

## **Education and human rights: access to higher education as an emancipatory public policy**

*Educación y derechos humanos: el acceso a la educación superior como política pública emancipatoria*

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### **ABSTRACT**

This article discusses an education policy for access to higher education in Brazil, the PROUNI-University for All Program, established in 2005, with scholarships to the low-income population from public schools in the community and private universities. This is qualitative research, with the analysis of official statistical data. Results indicate that thousands of low-income youths have had access to higher education; however, they face enormous difficulties in remaining at university and completing their course. Nevertheless, PROUNI is an example of an emancipatory educational experience that mitigates social and economic inequalities, besides being an indispensable means for realizing other rights and the human being's full development.

**Keywords:** education policies, higher education in Brazil, PROUNI.

### **RESUMEN**

*Este artículo analiza una política educativa para el acceso a la educación superior en Brasil, el Programa PROUNI- Universidad para Todos, establecido en 2005, con becas para la población de bajos ingresos de las escuelas públicas de la comunidad y universidades privadas. Se trata de una investigación cualitativa, con el análisis de datos estadísticos oficiales. Los resultados indican que miles de jóvenes de bajos ingresos han tenido acceso a la educación superior; sin*

*embargo, enfrentan enormes dificultades para permanecer en la universidad y completar su curso. PROUNI es un ejemplo de experiencia educativa emancipadora que mitiga las desigualdades sociales y económicas, además de ser un medio indispensable para la realización de otros derechos y el pleno desarrollo del ser humano.*

**Palabras clave:** *políticas educativas, educación superior en Brasil, PROUNI.*

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## INTRODUCTION

Brazil is a country of significant socioeconomic inequalities that reflect on access to education at a higher level. In this country, access to higher education is still restricted and elitist. Thus, this article discusses education policies as social inclusion to enforce human rights and mitigate unequal socioeconomic inequality situations. This is qualitative research, based on official statistical data regarding the University for All Program (PROUNI). PROUNI was institutionalized by Law 11096/2005 as a public policy of the Federal Government developed in private universities to allow access to higher education for the low-income population through the concession of scholarships.

PROUNI is a well-evaluated program in several kinds of research. The perspective of higher education expansion or the guarantee of human rights, as some studies indicate: Chaves (2016), Custodio (2019), Limena *et al.* (2011), Costa y Ferreira (2017), Costa (2013), Milanez (2016), Teixeira (2015), Saviani (2011), Renk y Bordini (2019).

Therefore, the article is organized in three parts: in the first part, a discussion is presented on the effectiveness of the right to education as a condition for full human development; in the second part, the social indicators of Brazil are analyzed; and in the third part, the University for All Program is analyzed, 15 years after its implementation. The interdisciplinary perspective among human rights, education, and public policies guide the results' analysis at the end of the study.

## **HUMAN RIGHT TO EDUCATION: INTENTION AND REALITY**

Several factors influence human development so that dignity can be recognized and protected by the State. Education presents itself as one of the most valuable and powerful tools for people to understand what this dignity consists of and how it can never be given up.

Education is a human right that, from a legal perspective, corresponds to the State's obligation to guarantee its effectiveness. Nevertheless, it is also part of a broad cultural, economic, social, and religious context from which the principles and values of an ethical community are preserved, transformed, and perfected. Education thus assumes the «status of a human right, since it is an integral part of human dignity and contributes to expanding it by knowledge, wisdom, and discernment. [...] it is a right with multiple faces: social, economic and cultural» (Claude, 2005, p. 37). The specificity of education is that it is more than a specific human right; it is also the way to awareness and protection of other human rights.

The disastrous and inhuman effects of World War II led the United Nations (UN) Commission on Human Rights in 1946 to deepen discussions about education's relevance as a right by excellence to establish peace among people. It must be emphasized, however, that education is never totally neutral. It is a vehicle for emancipation in most cases and can also reproduce systems of domination and ideologies. The right to formal education must be guaranteed and have its horizon to affirm, recognize, and protect human dignity.

The importance of education in human rights means it is egalitarian, inclusive, transformative, and emancipatory. Claude (2005) argues that «the right to education is a social right, a social asset, and a responsibility of society» (p. 40). The school has a privileged space; nonetheless, it transcends and extrapolates this space since it is the society and the State's responsibility. Article 26 of the Universal Declaration of Human Rights (UDHR) is:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and strengthen respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial or

religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children. (s/p)

Although UDHR's articles are not mandatory, they positively influence the member states' legal systems' redefinition and regulation. The central aspects of education, such as gratuity, an obligation contemplated in the Declaration, echo the configuration of the State's duty in educational matters. In the Brazilian legal system, education is reiterated as a right of all: «education, everyone's right and duty of the State and the family, shall be promoted and encouraged with the collaboration of society, aiming at the full development of the person, their preparation for the exercise of citizenship and their qualification for work». (CF/88, art. 205)

In the rethinking of the United Nations Declaration's objectives in the Latin American context, ratified by most member countries, it is understood that the right to education is characterized, in practice, by the dynamics of exclusion. For Gentili (2009), the fact that the excluded population has the right to education does not mean a reality. The miserable living conditions associated with the poverty-stricken population's hunger prevent access to this human right. The exclusion of the right to education is not limited to being out of school but also living in circumstances that exclude children, adolescents, and youths from this right. The school environment might also figure out to transfer and maintain this exclusion and inequality.

