

**The years that never ended:
the Use of military dictatorship legal statutes in the contemporary persecution of
educators in Brazil¹**

Os anos que não acabaram:

O uso de estatutos jurídicos da ditadura militar na perseguição atual a educadores(as) no Brasil

Los años que nunca terminaron:

el uso de estatutos jurídicos de la dictadura militar en la persecución contemporánea de educadores(as) en Brasil

Ligia Ziggiotti de Oliveira²
Tuiuti University of Paraná

Salomão Barros Ximenes³
University of São Paulo

Abstract: Between 1964 and 1985, Brazil was subjected to a military regime that established a dictatorship marked by profound restrictions on educational freedom, pluralism of ideas, and the democratic governance of educational institutions. Although the country restored constitutional order with the 1988 Constitution, legal norms enacted during that period—now incompatible with the current democratic paradigm—remain in force. This article analyzes the persistence of legal statutes originating from the military dictatorship and their contemporary application in the punishment of educators, particularly within state-level education systems. The study identifies still-effective legislation of this nature across Brazilian federative units, examines provisions that restrict teaching activities, and analyzes illustrative cases of their disciplinary use. It argues that the persistence of these norms is intertwined with a contemporary context of democratic erosion and attacks on academic freedom, constituting violations of educators' human rights. Finally, the article proposes legislative, administrative, and judicial measures aimed at overcoming this authoritarian institutional framework and strengthening democratic education.

Keywords: Military dictatorship; Violence against educators; Human rights; Right to education; Democratic education.

Resumo: Entre 1964 e 1985, o Brasil foi submetido a um regime militar que resultou na instauração de uma ditadura cívico-militar, com profundas restrições à liberdade educacional, ao pluralismo de ideias e à gestão democrática das instituições de ensino. Embora o país tenha restabelecido a ordem constitucional com a Constituição de 1988, ainda persistem normas jurídicas produzidas naquele período, incompatíveis com o atual paradigma democrático. Este artigo analisa a permanência de estatutos jurídicos originários da ditadura militar e sua

¹ Translated by Andressa Ciniciato Ayres e Silva. E-mail: ciniciatoa@gmail.com.

² Doctor of Human Rights and Democracy (UFPR, 2019) and Master of Law in Social Relations (UFPR, 2015), with a PhD in Public Policy (UFABC, 2026). Lawyer. Professor of Law at Tuiuti University of Paraná, Curitiba, PR, Brazil. E-mail: ziggiotti@gmail.com; Lattes: <http://lattes.cnpq.br/8495178239921233>; ORCID: <https://orcid.org/0000-0003-3871-8571>.

³ Doctor of State Law (USP, 2014) and Master in Brazilian Education (UFC, 2006). Researcher at the National Council for Scientific and Technological Development (PQ2 – CNPq). Professor at the School of Education of the University of São Paulo (FE USP), São Paulo (SP), and at the Graduate Program in Public Policies of the Federal University of ABC (UFABC), São Bernardo do Campo (SP), Brazil. E-mail: salomao@usp.br; Lattes: <http://lattes.cnpq.br/3115986167354250>; ORCID: <https://orcid.org/0000-0002-3672-6781>.

aplicação contemporânea na punição de educadores(as), especialmente nas redes estaduais de ensino. O estudo identifica legislações desta natureza vigentes nos entes federativos estaduais, examina previsões restritivas à atuação docente e analisa casos exemplares de sua utilização disciplinar. Argumenta-se que a permanência dessas normas se articula a um contexto contemporâneo de erosão democrática e de ataques à liberdade docente, configurando violação de direitos humanos de educadores(as). Ao final, propõem-se medidas legislativas, administrativas e judiciais para superação dessa institucionalidade autoritária e fortalecimento da educação democrática.

Palavras-chave: Ditadura cívico-militar; Violência contra educadores; Direitos humanos; Direito à educação; Educação democrática.

