

## The difficulties to implement Brazilian federal Laws N° 10.639/03 and N° 11.645/08 in the school environment<sup>1</sup>

*As dificuldades de implementação das leis 10.639/03 e 11.645/08 no ambiente escolar*

*Las dificultades de implementación de las leyes 10.639/03 y 11.645/08 en el ambiente escolar.*

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**Abstract:** This research analyses the implementation of Brazilian federal laws n° 10.639/03 and n° 11.645/08 during Elementary School, aiming to identify if the subjects established in these laws had been discussed. It was conducted qualitative research, analyzing the Political Pedagogical Projects, and a questionnaire to collect data. Analysis was based on authors, as Ribeiro (1992), Goulart and Melo (2013), and legal devices such as National Curriculum Guidelines that demands the introduction of African, Afro-Brazilian and Indigenous Culture and History in Basic Education curriculum. Results showed that they were discussed only during allusive dates and in a superficial way. In conclusion, is urgent to promote continued training for teachers to build an equitable and anti-racist education.

**Key Words:** Education; Anti-racism; *Race* and *ethnic relations*.

**Resumo:** A pesquisa aborda a implementação das leis de n° 10.639/03 e 11.645/08 no Ensino Fundamental I, objetivando identificar se os conteúdos estabelecidos nelas vêm sendo trabalhados. Trata-se de uma pesquisa qualitativa, com a aplicação de um questionário e análise do Projeto Político Pedagógico. A análise baseou-se em autores como Ribeiro (1992), Goulart e Melo (2013), e em dispositivos legais como as Diretrizes Curriculares que obrigam a inclusão da cultura e história africana, afro-brasileira e indígena nos currículos da educação básica. Os resultados apontam que tais temáticas são abordadas apenas em datas comemorativas e de modo superficial. Assim, conclui-se que é urgente o investimento em formação continuada aos/às docentes, a fim de construir uma educação equitativa e antirracista.

**Palavras-chave:** Educação; Antirracismo; Relações étnico-raciais.

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**Resumen:** La investigación aborda la implementación de las leyes 10.639/03 y 11.645/08 en la Enseñanza Fundamental I, con el objetivo de identificar si los contenidos establecidos en ellas se estaban trabajando. Se trata de una investigación cualitativa, que incluyó la aplicación de un cuestionario y el análisis del Proyecto Político Pedagógico. El análisis se fundamenta en autores como Ribeiro (1992); Goular y Melo (2013) y en dispositivos legales como las Directrices Curriculares, que obligan a la inclusión de la cultura e historia africana, afrobrasileña e indígena en los currículos de la educación básica. Los resultados indican que ellos son abordados en fechas conmemorativas y de manera superficial. Así, se concluye que es urgente invertir en formación continua para los docentes, con el fin de construir una educación equitativa y antirracista.

**Palabras clave:** Educación; Antirracismo; Relaciones étnico-raciales.

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## Introduction

This article sought to identify if the theme the Laws No. 10.639/003 and No. 11,645/008 bring are addressed in Elementary School (in Brazil, called “Ensino Fundamental I”, which includes from 1st grade until the 5th grade) in a public municipal school from the countryside of Pernambuco state. It is known that the laws previously mentioned establish the mandatory teaching of Afro-Brazilian and Indigenous history and culture in basic education both in private and public schools.

The promulgation of the Laws No. 10.639/003 and No. 11,645/008 was an important legal framework, once it recognized the cultural and historic importance of Afro-Brazilian and Indigenous people for the formation of Brazil. Brazil is a plural country with much ethical and cultural diversity, and that, although recognizing this diversity in its formation as a nation, neglected these two matrices - Afro-Brazilian and Indigenous, leading them to occupy a place of less importance in our history. Thus, they were excluded from educational content and when perhaps, they appeared, they did it in a folkloric and stereotyped way, making people have an exotic image of the “dominated identities”, while the national myths narratives got situated in a privilege position as “dominants identities” (Silva, 2003).

These laws came with the intention to change the subject of school curriculum about these people that were historically excluded and break the stigma that was made in the society about them, besides highlighting the valorization of ethical and racial diversity and the importance of these folk in the construction of the Brazilian nation.