If in the elementary and fundamental grades, which are universalized as a State obligation, school access and performance are marked by the absence of other rights, such as food, housing, and health, then, from early childhood, school performance conditions will not be the same. This makes it even more challenging to access and stay in Higher Education for the most underprivileged layers of society since, at this level, the document emphasizes that they depend on «individual responsibility and it is based on merit». How could this liberal argument be enough if there is a huge quality gap between private and public schools at the fundamental levels in Brazil's case? How could it be argued that it is only a question of «individual responsibility» if the most popular university courses denote the reproduction of classist and often racist segmentation? In this sense, PROUNI represents an attempt to correct these

discrepancies, a form of restorative justice, in the face of the historical exclusion to which thousands of children, adolescents, and young people have been subjected.

## **BRAZILIAN EDUCATION IN THE CONTEXT**

Brazil is a country with 520 years of history, and in this trajectory, it has always been marked by significant socioeconomic differences, a hierarchical and exclusive society (Damatta, 2001). In it, the poor have been denied many rights, especially the right to education. The country occupies the 79th position in the world HDI, which is 0.759 (UNDP, 2018). About 30 % of Brazil's income is concentrated in the hands of only 1 % of the population (World Inequality Database, 2020).

In this sense, 10 % of the population held 43.3 % of the country's income, and on the other side of the pyramid, the lowest 10 % had only 0.7 % of total revenue (IBGE, 2018). When we analyze these data, we can see that 4.8 million people survive with a nominal monthly household income equal to R\$ 0.00 (no income at all, being in absolute poverty), and 11.43 million people have an income of R\$ 1.00 per day at R\$ 47.00 per month (approximately US\$ 8.8 US dollars), living in extreme poverty, in a situation of social vulnerability (IPEA en IBGE/INDEP, 2018).

These data reveal the immense socioeconomic gap between a minority that holds the wealth and the majority who is a disadvantaged population. The unequal living conditions indicate that only 7 % of people tend to reach the wealthiest 20 %, while more than a third of the population is born into the poorest 20 % in Brazil remaining at the bottom of the pyramid, showing that there is no break in the cycle of poverty (OECD, 2018).

Education is a right established in the Federal Constitution (Brasil, 1998). It encompasses Early Childhood Education, Basic Education (which includes Elementary and Secondary Education), and Higher Education. Primary education is a duty and is offered by the State, despite the private sector's prerogative teaching. In this sense, access to Elementary Education is almost universalized, but at the end of this schooling stage, many young people leave school without concluding high school, for different reasons, but mainly to work (Renk y Bordini, 2019).

Approximately two-thirds of the Brazilian population (60.4 %) has not completed elementary school, with seven years of schooling at most (IBGE, 2018). Low-income families have fewer

years of study. This results in limited work possibilities. They have lower-paid jobs, thus maintaining the cycle of poverty.

Poverty as a human condition is marked by prolonged and chronic deprivation of resources, capabilities, choices, security, and power necessary to enjoy an adequate standard of living. The lack of material goods also represents the deprivation of civil, cultural, economic, and social rights (Benedek, Moreira y Gomes, 2014). The United Nations High Commissioner for Human Rights (September 2002) understands that poverty is an extreme form of deprivation, and education is one of the conditions for overcoming it. Therefore, the poorest people live in a vulnerable situation; lack of access to essential goods and services is a violation of human dignity and the right to live in security.

The Universal Declaration of Human Rights, in article 25 (1948), establishes that for there to be human dignity, the standard of living must be sufficient for the human being to ensure health and well-being. Therefore, the Vienna Declaration (2003) reaffirms that "poverty and social exclusion are violations of human dignity. In this sense, poverty is the denial of opportunities to live long and healthy lives and enjoy freedom, fulfillment, and a decent living standard and make people vulnerable (Symonides, 2003). Social vulnerability is the lack of access to material goods and services that can supply what can make an individual vulnerable (Hossne, 2009). In this sense, the unequal income distribution turns Brazil into an unfair country with significant social inequalities where the State does not guarantee human rights. Education shows this socioeconomic abyss, with schools for the elite and the poor (Moraes, 2017). Even more aggravating is that poverty excludes young people from social life and school.

