


FORMAL AND NON-FORMAL EDUCATION IN SPACES OF RESTRICTION OF FREEDOM: A BRIEF ANALYSIS OF THE STATE OF SÃO PAULO

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ABSTRACT

This article aims to analyze the structure and organization of formal and non-formal education in prisons in the state of São Paulo, identifying how education is systematized and implemented within the São Paulo prison system. The methodology included the review of official documents and data, such as the Criminal Information Report (RELIPEN) and the Joint Guiding Documents of the Secretariats of Education and Penitentiary Administration. The results indicate that, although the state of São Paulo continues to invest significantly in the prison system, the lack of information on available resources and persistent overcrowding indicate critical challenges for the effective implementation of educational activities.

Keywords: Education in Prisons. Human rights. Educational Policies. Youth and Adult Education.

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INTRODUCTION

When discussing youth and adult education, it is essential to understand school times as well. According to Parente (2010), there is a naturalization of school times that makes the school we know today continue to reproduce logics and models created in other historical moments. For the author, school times are historical constructions, which means that "there are motivations for present forms and possibilities for future forms" (p. 136).

For Teixeira (1999 apud Parente, 2010), the time of school, that is, the ideal time of schooling, is influenced by the socio-historical environment in which individuals live, by the family context, by the city and by the country. Parente (2010, p. 144) brings an important reflection on the subject when he asks: "is there a specific time to go to school? What are the determinants of this construction?" The author highlights that the student is a social construction. Throughout history, the insertion of children in schools at a specific age has led to the naturalization of the association between the condition of childhood and the condition of student.

However, adult literacy is also a reality in Brazil, and education is a right guaranteed by the 1988 Constitution to all Brazilian citizens, including adults (Brasil, 1988). Despite this, EJA has faced periods of advances and setbacks since the institution of formal education in the country.

In colonial Brazil, education was mainly aimed at children, but indigenous adults were also subjected to cultural and educational actions by the Jesuits, who preached an initiation to the Christian faith and the teaching of the Portuguese language (Strelhow, 2012). With the expulsion of the Jesuits from Brazil, Parente (2010) points out that education was not only left without a structured educational system, but also lost an important reference in terms of the temporal organization of schooling. This has also impacted adult education, as education has become exclusive to people with money and power, and formal knowledge has been monopolized by the ruling classes (Strelhow, 2012).

According to Strelhow (2012), in 1920, 72% of the Brazilian population was illiterate. In response, the National Education Plan of 1934 provided for compulsory and free comprehensive primary education, also extended to adults. This was the first plan in the history of Brazilian education to talk about EJA. After World War II, and with the creation of the UN and UNESCO, new adult literacy plans were developed in Brazil due to international pressure, but these plans ended up focusing more on the number of literate people than on the quality of education offered (Strelhow, 2012).

According to Haddad and Pierro (2000), the early years of the 1960s were marked by a growing interest in EJA in Brazil, differentiating it from educational practices aimed at early childhood education. However, the civil-military coup of 1964 interrupted this trajectory, censoring and repressing debates on education and popular culture. Paulo Freire, invited to draw up a national literacy plan, saw his project interrupted by the military dictatorship. In 1967, the MOBRL (Brazilian Literacy Movement) was created, which focused on literacy without promoting critical education, blaming students for illiteracy and the country's lack of development (Strelhow, 2012).

With the advent of the New Republic, MOBRL was extinguished and several adult literacy programs were launched, so that important issues, such as adult intelligence and the specific characteristics of those enrolled in EJA, were once again addressed. However, according to Graciano and Schilling (2008), the demand for school education in prisons was not on the agenda of civil society. In this scenario, those who fought for the improvement of quality public education for young people and adults did not include education in prisons in their agendas of demands. According to Portugues (2001, p. 9), this is due to the fact that the theme is often seen with strangeness, since there is a strong prejudice: "prisons, to say the least, cause deep repulsion, and 'good people' should keep the most absolute distance from them".

Although education is a constitutional right, education in prisons still raises complex questions. Onofre (2012, p. 210) states that some issues are still recurrent when we talk about the theme, such as:

[...] Why education in prisons? Who does education serve? If we don't have quality education for our children, why invest in the education of criminals? If public schools lack resources and materials of different natures, why provide prison schools with such resources? If we do not have initial and continuing training of teachers who work in public schools, why invest in the training of educators for criminals?