The Brazilian educational process was exclusionary, it was always turned to the interests of the elite, from the issue of access to contents and documents. The curriculum was

hegemonic, placing European culture as superior to all others, excluding the others from scholar curriculum and this resume model continued for a long time (Silva, 2003). However, nowadays we still experience remnants of this exclusionary and eurocentric education, and even after years of the obligatoriness of the Laws No. 10.639/003 and No. 11,645/008, many schools do not comply with it, and end up contributing to the permanence of a classist education that perpetuates stereotypes and prejudice that were made over the years about certain people.

Given this context, the discussion present in this work addresses the implementation of the Laws No. 10.639/003 and No. 11,645/008 in teacher's pedagogical practices in the classroom. Thereby, the questions that lead the research are the following: in what way the implementation of the Laws No. 10.639/003 and No. 11,645/008 occurs in the pedagogical practices of Elementary School teachers from the 1st to the 5th grade of the Municipal Public School João Silva; and how do they contribute to the formation of a more egalitarian and antiracist society? For reasons of ethics and anonymity, the name used to represent the school in which the research was made it's fictional (and it was chosen because "Silva" it's a popular surname in Brazil).

## **Methodological Procedures**

We opted for research with a qualitative approach, that according to Denzin and Lincoln (2006, p. 15): "evolves a interpretative approach of the world, which means that its researchers study things in their natural sceneries, trying to understand the phenomena in terms of the meanings that people give them". Therefore, the study object and all discussions here focus on the natural environment of the problem addressed, which is the lack of effectiveness of Laws No. 10.639/003 and No. 11,645/008 in the school daily life.

For data collection, we used a questionnaire with objective and dissertative questions elaborated in Google Forms and available through a link via Whatsapp for all teachers of Elementary School from 1st to 5th grade that agreed in participating in the research. Before they received the form, all of them were contacted individually to be informed of its goal, highlighting the non-obligatoriness and anonymity of the answers.

The form's link was sent to all the teachers of Elementary School, in this school (our research field) that has a total of 14 teachers, all of them female. Despite manifesting interest in participating in the research, we only got the adhesion of 42,85%, totalizing six answers. The research was made during the months of March and April of 2022.

In addition to the form, observation for the same period of two months was also used to collect data. Through these observations it was possible to perceive racist speeches and attitudes, prejudiced and pejorative nicknames, and the lack of effectiveness of the Laws No. 10.639/003 and No. 11,645/008, which shows us contradiction with the answers given by the informants. The research also included the analysis of the school's Political Pedagogical Project (PPP).

### **The trajectory of Brazilian education and the segregation processes**

The educational process in Brazil began in 1549 with the arriving of “Companhia de Jesus” (Society of Jesus), that had the mission of develop a educational and missionary work with the Brazilian natives in order to try to adapt them to the european models and make them more “docile and civilized”, because the Society saw the Indigenous people as a good and cheap manpower. Brazilian education since its beginning was taught in total benefits of the elite, and had its school organization in the Colony totally linked to the Portuguese colonizing policy (Ribeiro, 2010).

The education Indigenous people received was not of quality and was, instead, a reprimanding and uncritical education: it can be said they were not educated, but trained, once they were obliged to abandon their customs and cultures. On the other hand, the education offered for the children of the colonists was totally different, the schools were well structured and the teaching was different from the Indigenous (Ribeiro, 2010). In this logic, not only Indigenous, but all those who do not belong to the high society were excluded from an education of quality that went beyond reading and learning the four basic mathematical operations. The Black population was deprived of any type of access to education.

Further in accordance with Ribeiro (2010), Brazilian education spent more than two centuries under the Jesuits' domain, during all these years they opened several educational institutions across the country, but with the arriving of Marquês de Pombal (Marquis of Pombal) in the 18th century the Jesuits were expelled from Brazil, and the education became administered by the State, with the insertion of people with no preparation for teaching that began to occupy the position of professor, and, as a consequence, the Brazilian education was downgraded. Despite having lowered education during the “pombalino” period, the education still remained focused in the elite and excluding the poorest and enslaved.

In 1808, after the arrival of the Portuguese Royal Family in the country, there was a considerable advance in education, but these advances favored even more the elite: the schools spread, but the right to them remained restricted for few. Superior education had exclusive

attention to the detriment of others levels of education, and its access was restricted only for the high society, making clear the classist character of Brazilian education, where the less favored classes were always in the background and the “dominant” class expanded more and more their horizons and opportunities. Despite the advances, the education still did not satisfy, because it continued to be exclusionary and elitist (Ribeiro, 2010).