The social exclusion does not allow most Brazilians to enter higher education. Only 17 % of the population can complete university because historically the low-income population is excluded from this level of education, a figure lower than that of other countries in South America, such as Chile, this rate is 27 %, in Argentina 39 % and North America 80 % (Ely, 2019, OECD, 2018).

Of the total number of students who completed high school in the private educational network, 79.2 % enter higher education, while those who completed public education, 36 %, went to college. Regarding the ethnic and racial profile, 51.5 % of those who finished high school declare themselves white, and 33.4 % are black and brown (IBGE, 2018). These data demonstrate the elitism of higher education. Nevertheless, public spending on education in 2018

- 6.2 % of Gross Domestic Product - GDP, higher than many OECD countries, for example, Italy spends (3.6%), Japan (4 %), Germany (4.2 %) of GDP.

In Brazil, the population of 16-year-olds is currently 3.2 million, from this total, 24.2 % has not yet finished elementary school, a very alarming fact, and despite being obligatory and offered free of charge by the State. The high school completion rate is 63.5 %, revealing that approximately 37 % leave school without closing the Basic Education cycle (MEC, 2018). Among the reasons are the high failure rates, need to contribute to the family budget, lack of perspective in the job market, and teen pregnancy. High School completion is limited to 30 %. School dropouts without completing high school are a reality.

The opportunities for access to Higher Education result from the direct or indirect selection that, during schooling, will weigh unequally on individuals from different social classes, or even the cultural capital. The limited access to Higher Education for the most popular classes weighs heavily on the exacerbation of social inequalities, and it is up to the State to formulate public policies of insertion and maintain a social connection (Piovesan, 2014; Custodio, 2019; Paugam, 2003).

Given these social and school indicators, the University for All Program (PROUNI) was created by the federal government in 2015, giving the possibility of access to higher education for these unfortunate young people in the system.

## **UNIVERSITY FOR ALL PROGRAM (PROUNI)**

PROUNI was established in 2004 and institutionalized by Law 11096/ 2005, focusing on granting full and partial scholarships in undergraduate courses at private higher education institutions that receive a tax exemption in return (Brasil, 2019). It is a national scope program of the Ministry of Education, foreseen in the Education for All for Education Commitment Goals Plan of the EDP (Education Development Plan) to democratize access in private institutions of higher education (Saviani, 2011).

The program is for students with a maximum family income of 1.5 minimum salaries for the full scholarship concession, and up to 3 minimum salaries in the case of a partial scholarship of 50 %, provided that incoming students from public or private high schools meet the conditions of scholarship holders and other criteria (Guimarães y Santos, 2011). As a social inclusion policy, it

contemplates the population located in certain income groups, the low-income population that historically was excluded from higher education (Almeida *et al.*, 2010; Limena *et al.*, 2011). In contrast, private higher education institutions that join the Program need to make vacancies available and receive tax exemption (IRPJ, PIS, COFINS, and CSLL). (Custodio, 2019)

Public policies consist of actions and programs developed by the State based on an issue that becomes socially problematized or meets a social need (Di Giovanni, 2009). In the implementation, there is a correlation of forces, interests between economic and political groups, and social classes that result in actions passed on by the State to society. (Bonetti, Gisi y Filipak, 2013)

The privatization of higher education is a reality. In 2005, the year PROUNI was established, there were 2,165 higher education institutions in Brazil, 1,934 of them private, and 231 public, totaling 4,567,798 enrollments (Brasil, 2007). In 2018, 2,364 higher education institutions, of which 2,069 were private, and 295 were public, and the number of enrollments was 8,531,655 (MEC, 2018). These figures reveal that private higher education institutions do not meet the entire demand, opening space for private institutions, characterizing education's mercantilization, and reducing public spending and investments in social policies. (Sacavino y Candau, 2008; Chaves y Amaral, 2016)

The students' entry into higher education may change their reality, having more choices and opportunities, reducing socio-economic inequalities, and contributing to the mitigation of human rights violations. The consolidation of democracy presupposes an agenda of social inclusion and human rights prevalence. (Gallardo, 2014)

The Program promotes the democratization of access to higher education, providing that higher education has a much broader reach, including middle class and working-class youth, decreasing its elitist character present throughout the country's history (Martins, 2006). In this sense, PROUNI works on making financial access viable and on the inclusion of socially excluded people due to their low educational backgrounds because they suffer veiled social discrimination and lack of financial status. (Teixeira, 2015)

By comparison, 2,320,421 positions were offered in Brazilian higher education in 2014. In 2017, this number reached 10,779,086, a significant increase of 8,458,665 positions. Since PROUNI was established, 3,665,136 scholarships have been offered. This amount represents 43.3 % of the increase in the number of higher education positions. Of this total, the majority were full

scholarships, such as 69 %, meaning that the Program has reached its main target audience, the neediest population. Thus, it can be stated that almost half of the increase in the number of higher education openings was due to PROUNI (Education Census, IBGE/INDEP 2018). This Program represented an expressive impact in the democratization of access to higher education.