These questions indicate the need to understand education as a fundamental human right, without distinction of age, social class or any other particularity. Maeyer (2013 apud Onofre 2015) states that the right to education is not granted out of compassion, but because it is an intrinsic right, guaranteed simply because we decide to live in society, recognizing the same rights to everyone. Thus, it is necessary that the topic be widely discussed among educators. These debates are essential for a better understanding of education in spaces of deprivation of liberty and to seek ways that restore dignity to these individuals.

The promotion of Youth and Adult Education (EJA) should be a priority both outside and inside prisons. Understanding the structure of formal and non-formal education in contexts of deprivation of liberty is critical to ensuring that education is recognized as an essential right for all citizens, reflecting our commitment to justice and human dignity.

Considering the issues presented above, this article aims to offer an overview of the São Paulo prison system and the functioning of formal and non-formal education within the prisons of the state that incarcerates the most in the country. Gadotti (2009, p. 43) states that: "the city and its neighborhoods have countless educational possibilities. Living in the city constitutes a cultural space of permanent learning in itself". In the same way that the urban experience, with its multiple interactions, contributes to a continuous process of informal education, education in prisons — whether through formal classes taught by teachers, or through non-formal educational activities such as work, reading, and living together — has the potential to transform lives and rewrite stories.

Education, in addition to being a right, is essential for the full inclusion of adults in modern society. Without the ability to read and write, the rehabilitation of ex-convicts becomes much more complex. In addition to the stigma associated with the past of incarceration, illiteracy decreases the possibility of finding a job and effectively reintegrating into society. Literacy is a fundamental tool to overcome barriers and create opportunities, facilitating the social and economic integration of subjects who will return to society after serving their sentences.

A BRIEF OVERVIEW OF THE PRISON POPULATION

In the first half of 2023, the first Criminal Information Report (RELIPEN) was launched, which aggregates information from the prison system of all Federation Units. The data collected by the National Secretariat for Penal Policies (Senappen) are the result of the Prison Information Form, answered every six months electronically via SISDEPEN by servers appointed by the prison administrations of the States, the Federal District, and the Federal Penitentiary System (Brasil, 2024).

For Adorno (1991 apud GRACIANO and SCHILLING, 2008), prison, like other institutions of repressive control of public order, is not transparent with the population, being little accessible to external visibility. Thus, the launch of RELIPEN, in the first half of 2023, represents a major advance, concentrating prison information in a single, easily accessible document. The consolidation of this information through RELIPEN facilitates the evaluation

and planning of public policies aimed at improving educational and prison conditions in Brazil.

According to the data released in the report, the Brazilian prison population totaled 642,491 people, while the capacity of prison units was 487,208 places, evidencing an overcrowding of the Brazilian prison system. Among the prisoners, 137,316 are involved in formal education programs, which include literacy, elementary, secondary and higher education, as well as technical courses lasting more than 800 hours (Brasil, 2024).

Specifically, 21,100 prisoners are in literacy programs, covering men and women in face-to-face or distance education (DE) modalities. In elementary school, 70,914 prisoners are enrolled, again considering both types of education and both genders. In high school, 40,698 prisoners are enrolled (Brasil, 2024).

In terms of the racial composition of the Brazilian prison population, there are 179,156 white people, 98,183 black people and 303,202 brown people. According to the Brazilian Institute of Geography and Statistics (IBGE), the terms "blacks" and "browns" together are often used to refer to the black population. Thus, the total number of Black people in the Brazilian prison system is 401,385, an extremely high number that highlights the racial inequality present in the criminal justice system (Brasil, 2024).

The state of São Paulo has the largest prison population in the country, with a total of 197,070 inmates for 152,917 places, which reveals considerable overcrowding. According to Dias (2012), the state of São Paulo has been a national reference for investment in the prison system. However, this investment is focused on expanding the network of prison establishments, and not on improvements in the Prison Units, such as access to education or rehabilitation programs.

According to data reported by the aforementioned author, in 1990, there were 37 Prison Units in the state of São Paulo; however, more recent data, released by the National Penitentiary Department, inform that the state currently has 182 Prison Units (Brasil, 2024). For Gadotti (2009), Brazil, which is currently investing in prisons, has stopped investing in public schools in the past, according to the author:

To reverse this situation, we need another education. It is not enough to invest in education and work. It is necessary to invest in citizenship, in democracy as a way of social life, in training for and through citizenship, for the exercise of citizenship from childhood (Gadotti, 2009. p. 57).

According to the most recent data, in the state of São Paulo, 3,953 people deprived of liberty are participating in literacy programs, while 1,903 are enrolled in elementary school. High school has 11,004 enrollments (Brasil, 2024).