The Imperial Constitution of 1824 highlighted the free of cost primary education to all citizens. However, this resolution excluded the enslaved of educational establishments, but made it possible that free black folk attended these institutions (Gercia, 2007; Silva and Araújo, 2005). The access to school for the less favored population was totally strategic, as shown by Veiga’s studies (2008), where the school was seen by the elite as a way to civilize the social groups that hinder Brazilian social ascension.

According to Silva’s research (2000), the first exclusive school for black people was the Escola de Pretextato (Pretextato’s School), that was founded during the Brazilian Empire in Rio de Janeiro and had its operation from 1853 to 1873, between persecutions and battles to defend the permanence of the school. It is his (Prextato’s) the report of racism that black and brown students suffered in the court schools, where they were prohibited to attend and, when attended, were despised because of their race and their association with slavery (Silva, 2000). It soon becomes evident the prejudice and the difficulties the black people suffered in the 19th century while trying to access education.

During the imperial period the education offered by government’s schools was very limited for the indigenous and black population, according to the decree number 7031 of September 6, 1878, in its articles 5º and 6º that affirms only men over 14 years old, free/freed, healthy and vaccinated could enroll (Brasil, 1878). Thus, it makes clear the access to school, in the 19th century, to the black and indigenous people was limited, selective and exclusionary. The education during the Empire was segregationist and had its precepts turned to the dominant white class.

According to Medeiros and Vieira (2014), during the 19th century the biologizing discourses had repercussions in the society, where the black and indigenous were considered as inferior beings, and hindered the process of civilization of Brazilian society. Several experiments and theories were designed to affirm the discourses of “superior and inferior races” One of them was the experiment of the doctor from the Instituto Legal da Bahia (Legal Institute of Bahia), Raymundo Nina Rodrigues, that carried out skull measurement based on religious principles, which affirmed that people who had such a skull circumference demonstrated a greater tendency towards crime. This theory was supported for a long time to justify the discriminations and prejudice against the black population, since all this was presented as science.

It was, therefore, the racist tradition appropriating the modern tools of science to support the discriminatory discourses and practices. And it was this way, without the slightest neutrality, that it was stated that, “scientifically”, certain ethical-racial group would be superior physically, intellectually, morally and aesthetically compared to others (Vieira and Medeiros, 2014, p. 220).

During the 19th century, several scientific studies contributed to root the racism and racial prejudice existing in society, one of these was the eugenics created by Francis Galton, who sought to improve genetic characteristics, where black, indigenous, asian and immigrants were excluded for being considered inferior. These studies prolonged for many years, and during the 20th century, the doctor Pernambucano Ulysses did researches based on Galton’s theory, considering inferior the intellectual capacity of black people compared to white people, and that they were more conducive to have mental diseases (Arantes, 2018).

This discourse of superior and inferior races that spread in all society’s spheres, including education, had its origin with Conde de Gobineau (Gobineau’s Earl), French consul in Brazil. Gobineau, who received the title after death of father of racism, said in his work, entitled “Moral and intellectual diversity of races” (published in 1856), that it was possible to divide the “races” according to three fundamental criteria: the intellect, the animal propensities and the moral manifestations (Gahyva, 2015; Silveira, 2016). These theories and discourses gained much repercussion and strength in society, and until nowadays these racists discourses reverberate in Brazilian society.

Even after the end of slavery in 1888, the black population suffered to access the education in Brazil, because they were freed, but did not have any support or assistance to be able to rise in society, being at the mercy of the tragedies. If today the racial prejudice still exists strongly, it is not necessary much effort in imagination to wonder how it presented itself at the beginning of the 20th century, when the slavery had just been abolished. This, therefore, was huge and the schooling towards the black population in Brazil was almost non-existent, and the cases found were the result of resistance and struggles.

In accord to Medeiros and Vieira (2014, p. 224), “the majority of us was literate believing that slavery had been liquidated, purely and simply due to the benevolence of Princess Isabel”, however, in accordance to the authors, this is one more myth in Brazilian history, once the Lei Áurea (Golden Law) was the result of much resistance and revolts, and it can be said that the Lei Áurea officialized the end of slavery in Brazil, but did not give any assistance or guaranties for the survival of the ex slaves in society. The schools remained with their elitist character without providing an education of quality to the black and indigenous population, promoting, this way, the social inequality present to this day.

