

## Comparative Analysis of Education Plans and Prohibition of Gender and Sexual Diversity Education

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### 1 Abstract

This text, extracted from research, aims to analyze the “Education in Gender and Sexual Diversity” prescribed in National, State and Municipal Education Plans in Brazil. Due to this objective, we are anchored in techniques of qualitative methodology, which, in the field of legal sciences, incurs the analytical-dogmatic approach, having as its purpose analysis from a deductive-epistemological perspective.

We establish as categories for comparison the provisions on basic education (Brazil, 1996) and relate directly or indirectly to the issues of gender and sexual diversity, portrayed in the document, named as: “education”, “gender” and “diversity”. sexual”. These categories are closer to the exercise of citizenship and propose the inclusion in the daily life of the classrooms and the school space. In this context, education becomes an instrument for social transformation and citizenship building, aimed at respecting differences.

An approach of gender and sexual diversity means educating on human rights (Brazil, 2018, p. 19), expanding citizenship for social justice purposes, and inserting values, attitudes, and behaviors into the classroom that derive from “[...] educational policies directed towards the constitution of a culture of human rights” (Brasil, 2018, p. 13).

The Educational Plans are constitutionally mandated to “articulate the national education system in a collaborative manner and define guidelines, objectives, goals and implementation strategies to ensure the maintenance and development of education [...]” (Brasil, 1988) in periods of ten years; aiming, among others, the “universalization of school attendance” (Brazil, 1988) and the “humanistic promotion” (Brasil, 1988).

We highlight what is provided in item II, article 206, of the Federal Constitution (Brazil, 1988), which appears as the principle of Brazilian education “[...] the freedom to learn, teach, research and disseminate culture, thought, art and knowledge”. The concern with plural and inclusive education led to the replication of the same wording as set out in section II, article 3, of the Basic Education Guidelines Law (Brazil, 1996). With this referral foresees that “Education, [...], will 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” (Brazil, 1988).

Considering that the school environment must be based on the democratization of sources of education and freedom of chair / learning. We realize that the guarantee of democracy is also given by access to a plurality of information that is provided educationally represents a significant step in the construction of a truly “free, fair and solidary” society (art. 3, item I, of the Federal Constitution, Brazil, 1988). In this sense, Ranieri (2013, p. 56) also states: “[...] education enables the diffusion of democracy and human rights, 'crucial values' in the contemporary world”.



We emphasize that the PEE-MS (Mato Grosso do Sul, 2014) and PME-CG (Campo Grande, 2015) have greater depth in addressing issues, structuring Gender Education and Sexual Diversity at different levels of basic education.

The suppression of the term “gender” of the PNE (2014-2024) does not represent the limitation / prohibition of the approach of the theme in classrooms (Brasil, 2018, p. 126). The “fight against exclusion” (Brazil, 2014, Goal 3, Strategy 3.13), which is advocated in the document, indicates that education for recognition / respect for differences is one of the strategies defined for education at national headquarters. Despite the suppression that led States and Municipalities to repeat this practice in their education plans, the PNE (2014-2024) has as its guideline “eradicate all forms of discrimination” (Brazil, 2014, art. 2), the which must be imperative in the educational exercise of all federative entities.

According to the law authorizing the PNE, “[...] any attempt to restrict state and municipal plans or other local laws must be considered unconstitutional and illegal” (Brasil, 2018, p. 127). Regarding the PNE (2014-2024) (Brazil, 2014), the main criticism lies in the suppression of the term “gender”.

Through the approach of PEE-MS (2014-2024), we highlight the relationship established between the multiculturalism evidenced in the formation of the State and the concern with the formatting of an educational system that meets the diversity and that is established in the difference. It also prescribes education for the purpose of promoting a culture of respect and acceptance of others (Mato Grosso do Sul, 2014, goal 3, guideline 3.6); It provides for the development of teaching materials on gender and sexual diversity that reach family environments and recognizes the gap in the capacity of educators to deal with gender differences and sexual diversity.

The PME-CG (2015-2025) (Campo Grande, 2015) stands out for its robust approach to gender and sexual diversity issues. It presents goals and guidelines that dialogue with the problems of gender and diversity evidenced in the school environment, expressing the concern with violence; the discrimination that affects students, staff and education professionals, the need to develop educational campaigns for school awareness of LGBTI public and to invest in continuing education specific to gender and diversity relations.

In the speeches organized around the areas chosen for comparison, there is a “prescribed” concern with gender and sexuality relations in the Plans (national, state and municipal). By respecting the competence of their application, they only incur the prediction of goals and strategies established as educational guidelines for a period of ten years, pursuant to article 214 of the Federal Constitution (Brazil, 1988). We add to this that the representativeness of the achievement in Human Rights, with the express prediction of Gender and Sexual Diversity Education in classrooms, also sharpens around the political and religious clashes of / in Brazilian society.

Although this scenario, the forecast for the next decade represents that the respective federative entities should recognize as constitutional the education that proposes to disseminate, among children and adolescents who are members of basic education, information about the themes under analysis, which make up a robust and complex set of information on biological gender, gender representations and sexual orientation; by understanding it as an education for / for equality and social transformation, an education in / for Human Rights, aimed at respecting diversity and building social peace.



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