human rights and citizenship.

This study is both based on the analysis of documents from educational policies and a bibliographical discussion. It covers aspects from the National Education Bases and Guidelines Law (LDBEN 9394/96), which enabled the structuring of high school and professional education, in the recently approved National Curricular guidelines for High School. The bibliographical study of the questions which refer to the theme comprises this historical period, whose knowledge is necessary to understand this subject. By means of an educational policies study, which is anchored on documents that regulate High School and Professional Education, we seek to make interests explicit as well as the data regarding the context, contradictions and mediations accomplished in the implementation of these policies. As regards this matter, Frigotto, Ciavatta and Ramos (2005, p. 27) understand that a law which expresses “a correlation of forces in the structural and conjectural level of society” (our translation), permits to obtain data about the historical context and the disputes on course. This data coincide with the considerations made by Lima Filho (2006, p. 32, our translation), who says that the Laws result “[...] from disputes, force correlations, and the contradictions are expressed both in the definition of laws and policies and in the interstices of resistance and negotiation spaces that desire its materialization and implementation”.

In order to foster discussion, data concerning the social context are presented, by which we analyze political, economical and social relations that are considered crucial for guiding the public policies for High School and Professional Education. These, in turn, were developed with a basis on the latest National Education Bases and Guidelines Law. In the following sections, a study is developed regarding documents and guidelines upon which High School and Professional Education were based.

## Revisiting some elements from the historical context

The analysis of education requires the circumscription of the context in which it is involved, because it is a social and human phenomenon situated within a given historical context, full of interests and contradictions. Discussing current questions implies having the knowledge that the development of society and education is on course. Frigotto (1995) states that the present context is configured as a scenario of an economical and political crisis, in which education is the object of a hegemonic dispute. This is understood by the dominating class as a form of workers' adaptation to work, and at the same time, having profit as an objective. For this author, this crisis, which happened between 1970 and 1990, modified work structures concerning their technical basis, composed by computerized technological processes, which were characterizers of work organization with predominantly flexible aspects. This subject is commented by Harvey (1994) when he discusses the transition from Fordism to flexible accumulation, which involves the modification of processes, products and patterns of consumption. As the ways of production, the scientific basis and the forms of consumption are changed, there is also demand for worker's education to meet the productive process that marks the rupture with rigid work processes, which are characteristic of Fordism. As a consequence, work market structure is altered.

In addition to such productive changes, political and social processes are also altered by the development of neoliberalism and by understanding that the State should be the manager of policies, in that it should be efficient and be regulated by the market; in this way, some of its actions could be developed and decided within society. As it was explained by Anderson (1996), Harvey (1994) and Frigotto (1995), this process started with the dissemination of neoliberal ideas, whose main actors were Thatcher, Reagan and Kohl. As clarified by Frigotto (1995), the neoliberal thesis develops the Idea of a minimum State, which generates not only unemployment, low investment levels in the public sector and in social politics, but also the fall of consumption due to scarcity of salary and work.

The development of neoliberalism, as affirms Frigotto (1995, p. 90), brought social and human costs, since it promoted social exclusion. This inequality produced by neoliberalism confirms, as commented by the author, “[...] that inequality is crucial for capitalist efficiency and productivity [...]”. These ideas were predominant in the implementation of the Brazilian State establishment reform.

This reform was processed in Brazil from 1995 onwards, during the period of Fernando Henrique Cardoso’s government, and its mark is the Master Plan for the Reform of the State Apparatus (BRASIL, 1995). However, according to studies of Ugá (2004), since 1980 neoliberals, whose ideas were on course in Latin America, worried about the possibility of immersion of countries in crisis with an external debt. This was considered an obstacle for economical development, subject which originated the Washington Consensus. According to studies by Shiroma, Moraes and Evangelista (2000, p. 55), in Brazil neoliberalism started with Fernando Collor de Mello in an “[...] adjustment of the Brazilian economy to demands of the global economy restructure”. According to Batista (1994), the Washington Consensus would promote this economical adjustment, because from there on financial freedom and a political adjustment would occur. This was due to the new implementations restricting State actions in face of its modernization.