There are registers of several changes in the Brazilian educational system during the last century. Henriques (2002) reveals that during the 20th century there was an expansion in public education in Brazil and the average level of schooling in Brazilian society had a significant increase, and a drop in the illiteracy rate. However, despite the advances, social inequality was very present, the disparity between black and white populations was loud, the schooling levels reached by the white population were much higher than those of the black population. Even nowadays with all the advances we had, there still is this contrast between black and white populations in relation to education levels.

Education started being a guarantee for Brazilian population in the second half of the 20th century, with the making of Federal Constitution of 1988, that says in its article 205 that education is a right of all brazilians, it is a duty of the State and of the family and has to be carried out and encouraged with society's collaboration, with a view to the full development of the person, their preparation for the exercise of citizenship and their qualification for work (Brazil, 1988).

Despite this constitutional guarantee, it was necessary that movements and black culture organizations fought in search of plural and inclusive education, since even after the end of slavery and with the inclusion of black people in schools, the contents related to black folk was shown in a simple and marginalized way, as the content related to indigenous folk, making students belonging to these groups not feel represented by the content presented to them in the classroom. The Movimento Negro (Black Movement) fought to change this reality, searched to break with the Eurocentric vision to wich the curriculum and textbooks alluded. According to Gomes (2017), the Black Movement has a very important role to Brazilian society, once that:

The Black Movement, as a form of political organization and social pressure - not without conflict and contradiction - had been constituted as one of the main mediators between the black community, the State, the society, the basic school and the university. It organizes and systematizes specific knowledge constructed by the black population throughout their social, cultural, historical, political and collective experience." (Gomes, 2017, p. 42)

For Gomes (2017), the black movement was very important to secure rights and advances of black population in Brazil, for her, the black movement is an educator that was protagonist in the introduction of affirmative policies of inclusion of the black person in various sectors of Brazilian society, including education. The inclusion of African and Afro-Brazilian history in the national school curriculum was defended in 1978 by the United Black Movement (UBM), one of the organizations of the Brazilian black movement. In the 1980's,

the UBM, intellectuals and researchers in education triggered a broad debate about the importance of the school curriculum as reflection of the ethical-cultural diversity of Brazilian society. As a part of the black movement, the *Marcha Zumbi pela Cidadania e pela Vida* (Zumbi march for citizenship and life) in 1995 marked a moment of greater rapprochement and demands with proposals for public policies for the black population, including education policies, suggested by the federal government (Black Movement, 1995)

Therefore, in the beginning of the 21th century, after years of fight and effort to have an education that breaks with the exclusion and invisibility of Afro-Brazilians in educational institutions, law n° 10.639 was enacted on January 9, 2003, which made the study of the history and culture of Afro-Brazilians mandatory in educational institutions of elementary education, public or private, modifying, this way, the law n° 9.394/1996. Follows the description in the 1st paragraph of the aforementioned law:

The programmatic content referred to in the caput of this article will include the study of the history of Africa and Africans, the struggle of black people in Brazil, black Brazilian culture and black people in the formation of national society, rescuing the contribution of black people in the areas social, economic and political aspects pertinent to the history of Brazil” (Brazil, 2003).

The enactment of this law marked a significant rupture in the education system, which previously did not acknowledge Afro-Brazilian history, culture, and literature as integral to the social and historical construction of Brazil (Caetano; Nascimento, 2011). With the passing of Law No. 10,639/03, a new approach to the education system emerged, redefining certain pedagogical practices in the teaching of the history of the Afro-Brazilian population in schools. This law held great significance for the Black population of the country and is considered a milestone in the fight for inclusion and equality in Brazilian education. On March 8, 2008, Law No. 11,645 was promulgated, incorporating into the official school curriculum the history and culture of Indigenous peoples. It made it mandatory not only to teach the history and culture of Afro-Brazilians but also that of Indigenous peoples (Brazil, 2008). The approval of Law 11,645/08 was driven by the need for respect and recognition of Indigenous culture, thus complementing Law 10,639/03 (Goulart; Melo 2013). According to the 1st and 2nd paragraphs of the mentioned law:

1° The programmatic content referred to in this article will include various aspects of history and culture that characterize the formation of the Brazilian population, from these two groups ethnicities, such as the study of the history of Africa and Africans, the struggle of Black and Indigenous people in Brazil, Black culture and Brazilian Indigenous people and Black people and Indians in the formation of national society, rescuing it’s contributions in the social, economic and political, pertinent to the history of Brazil (Brazil, 2008).”