In addition, data released in 2021 indicated that, of the total number of citizens detained in the state at the time, 89,390 had not completed elementary school, which indicates the relevance of the theme of this research (Brasil, 2021).

ORGANIZATION OF FORMAL EDUCATION IN THE SÃO PAULO PRISON SYSTEM

Formal education, according to Gohn (2016), refers to the type of teaching in which the contents are previously defined and follow an established curriculum. This model of education is characterized by a structured and standardized process, where educational institutions follow guidelines and standards defined by higher and official bodies, which are responsible for the certification of diplomas and certificates.

According to Gohn (2016), formal education has a specific national legislation that regulates the criteria and procedures for its implementation. This legislation establishes clear rules on how teaching should be conducted, what content should be covered, and what methodologies should be applied. Thus, teaching methodologies in formal education are often planned according to the contents prescribed in educational laws, ensuring uniformity and standardization in the educational process.

We will seek to pay attention to the laws that regulate the implementation of education in the prison system from the redemocratization of Brazil. This is because, for Ferreira (2019), educational assistance to citizens deprived of liberty gained legitimacy in the legal sphere from the Penal Execution Law No. 7,210/1984 (LEP), which was later reinforced by the Federal Constitution of 1988.

Until 2011, each Brazilian state had total autonomy to deal with education within its prison system, however, in that year, the Strategic Plan for Education in the Prison System (PEESP) came into force, instituted through Presidential Decree 7.626/2011 (Brasil, 2011), of November 22, 2011, signed by the then President of the Republic Dilma Rousseff. According to the Ministry of Education at the time, under the management of Fernando Haddad, the objective of PEESP was to promote the reintegration of citizens deprived of liberty through education, as well as to integrate the government agencies responsible for public education and penal execution (Brasil, 2011).

According to Decree 7,626/2011, the Plan at the national level should be executed by

the Union in collaboration with the States and the Federal District, and may also involve Municipalities, bodies or entities of the direct or indirect public administration and educational institutions. With the Decree, the responsibility of the Union to provide technical and financial support to the States and the Federal District was established, through the presentation of action plans prepared by state agencies with competence in the areas of education and penal execution (Brasil, 2011).

Thus, in order for the Federative Units to obtain financial support from the Union, the aforementioned Decree established the need to prepare an action plan based on current legislation, covering goals and strategies for the educational training of the prison population (Brasil, 2011).

Among the various regulations determined by the Strategic Plan for Education within the Prison System, through Decree 7.626/2011 (Brasil, 2011), its article 6 established, it is established as the responsibility of the Ministry of Education (MEC) to equip the spaces intended for educational activities within penal establishments. In this way, the MEC should distribute the materials necessary for the school and social education of students, such as textbooks, and make the composition of collections for libraries. In addition, it would be the responsibility of the MEC to promote the provision of literacy and EJA programs in the Prison Units, as well as the training of teachers and education professionals who work in penal establishments (Brasil, 2011).

Article 7 of the aforementioned Decree determined that the Ministry of Justice should grant financial support for the construction, expansion and renovation of spaces for education in penal establishments. In addition, it was established that it would be the responsibility of the Ministry to guide the managers of the prison system on the importance of offering education in the Prison Units (Brasil, 2011).

Finally, it should be noted that, according to article 9 of the Decree, the state action plans should present an analysis of the education demands in these states, as well as the strategies for overcoming the problems and implementing education designed for the Prison Units. It was defined that the action plans should include the attributions and responsibilities of each federative body that integrates it, especially when these attributions were related to the adequacy of spaces for educational activities in establishments, training and hiring of education professionals, production of didactic materials and integration of youth and adult education with professional and technological education (Brasil, 2011).

Thus, in 2011, State Decree 57.238 (São Paulo, 2011) instituted the Education

Program in Prisons in the State of São Paulo based on CNE Resolution No. 02/2010 (Brasil, 2010), which provided for the National Guidelines for the Provision of Education for Youth and Adults in Situations of Deprivation of Liberty in Penal Establishments. The Resolution assigned the responsibility for education in the prison system to the State Department of Education (SEE) and the Secretariat of Penitentiary Administration (SAP).