The suggested modernization can be verified from the Master Plan, a document that situates education within the area of non-exclusive activities, which means that it can also be implemented by the private sector or by non-governmental segments.

From the aforementioned alterations, we highlight the developments of economy, which today, in a financial version, alter political and social relations. As it was analyzed by Chesnais (2011, p. 35), both the interest bearer capital and its speculative face act into this process and “[...] they are localized at the core of economical and social relations”.

It is noticed, according to the author, that the development imposed today is the financial speculation of profit obtained from production; this leads to a reduction of investments in the productive field, promoting the intensification of work, salary reduction, the increase

of working days, the reduction of workers and liability for social costs, which can be confirmed with retirements in the private sector. It is from this capitalist phase, which is predominantly a financial one, that the rapid worldwide crises have become more explicit, for example, the real estate North-American crisis of 2008. As previously explained by Harvey (1994), the possibility of financial and monetary crises development is bigger in flexible accumulation.

As mentioned before, capitalist accumulation is developed among crises. This is a subject commented by Hofling (2001), who observes the development of structural problems related to production and reproduction of labor force in capitalism. In this process, as pointed out by the author, the role of the State is to both ensure the reproduction of workforce and, at the same time, try to lessen the effects of inequalities originated from structural problems. Neves and Sant'Anna (2005) also develop an analysis emphasizing the role of the State. The authors explain that the actions of the State promote a form of education for hegemony, through which the State plays the role of an articulator of social forces by means of persuasion, and social conformity that has prevailed until today. For the authors, this historical block prevails and makes it possible, in the “[...] economical plan, the amplified reproduction of capital” and, in the political plan, “[...] a State that intervenes in the course of production and the political-social relations with the aim of legitimizing patterns of existing social relations” (NEVES; SANT’ANNA, 2005, p. 20, our translation).

In this historical block, and based on hegemony, the “collective man”, according to Neves and Sant'Anna (2005), will be formed, who will be adapted to present capitalist needs. The result of this adaptation is the development of sociability conformed to social and political structures. As pointed out by Behring e Boschetti (2008), a process of restrictions of rights is on course which occurs in conformity with the needs originating from the existing crisis in the economical and political sphere. The treatment of the social question and the problems originating from the social relation between capital and labor occur only punctually and in a compensatory manner. These data permits to question the idea of human rights,

because adaptation to capitalism as a consequence of inequality of this production system can hinder the use of rights, which, in fact, leads to social and human empowerment. This query reinforces, as pointed out by Hofling (2001), the fact that public actions should be devoted to the construction of social rights. Based on the author's theory, we understand that the policies of High School and Professional Education must develop actions geared towards the democracy of these rights, aiming, as pointed out by Hofling (2001), at the education of the citizen.

### **Policies for High School and Professional Education**

From the discussion carried out in the previous section, it is possible to perceive that education has its content altered in a version which is molded by the logics of capitalist accumulation. The recognition of education as a strategy for the resolution of social problems, as it is the case of High School and Professional Education, has been significant in meeting the needs that emerge from this logic. It is worth mentioning the development of professionalization at the beginning of last century, whose compensatory traces remain to this date. The School of Crafts Learners, created in 1909 by the Decree 7566, had the aim of educating "the destitute of luck" for work, by attempting to give them a social designation as well as promoting the formation of workers (BRASIL, 1909).

A little further on, with the development of education and Brazilian society in the 1940s, Capanema Reform occurred. With it, professionalization for the industrial sector took place inside schools, by means of the Institutional Laws, by the Decree 4073/42 (BRASIL, 1942), with the objective of meeting the needs of the formation for work that was required by the economical development at that time, as commented by Manfredi (2002). Some were destined to work and those who went on to secondary school received different directions. In the same decade, there was the creation of the National Service of Industry (SENAI), as well as the Organic Laws for secondary and commercial education.



In the 1970s, with the Law 5692/71, compulsory professionalization was developed and the preparation for work during high school was made effective with the industrial expansion of the country (BRASIL, 1971). In the dictatorial context, this situation worked as a containment of the demand for higher education, since the alumni entered the working market. There was an expansion of professionalization in public schools; however, this professional formation reinforced the logics of social designation: to form workers' children for work. It is evident that this period of professional formation had the objective of organizing the capitalist society and providing the market with professionals.