2° The contents relating to Afro-Brazilian history and culture and Brazilian Indigenous people will be taught throughout the school curriculum, especially in the areas of artistic education and Brazilian literature and history (Brazil, 2008).

To Goulart and Melo (2013), the creation of Law 11.645/08 was necessary, it has as objective to change the comprehension of the history of Brazil, which placed Indigenous people and Black people on the margins of society and Europeans at the center, in addition to showing the influences that Indigenous people and Afro-Brazilians had in the political, social and economic areas in the construction of the country, highlighting the importance of studying the history of these people in basic education.

The history of Indigenous and African people was passed down for a long time in a harmonic way, as if they accepted the position in which the Europeans placed them, but on the contrary, they fight to change the reality and the position that has been placed. It is necessary to retell the history of Brazil showing the public and conflicting character that constituted our history. That's why it's necessary to tell the story from various perspectives showing the influences and contributions these groups, historically excluded, had in the construction of Brazilian society (Santos, 2017).

For Santos (2017), thinking about Laws 10.639/03 and 11.645/08 means bringing them into the daily life at the school, updating and rethinking the history of Brazil, breaking the ghettoized perspective that corroborates a racist structure, in which we were formed. These laws have brought representation to these excluded people, therefore, it is necessary to reinforce their importance and bring a new perspective to the history, no longer a Eurocentric history, but the true history of struggles, conflicts, advances, defeats, victories and positive references. Included in school curriculum, African and Afro-Brazilian history contributes to the construction of a new students' vision of themselves and others, in addition to combating racism and influencing new ways of appropriating anti-racist conduct (Gomes, 2012).

The obligation to teach the history and culture of Afro-Brazilian and Africans in Basic Education, also falls on Higher Education, mainly in undergraduate courses. Resolution CNE/CP n° 01/2004, in its article 1, advises that the guidelines must be “observed by educational institutions that work at the levels and modalities of Brazilian education and, in particular, those who maintain an Initial and Continuing Teacher Training program”. The Opinion CNE/CP 3/2004 also highlights the inclusion of disciplines focused on ethnic-racial relationships issues in Higher Education and determines in its §1 that:

Higher Education Institutions will include in the contents of subjects and curricular activities of the courses that teach Education of Ethnic-Racial Relations, as well as the treatment of issues and themes that concern Afro-descendants, under the terms explained in Opinion CNE/CP 3/2004. (Brazil, 2004).

Therefore, higher education institutions must include in their curriculum and content grid subjects that talk about the history and culture of Afro-Brazilian and African peoples, promote congresses, academic activities, seminars, among other activities that contribute to adequate training of teachers. Furthermore, they should encourage research on the topic and develop skills that allow undergraduate students to contribute to the advancement of education on ethnic-racial relations (Brazil, 2004).

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Even with all the achievements and changes, we still have a racist society, where it is necessary to encourage studies and research to combat this problem. According to opinion CNE/CP 03/2004, higher education institutions have this role, to train students capable of combating racism and all forms of prejudice (Brazil, 2004). The teachers that the degrees train are obliged to work on issues relating to Afro-Brazilian and Indigenous people, however, even with this requirement, not all HEI's offer a wide range of discipline that covers the theme of ethnic-racial relations on a mandatory basis, in some institutions, this subject is only offered on an elective basis.<sup>4</sup>

Gomes and Jesus (2013) show us that mandatory teaching of Afro-Brazilian and African History and Culture has contributed to the construction of anti-racist pedagogical practices, and the deconstruction of racist imaginaries present within schools, in addition to “bringing new challenges to the management of systems teaching, for schools, for educators, for initial training and continuation of teachers and educational policy” (Gomes; Jesus, 2013, p.32). Laws 10,639/03 and 11,645/08 bring with them changes, but these changes have been

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<sup>4</sup> A study carried out by Alves and Arantes (2017) shows us that even before the mandatory of laws, there were already subjects that addressed the topic in pedagogy courses both in regular modality such as the Parfor of the University of Pernambuco on the Mata Norte campus, and which even though these disciplines already existed, the teaching staff sought to expand and improve the study of diversity. In this way, it became clear that the University of Pernambuco, Mata Norte campus, is following the right path towards training teachers capable of promoting education based on respect for difference, ethnic-racial plurality and the appreciation of diverse identities.

occurring slowly, in small steps, as racism and racial prejudice have not yet been overcome within educational institutions and much less in society.