Education in the prison system in São Paulo has its main information contained in the Joint Guiding Document SEE/CGEB/NINC/SAP nº 1 (São Paulo, 2016), as well as in the Joint Guiding Document SEE/CGEB/NINC/SAP nº 2 (São Paulo, 2017), which address the provision of basic education in the São Paulo prison system. Therefore, we sought to analyze, in these documents, the guidelines defined by the agencies responsible for the provision of schooling in São Paulo prisons, without ascertaining what has actually been happening and has been fulfilled or not within the prison units.

When talking about education in the São Paulo prison system, it is necessary to understand the organizational structure and the role of each of the agencies involved in this offer. Thus, it is noteworthy that the Department of Education of the State of São Paulo (SEE) is the body responsible for offering education in prisons through its Education Boards (DE), its linking schools and its education professionals involved in the pedagogical process. The linking school, which serves a given Prison Unit, in turn, is defined by the SEE through its Education Boards, taking into account the geographical proximity of the school to the penitentiary and the profile of the students to be served, which can be any regular school in the state education network (São Paulo, 2016). In this context, it is up to the Secretariat of Penitentiary Administration (SAP) to organize the physical spaces within the prisons so that classes can take place, ensuring an adequate environment, the adaptation of school schedules to the routine of prison establishments and the safety of all those involved in this process (São Paulo, 2016).

Both the Joint Guiding Document SEE/CGEB/NINC/SAP nº 1 (São Paulo, 2016), and the Joint Guiding Document SEE/CGEB/NINC/SAP nº 2 (São Paulo, 2017), were developed by SEE in partnership with SAP, aiming to offer guidance to professionals who work in schools in the prison system, as well as to reflect on pedagogical proposals in this context. Both documents were prepared based on current legislation that regulates the provision of basic education in prisons.

The teaching materials offered to students deprived of liberty in the state of São Paulo are the same as those sent by SEE to other schools in the state network that offer

the EJA modality. Currently, the material available is the "EJA - World of Work", which seeks to dialogue with the daily life of adult students, relating the skills and competencies of school education with the daily life of students and the world of work. According to the Joint Guiding Document SEE/CGEB and SAP/FUNAP No. 02 (São Paulo, 2017), this material allows students to attribute meaning to the study by relating the contents to their personal experiences.

With so many existing penal establishments in São Paulo, located in all regions of the state, the Secretariat considers it important to take into account regional and local specificities, as well as the different penal establishments in the elaboration of the pedagogical proposal, since each one brings a different model of sentence fulfillment regime, security measures, and, even physical space (São Paulo, 2017).

The Joint Guiding Document SEE/CGEB and SAP/FUNAP No. 02 (São Paulo, 2017) emphasize that there is no rule for the elaboration of the Pedagogical Proposal of the school units that work in prisons. Despite this, according to the document, it is important that the elaboration of the Proposal starts from a collective reflection, with dialogue between all those involved in the teaching and learning process.

NON-FORMAL EDUCATION IN SPACES OF RESTRICTION OF FREEDOM IN THE STATE OF SÃO PAULO

According to the Joint Guiding Document SEE/CGEB and SAP/FUNAP No. 02 (São Paulo, 2017), in addition to formal school education, non-formal education within the prison system is essential for the full formation of students deprived of liberty. In this way, the document points out that activities focused on culture, education for work and professional training contribute to the social inclusion of this portion of the population.

For Gohn (2016), non-formal education manifests itself in several dimensions. It involves political learning of the rights of individuals, enabling them to understand and exercise their rights as citizens. In addition, the author states that non-formal education can promote training for work by developing skills and potentialities of the participants, preparing them for the job market.

Another important aspect of non-formal education is the learning and practice of activities that allow individuals to organize themselves to achieve community goals and solve collective problems of everyday life. This type of education also provides a critical

reading of the world, helping individuals to understand the context and issues that surround them (Gohn, 2016). We agree with Ireland (2011) when the author ponders that:

When thinking about the educational process in the prison space, it is necessary to be clear about the limits imposed by the singular context, but also not to reduce the educational process to schooling. As in any educational process, it is necessary to seek to understand the interests and learning needs of the prison population and what limits the situation imposes on this process. [...] Underlining the premise of education and lifelong learning for all, it is recognized that educational processes take place in three ways. In the vast majority of societies, there are formal education systems – often mandatory for children and adolescents – based on school institutions and generally following pre-established curricula. There are also non-formal means of education that are more flexible than formal education and, as a rule, more geared to the specific learning needs of the subjects. In the field of non-formal education, it is common to include "professional learning" activities that are of fundamental importance for the public deprived of liberty and need to be understood and dimensioned as part of the educational process. The third leg of the educational tripod is informal education, which is based on the perception of experience as a rich source of learning: we learn in many spaces and in multiple ways, from which activities that have educational objectives escape. In several cases, such as prison, the environment teaches what is necessary to survive (Ireland, 2011, p. 20-26).