As for PROUNI scholarship students' academic performance, studies in this area show that they are recognized as hard-working and even better students in the class (Milanez, 2016) According to the reports, the university entrance for PROUNI students demonstrates a new perspective of increasing the knowledge universe, social relations, and the possibility of acquiring a better professional education. To this end, undergraduate studies represent an instrument that also enables social advancement through these students' entry into the labor market. (Costa, 2013; Costa y Ferreira, 2017)

The possibility of social ascension as a result of graduating from PROUNI can be one of the ways to reduce the exacerbated social inequality in Brazil. With the best professional training, obtained through entry into higher education institutions, PROUNI students can get more satisfactory employment conditions, increasing family income, and reducing the risks of human rights violations. The graduates have gained theoretical skills, differentiating them from their social and family groups, the gain of school capital that begins to express their new social and economic condition, changing behaviors with the inculcation of new habits that denote social ascension.

Many PROUNI alumni are the first people in the family to obtain a university degree. The diploma represents a symbolic power of social status changing in their family environment, a gain of cultural capital, the possibility of breaking the circle of poverty, having more significant opportunities of social mobility, from the condition of less-educated to the state of more academic and intellectual competence (Bourdieu, 2008).

Although this policy allows thousands of young people access to higher education, it still has some deficiencies: PROUNI provides access to students but does not guarantee the permanence and conclusion of higher education; through this program, the state passes its duty and rights to education on to the private initiative; it maintains the commercialization of knowledge with the transfer of funds to the private sector in exchange for tax exemption (Saviani, 2011). In this sense, there is a need to reassess and resolve these aspects.

Nevertheless, there are some challenges on the horizon. For the Brazilian Government, it is to expand PROUNI, considering the fiscal resignation made by the Union for the Program due to difficulties with the Brazilian public accounts and low economic growth in recent years (Teixeira, 2015). Creating conditions for permanence until the university course is concluded, all those who join the Program and deconstruct the prejudices and intra-university rejection towards the PROUNI students. (Renk y Bordini, 2019)

The research showed that access to higher education has not changed the Brazilian social structure much. However, it is expected to bring more than social justice and reduce social inequalities in the long run. Therefore, there is a need for the formation of a human rights culture that promotes social justice, a sense of dignity, and creates a more equitable and democratic society. (Piovesan, 2014)

## **FINAL CONSIDERATION**

The right to education is a way to access the real possibility of guaranteeing human dignity. It is not limited to its recognition in legal documents and declarations. It must also permeate all social and political relations. However, the exploitation of the human condition that has historically marked Latin America poses significant challenges for realizing education as a right.

The statistical data pointed out throughout the research indicate how the Brazilian reality of Higher Education is far from the idea that it is accessible only through merit and individual responsibility. Despite this, UDHR's guidelines are fundamental so that public policies can guarantee citizens access to this type of education and have a dignified and emancipated life.

Among the positive results of the PROUNI's achievements, it is worth mentioning the break with the poverty cliché, qualification for the labor market, increased family income, professional growth, class ascension, and the acquisition of symbolic goods, and social prestige. This reduces the risks of being marginalized in Society.

The acquisition of cultural and social assets also resizes people and their relationships through university coexistence, new academic experiences regarding access to scientific knowledge, participation in scientific initiation research, and exchange programs.

Although official statistics show that thousands of young people were able to attend higher education due to this Program, the challenge is to expand PROUNI as a public policy of

democratization to access «cultural capital» and reduce non-compliance with Human Rights. There is a need for a policy that guarantees the student's permanence in higher education to finish the course. This program has benefited many private higher education institutions with tax exemption in exchange for vacancies, but it has not expanded the offer (vacancies) in public universities.

Despite some challenges to be overcome, PROUNI has contributed to the democratization of access to higher education by promoting alumni insertion into the labor market. It has made it possible for many people to work in their area of education and raise their «cultural assets» besides collaborating in their emancipation, inducing the guarantee of Human Rights.

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### **Conflict of interest**

The authors states that there are not conflict of interest.

### **Author's contributions**

Jaci de Fátima Souza Candioto<sup>1</sup> participated in the recollection of data, the writing of the paper and its review.

Valquiria Elita Renk: participated in the recollection of data, the writing of the paper and its review.