Racism is something that is rooted in our society and has been masked for a long time by the myth of racial democracy, which conveyed an idea of supposed equality of opportunities and rights, and which only served to perpetuate the racism in Brazil. Despite the fact that false racial democracy was still disregarded, reverberates in society, and has contributed to strengthening the roots of racism and its manifestations and consequently has also contributed to the non-implementation of Laws 10,639/03 and 11,645/08, leading many educators to talk about the history and culture of Afro-Brazilians and Indigenous people in a symbolic way without meaning and belonging. This happens as a result of what Almeida (2020, p. 31) alerts us: “in a society in which racism is present in everyday life, institutions that do not actively treat inequality as a problem will easily reproduce racist practices already considered “normal”.”

### **Pedagogical practices and the applicability of Laws 10.639/03 and 11.645/08**

Having completed this historical journey, let's look at the research and its results. The questionnaire consisted of seven questions, and focused on finding out whether the teachers had knowledge about Laws 10.639/03 and 11.645/08, if they themselves put them into practice because they considered important what the laws propose. The observation aimed to analyze behavior and pedagogical practices, in addition to checking whether what was answered on the forms matched with reality in the classroom. To maintain the teachers' anonymity, they were called teachers 1, 2, 3, 4, 5 and 6.

At first, the first question asked on the form was whether the teachers were aware of Laws nº 10,639/03 and 11,645/08. All six teachers answered yes, which is a positive point, as the knowledge surrounding the laws is important, but knowing the laws does not mean that you will put them into practice.

Next, the question asked on the form was whether the teachers put Laws nº 10,639/03 and 11,645/08 into practice. They all also responded that yes, however, as we have already said, there is a contradiction in the answers, because during the period of observation we made sure that ethnic-racial issues are only worked/addressed on commemorative dates, and when they are worked outside the dates it is superficial and in a folkloric way. It is important to highlight that addressing the topic only on commemorative dates does not fit the length of the laws, on the contrary, this ends up reinforcing stereotypes and the idea that we are a mixed race and everything is right, in addition to perpetuating a historical perspective that the laws themselves want to tear down.

Furthermore, when working on racial issues only on commemorative dates, there is a great risk, as they often end up passing only a single idea that the Black people were brought from Africa to be enslaved, and that they were just slaves, summarizing the history of Africa in just slavery and the history of Indigenous people to a unique and outdated people who live in the forest, isolated and naked. For Adichie (2019), it is a danger to tell a story from just one perspective, she says that telling a story from just one side ends up reinforcing stereotypes, however, that doesn't mean that these stereotypes are lies, they are just incomplete and makes the story told from this perspective the only one.

This occurred with the history of Black and Indigenous people passed within the Brazilian schools, a unilateral view of the history of these peoples from a European perspective, where they were placed as less important beings, worthless, without culture, a people conformed to the reality to which they were subjected. Until today this thought is rooted in Brazilian society, thus reflecting racism present in all spheres of society, including school.

We continued with the questions, and the third question asked how they implement the laws in the classroom:

**Teacher 1:** This implementation must be playful and conscious, contributing to the appreciation of our history, transforming the school environment welcoming to cultural diversity.

**Teacher 2:** Starting from playful themes that can facilitate children's understanding of the topic. **Teacher 3:** Through activities, dialogue circles and exposure library books on the subject.

**Teacher 4:** Regarding the implementation of 10,639, I meet some impasses, yes, but nothing that makes it impossible to insert the content in the classroom. After all, culture from the perspective of basic education is of paramount importance.

**Teacher 5:** In the initial grades it is possible to implement this law when working on topics such as: cultural diversity, black consciousness, Indians' day, history of the Brazilian people, among others.