Within the penal establishments in the state of São Paulo, the "Prof. Dr. Manoel Pedro Pimentel" Foundation (FUNAP), today, is in charge of developing and guaranteeing inmates a non-formal education. Therefore, FUNAP offers professional courses in the areas of theater, human formation, music and the environment, as well as reading rooms with at least 1,000 titles and other cultural activities such as workshops, lectures and reading clubs (São Paulo, 2017). It is worth noting that FUNAP is also responsible for organizing and supervising the demand of the National Program for Access to Technical Education and Employment (PRONATEC) for closed regime penal establishments in the State of São Paulo (São Paulo, 2017).

In 2013, the Foundation launched the Education Program for Work and Citizenship "De Olho no Futuro" (PET). This program brings together a variety of initiatives aimed at comprehensive education, focusing on both preparation for the labor market and the development of citizenship (São Paulo, 2017).

In addition to the non-formal education activities developed exclusively by FUNAP, other projects have been implemented within the prison system. Recently, a partnership between the Secretariat of Penitentiary Administration (SAP) and the São Paulo State University "Júlio de Mesquita Filho" (Unesp), Franca Campus, introduced reading clubs for inmates of the Penitentiary of Franca. The initiative, intermediated by FUNAP, aims to promote the habit of reading and expand access to culture and knowledge. In the initial

phase of the project, students must participate in discussions about the books "The Diary of Anne Frank" and "Quarto de Despejo", with meetings mediated by Unesp Law students and supervised by university professors (SAP, 2024).

Another example of non-formal education in spaces of restriction of freedom is the "Touching Forward" project, developed at the Taquarituba Penitentiary, in São Paulo. Since 2021, the project has offered inmates the opportunity to learn to play string instruments, such as cello, violin, and viola with bow. In the last presentation, a group of 11 inmates performed two songs: Asa Branca, by Luiz Gonzaga, and Prelúdio da Liberdade, an original composition by the inmates themselves (SAP, 2024).

For SAP, the music course, which started in 2021, not only teaches music theory and instrumental practice, but also provides cognitive and emotional benefits, such as improved motor coordination, increased ability to concentrate, and even reduced stress. The project is the result of a partnership between SAP and the Action for Peace Institute (SAP, 2024). Gohn (2011) points out that music, as a universal language and attracting the attention of all age groups, has been an important space for the development of non-formal education.

When analyzing the Joint Guiding Document SEE/CGEB/NINC/SAP no. 1 (São Paulo, 2016), as well as the Joint Guiding Document SEE/CGEB/NINC/SAP no. 2 (São Paulo, 2017) - which are based on current legislation -, it is possible to notice that concrete information is not pointed out for the operationalization of the activity, such as the funding allocated to Prison Units for the provision of education, whether formal or non-formal. Thus, even though numerous activities are encouraged in these documents, the lack of financial resources can be a serious obstacle to their execution.

BY WAY OF CONCLUSION

While FUNAP plays an important role in promoting non-formal educational activities in collaboration with the Secretariat of Penitentiary Administration (SAP), it is crucial that there is constant vigilance over the effectiveness of these initiatives. The official documents indicate that, in addition to the SAP, the Department of Education (SEE) also has responsibilities for education in the prison system. Therefore, the SEE must not only supervise the educational activities -formal and non-formal- in progress, but also ensure the implementation of effective and well-funded educational practices.

The lack of concrete information on the funding allocated to Prison Units for the provision of education highlights a challenge: even if several activities are promoted,

insufficient resources can limit their impact. It is essential that educators become actively involved in the analysis of educational practices in this context, recognizing that education in prisons is a space that is also their responsibility.

As educators, it is necessary to understand the educational reality in prisons, seeking continuous improvements to ensure quality education for all, without exception. The promotion of fair education in all teaching environments is fundamental for social and individual development, reflecting the commitment to equity and social justice.

It is essential to recognize that education in spaces of restricted freedom should not be seen as an issue of lesser relevance, nor should it be compared to the difficulties faced by schools aimed at children or other school segments. The promotion of resources and improvements for both contexts is a right that should not be treated as a choice between priorities, but rather as a responsibility of the State towards all levels and modalities of education that are already guaranteed by the country's official documents, although in practice they are often left aside.

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