From 1990 onwards, with the Conference of Jomtien, it was issued the World Declaration on Education for All (UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION – UNESCO, 1998), which recognized education as a right. In the Brazilian scenario, the enforcement of the Declaration objectives occurred with the Education Decennial Plan (BRASIL, 1993), with the aim of expanding basic education<sup>1</sup>, which comprised, in that period, in Brazil, only primary school. This plan would accomplish the aim of reducing poverty, which would be achieved at the moment education was disseminated in order to form workers, citizens who are able to understand the world and minimally respond to demands and needs of the productive context, founded on a new technological and scientific basis.

Shiroma, Moraes and Evangelista (2000, p. 56) comment on the subject and affirm that it has been attributed “[...] to education the supporting role of competitiveness in the 1990s”, which made the new developments of public policies for education possible. It is observed from the authors' study that the aim, according to Jomtien, was the satisfaction of basic learning needs for distinct human groups, as well as for different countries, “[...] culture, sectors and social groups” (SHIROMA; MORAES; EVANGELISTA, 2000, p. 58).

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<sup>1</sup> It is observed, according to Shiroma, Moraes and Evangelista (2000), that basic education comprises only primary school.

In Brazil, the National Education Bases and Guidelines Law (LDBEN 9394/96) (BRASIL, 1996) was passed, by virtue of which there was reorganization of Brazilian education. High School became part of Basic Education, and Professional Education, as a teaching modality, was regulated by Decree 2.208/97 and was then developed into basic, technical and technological (BRASIL, 1997). This decree explains the privatizing interests that can be observed by the flexibility of levels for the accomplishment of Professional education. Therefore, it is understood that both the LDBEN and the decree clearly manifest the privatizing interests which are present in the capitalist context, information that is inside the definition of high school objectives, Article 35, according to an analysis by Saviani (1997). In the aforementioned article and in the same sentence concerning citizenship, we can verify the objective of preparing the learner for productive occupations by means of adaptation. These records allow us to question whether the intention was to ensure the right to education or simply meet the needs of the work market, purpose which molds education to economical changes, by subjecting the rights of man and worker to production needs.

It is verified that both high school and professional education also adjust themselves to market needs, according to the National Education Bases and Guidelines Law for High School and the National Education Bases and Guidelines Law for Technical Professional Education (BRASIL, 1998, 1999). The guidelines for High School bases are elaborated in accordance with the proposition of objectives by LDBEN 9394/96, concerning the perspective of flexible adaptation to the productive system and to the moment in which economical interests are privileged. According to the studies by Moehlecke (2012), such guidelines bring the mark of the neoliberal ideal in that they permit to glimpse flexibility, development of competencies and the formation for the work market.

The guidelines for Professional education focus on formation for work. Part of this document clarifies that the starting point for its proposals is the technological revolution and the reorganization of work. This is something that demands from workers “[...] a larger reasoning capacity, intellectual autonomy, critical thinking, initiative and an

enterprising spirit, as well as the ability to visualize and solve problems” (BRASIL, 1999, p. 16).

The indications related to the social and productive context maintain the guideline of adaptation to work and conformity to the contemporary world. As education is developed by following such objectives, we can doubt its real interest in overcoming social inequalities, since the starting point is education for workers’ competition among themselves, condition which opposes the development of education with a view to consolidate values that correspond to human rights, as, for instance, solidarity and respect for others.

As mentioned by Frigotto (1995), technical progress is remarkable in the capitalist scenario and in the logics of capital representatives, becoming naturalized and perpetuating interests that aim to exclude workers from knowledge, which, in fact, will lead them to seek the hegemonic control of knowledge, of technical progress and qualification. This differentiation shows the value attributed to knowledge, a subject mentioned by Harvey (1994, p. 151), who pointed out that in a world in which flexible accumulation is developed, “[...] knowledge about the latest technique, the newest product, the most recent scientific discovery implies the possibility of reaching an important competitive advantage”. It is observed that the emphasis on knowledge, conferred to both innovation and capitalist profit, promotes the value of education geared towards entrepreneurship, which will increase capitalist competition.