**Teacher 6:** Law n° 10,639/03 is already included in the official curriculum in the public education system, where the subject of History and Afro-Brazilian culture is mandatory. In Elementary School, we work in a more playful way, such as: story telling, workshops, films, denomination of participation. Law No. 11,645/2008 came from a great struggle of Black people, Afro-descendants, with the aim of changing prejudiced customs. And since the early years we have worked in a pleasurable way, telling stories, playing films, reading circles, among others.

It can be seen that the majority did not answer the question, they just said how it is to be implemented and not how they implement it in the classroom, the only teachers who responded as asked were Teachers 2 and 3. In Teacher 5's response was clear that for her the themes that the laws address would only be possible to be implemented in

certain themes and on specific dates, in addition to referring in a incorrected and prejudiced way, when calling the day of Indigenous people by Indians' Day. Even though we are aware of the importance of commemorative dates events, we know that they do not cover Brazilian history, it is not enough to just open the “boxes” of commemorative dates such as 04/19, Indigenous people’s day, 05/13, of the abolition of slavery and 20/11, Black consciousness day, this is not enough, it is necessary to work on racial issues in an interdisciplinary way and outside these commemorative days, showing the struggles, conflicts, achievements and representation.

The fourth question referred to difficulties, we asked if they had any difficulty in putting Laws no. 10,639/03 and 11,645/08 into practice and if yes, what are they?

**Teacher 1:** No. Promoting an environment of mutual respect from a young age, inclusion in the midst of diversity is necessary for cultures.

**Teacher 2:** Children are generally more sensitive, more pure and therefore easier to understand that skin color does not influence our essence and that our practice must be guided with respect for others.

**Teacher 3:** Sometimes yes, due to the lack of teaching resources and of audiovisuals.

**Teacher 4:** Understanding of the broad cultural spectrum on the part of students in their respective realities and in some cases a disconnection of identity regarding what I say in the room.

**Teacher 5:** Yes, many situations experienced in African and African history Brazilian Indigenous people are not known to us. There are many truths that have been omitted from us for decades. It makes us distant before the true history of our people.

**Teacher 6:** No. Because the teacher, in addition to being a mediator, has the maternal instinct, who knows how to lead his students to respond and seek more knowledge about it according to its progression in the teaching/learning process.

We can infer from the responses of Teachers 1, 2 and 6 that they state not have any difficulty working on the topic. The Teacher 1 states that it is necessary to promote an environment of respect, but does not point out a suggestion on how to work to obtain this environment that respects diversity. Teacher 2 sees children as manipulable beings, and that is why it is so necessary to address ethical and racial issues with more representation, showing the diversity and emphasizing respect, and not just dealing with issues focused on color of the skin as the teacher mentions, because the laws go beyond working on issues related to physical characteristics. For Marc Ferro (1983, p. 11) “Do not let us be mistaken: the image we make of other people, and of ourselves, is associated with the History that we were taught when we were children. She marks us for the rest of life". In this way, teaching is one of the means of perpetuating values, beliefs, customs,

identities and cultures of a society, and that these childhood teachings are perpetuated throughout life, which is why it is so necessary working on ethnic-racial issues, showing diversity and valuing them. And the Teacher 6 in her words says that the teacher has maternal instinct, however not all educators are female or have this instinct, in addition to motherhood not influencing the teaching of the topic in question.

The fifth question referred to the relevance of working in interdisciplinary ethnic-racial issues. They all responded yes, however agreeing and doing nothing to change reality is the same as doing nothing. To complement the previous question, the sixth asked why they find it important to work on ethnic-racial issues in the classroom:

**Teacher 1:** It is important to work on ethnic-racial issues, and any topic involving these issues, as it is a way to avoid exclusion, inserting different groups and ensuring that there is no discrimination and inequality, especially in school life.

**Teacher 2:** Because unfortunately prejudice is still very visible in our environment and the work with this theme, at school, contributes to reflection and possible changes in attitude.

**Teacher 3:** Not just important, but necessary. It's part of a process of historical reparation and the school needs to be a space of welcome before being a space of denial.

**Teacher 4:** Because it is through her that we can teach about our culture, which is so diverse and adds many valuable points for our formation as a Brazilian individual, and which highlights also our Indigenous, African, Hispanic, European and every mixture that makes up a Brazilian.

**Teacher 5:** I see that it is important to work with all cultures equally. In the formation of the Brazilian people there was the participation of various ethnicities, each with their own struggles and values, which is why I think it is important for everyone to work with respect and dignity.

**Teacher 6:** Well, we live in a mixed country and we should know more about our people, our ethnicities, in short... getting to know us better and respect each other. For this and other reasons I think it's super important to work on ethnic-racial issues.

The responses were positive, they highlight ethnic and cultural diversity in Brazil and the importance of knowing and respecting them. The Teachers 1,2 and 3 cited school as a space to debate the topic, and in fact, school is a privileged place to discuss diversity and differences. For Vencato (2014), it is made up of people with different ways of being, thinking and acting, therefore, a suitable space to address the topic. Despite indicating that they have varied knowledge on the topics in question, discussion, the interviewees do little work on these themes, the most plausible would be that this knowledge is superficial, which makes it impossible to execute to satisfaction. The seventh and final question was whether they had ever had any training to work on the content established by Laws

10.639/03 and 11,645/08. Two responded that they had no training to address the theme in the classroom, four answered yes. Despite 66.7% responding that they had training to address the topic in the classroom, this fact cannot be verified since these observations occurred within a short period of time.

Regarding the analysis of the PPP of the João Silva Municipal Public School, we see in point 9.2 a small paragraph referring to law 11.645/08 that says:

Based on Law 11.645/08, the Curriculum addresses the teaching of history of Afro-descendant and Indigenous peoples and their importance for construction of the Brazilian nation, whose themes are chosen by the teachers and pedagogical team for each two months. (PPP, 2021, n.p)

This is the only part of the PPP that refers to the law, despite having it on paper, which reveals to us the simple importance of these themes for the training of students, both because of the coordination, as well as on the part of the teachers, as the theme for institutions is only relevant on festive dates, such as Black consciousness week or Indigenous people day.

The institution's PPP, a research field, only contains Law 11.645/08, thus showing its omission, incompleteness, silencing and lack of commitment in around the laws, as the creation of Law 11.645/08 does not exclude Law 10.639/03, therefore contrary, one completes the other, hence the importance of the two laws being present in the PPP and not just one.

For Lima and Prates (2015), working on racial issues within schools is still a challenge, which shows that racism within educational institutions is still far from being overcome. It is clear that the school where we held the research is far from having an education in ethnic-racial relations, and that promote respect and equality in the fight against racism, as we believe that only will it be possible to have an anti-racist school when the laws that were discussed here, are actually put into practice.

### **By way of conclusion**

Throughout history, Black and Indigenous people have been treated inferiorly, prejudiced and unequal. These inequalities have not yet been overcome, even despite advances and changes in the educational and social framework, it is clear that the people belonging to these groups still remain disadvantaged compared to the white population.

Laws 10,639/03 and 11,645/08 are fundamental laws, they brought the mandatory inclusion of African, Afro-Brazilian and Indigenous people in the basic education curriculum in Brazil. The implementation of these laws will promote the construction of anti-racist education. They aim to bring changes in the racial inequality present in the country, and repair the damage that the people belonging to these groups suffered, giving visibility to the history of these people who have been historically excluded from society and school content for a long time.

The need for a more comprehensive training policy on the topic of ethnic-racial relations is also evident in Higher Education Institutions. Because many HEIs in undergraduate courses still do not have in their curriculum the discipline of education for ethnic-racial relations as mandatory, only as an optional/elective one, thus harming the implementation of Laws 10.639/03 and 11.645/08 in schools and consequently the development for construction of a society and educational policies aimed at overcoming racism.

This research sought to investigate, on an exploratory basis, how implementation of laws in the classroom and the challenges faced so that the implementation of these occurs. The answers obtained point in two directions: a certain dose lack of commitment and lack of interest on the part of some educators to work on the theme established by the laws, and another direction in which we have the commitment of some professionals to comply with legislation for development and the construction of a democratic and anti-racist school that respects diversity.

Even after years of the enactment of Laws 10,639/03 and 11,645/08, there is still resistance in implementation, and we are far from having an education that fights against racism. After all, in a racist society, it is not enough to propagate that you are not racist, you need to act as an anti-racist. Just an education anti-racism can free the nation imprisoned by racial prejudice, intolerance and to the hatred that historically created the Brazilian elite, against minorities, Indigenous people and Afro-Brazilian, and this will only occur when, in fact, the laws are put into practice within school curriculum.

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