After a lot of questions regarding the dissociation of High School and Professional Education, as well as its privatizing basis, the Decree 2.208/97 was revoked and the Decree 5154/04 was implemented, which aimed to reestablish unity among High School and Professional Education (BRASIL, 1997, 2004). Frigotto, Ciavatta and Ramos (2005), discuss the new decree and state that it is also a hybrid document, as it was generated inside society, whose correlations of forces had the objective of promoting differentiated formation in its theoretical assumptions and its results.

According to Frigotto (1995, p. 139), the axis of discussion regarding education must be “[...] solidarity, equality and democracy”. The author’s statement shows the opposition between forming to meet the wishes of the productive system and forming to meet effectively human needs.

The implemented discussions that aimed to revoke Decree 2208/97 (BRASIL, 1997) were followed by studies and propositions of new curricular guidelines for High School. These guidelines were systematized and approved by Resolution 05/2011 (BRASIL, 2012a). Studies by Moehlecke (2012) affirm that this document does not alter curricular organization. The author defends that indications are maintained, so that the curriculum can be flexibly organized, and she points out that diversity is a theme that receives emphasis.

Based on the document, the concern about the category youth and also about the guarantee of right to education is observed, as it mentions respect to students’ social and cultural reality. The emphasis on diversity as well as on youth shows concern about high school students, which is a crucial condition to ensure the right to education.

Being approved in January 2012, the Resolution 02 establishes the National Education Bases and Guidelines Law for High School, while accomplishing the objective of offering public high school as a social right (BRASIL, 2012b). The guidelines are implemented and they follow the guidance of LDBEN 9394/96. In its beginning the document makes clear the intention of serving the interests of the productive sector and, at the same time, offering human education and promoting ethical education in order to prepare the student for work and for life. Despite this contradiction, made explicit in this text, human rights are a guiding principle and a curricular component that will direct all formation. It is understood that this is a crucial factor for the exercise of citizenship in the present context. This data supports the statement that the new curricular guidelines for high school are imbued with the guidelines created at the Conference of Jomtien, which defend education aimed at competitiveness, as an example of Shiroma, Moraes and Evangelista (2000) about the implementation of public policies for education.

In this resolution, the basis for work which ensures human rights is the Decree 7037/2009, which establishes the National Program of Human Rights (PNDH) (BRASIL, 2009). In the guidelines 05 of this decree, the person is considered “[...] a central subject of the development process”. The guidelines 07 emphasize the need of both ensuring “[...] human rights universally” and guaranteeing “[...] full citizenship”. The guidelines of the National Program of Human Rights (PNDH) are in tune with orientations of the new resolutions, as it is verified in the guideline 10, in which we read “guarantee of equality and diversity”, thus meeting the indications of the Guiding Axis V of developing “education and culture in human rights”. There is again, in this extract, an approach to indications made by Jomtien in the defense of education for all. It defends the basic needs of children’s, youngsters’ and adults’ learning. This information shows a guiding line for the implementation of public policies for education, in which human rights are considered central.

### **Final remarks**

At the end of this reflection, we conclude that the defense of human rights is crucial in the educational area with a view to the exercise of citizenship for children, adolescents, youngsters and adults, if we desire a fairer world. However, after this analysis, we must not disregard the need of clarity in the study of implementation and development of public policies for education. They announce the central role of human rights, but are, at the same time, developed in a way that is mediated by contradictions present in society whose emphasis has been the need of perpetuation of the capitalist profit. We understand that this aspect is opposed to the intended human formation envisaging the development of citizenship, and it is contrary to the central role man should play in public policies guidelines.

It is also concluded that the objective of high school and professional education for the citizen and worker, which meets the demands of the work market, will form the exploited worker who will supply the

needs of profit, which are present in the capitalist productive gear. The implementation of this education seems to favor the logics of conditioning in formation, which provide the individual with an understanding that the results of his work, knowledge, science and technology can be used for the sake of humanity, with the solution to problems regarding health, housing, environment conservation, education, sustainability and food, while putting human values into practice, and contributing to the exercise of citizenship and human rights.

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Recebido: 30/09/2012

*Received:* 09/30/2012

Aprovado: 13/02/2013

*Approved:* 02/13/2013