Resumen: Entre 1964 y 1985, Brasil estuvo sometido a un régimen militar que dio lugar a la instauración de una dictadura cívico-militar, caracterizada por profundas restricciones a la libertad educativa, al pluralismo de ideas y a la gestión democrática de las instituciones de enseñanza. Aunque el país restableció el orden constitucional con la Constitución de 1988, aún subsisten normas jurídicas producidas durante ese período que resultan incompatibles con el actual paradigma democrático. Este artículo analiza la permanencia de estatutos jurídicos originados en la dictadura militar y su aplicación contemporánea en la sanción de educadores(as), especialmente en las redes estatales de enseñanza. El estudio identifica legislaciones de esta naturaleza vigentes en las entidades federativas estatales, examina disposiciones restrictivas de la actividad docente y analiza casos paradigmáticos de su utilización disciplinaria. Se sostiene que la persistencia de dichas normas se articula con un contexto contemporáneo de erosión democrática y de ataques a la libertad de cátedra, configurando una violación de los derechos humanos de los y las educadoras. Finalmente, se proponen medidas legislativas, administrativas y judiciales orientadas a superar esta institucionalidad autoritaria y a fortalecer una educación democrática.

Palabras clave: Dictadura cívico-militar; Violencia contra educadores; Derechos humanos; Derecho a la educación; Educación democrática.

Received on: April 07, 2026.

Accepted on: May 25, 2026.

1. Introduction

The survival of authoritarian bureaucratic-administrative and legal structures, approved in dictatorial contexts, even after the processes of constitutionalization and redemocratization, is a recurring theme in the stage of democratic consolidation that follows the transition. Unlike the latter, however, which begins with the reincorporation of censored and persecuted political subjects and commonly ends with the process of reconstituting the country, democratic consolidation can represent a long persistence of authoritarian structures, rules, and procedures already in effect within democracy, making it potentially unstable until overcome (Diamond, 1994).

This dissonance was ironically expressed in a phrase by the German administrative law scholar Otto Mayer, quoted by Gilberto Bercovici (2010, p. 77): "While constitutional law passes, administrative law remains." The irony, in this case, is that constitutions are formally the normative texts created with the intention of stability, while ordinary laws that regulate administration are changeable through legislative processes. Gilberto Bercovici (2010) uses this expression to demonstrate how, in the Brazilian case, the administrative paradigm created during the Brazilian civil-military dictatorship in the 1960s remains in force in formal terms and applied in material terms, despite the 1988 Constitution. To a large extent, the bureaucratic-authoritarian paradigm remains in effect in the absence of legislative changes or judicial invalidations, that is, of rules that expressly revoke and/or replace them or decisions that declare them incompatible with the precepts of 1988.

Although it is hypothetically valid to argue that they were not adopted by the Constitution, in everyday administrative life and in the absence of legislative or judicial decisions, the regulations approved in authoritarian contexts remain entrenched in the state apparatus and the political culture of institutions.

In this sense, Conrado Hübner Mendes (2020) retrieved from a speech dated 1979, by the military president João Baptista Figueiredo, the metaphor of "authoritarian debris". At the time, he was referring to the atypical legal apparatus created to organize the transition period between the institutional acts of the dictatorial context and the redemocratization aimed for by the constituent movement. However, decades after the 1988 Constitution of the Federative Republic of Brazil, the value of this expression endures the test of time. This allows us to identify quite heterogeneous arrangements of legal and institutional architectures typical of the authoritarianism from those times, projecting them effectively into the present.

Multiple examples can be given to support this statement. This article aims to focus on one of them: the persistence of legal statutes relating to teaching activities created during the military dictatorship in several Brazilian states. Indeed, there are numerous cases in which state laws intended to regulate the practice of teaching date back to the authoritarian period between 1964 and 1985 in the country. Beyond the temporal coincidence, the texts arising from these statutes reveal serious restrictions on academic freedom, incompatible with the notion of democratic education.

Through individualized consultation with each participating state of the federation, considering both the Statutes relating to the Teaching Profession and those of State Public Servants, it was observed that eight states regulate the teaching

profession through regulations drawn up in a dictatorial context. (Rio Grande do Sul; Pernambuco; Paraná; São Paulo; Rio de Janeiro; Minas Gerais; Acre; Ceará). Others, although they have more recent legislation, reproduce provisions specific to that period, which suggests a persistence of authoritarian logic even in normative texts subsequent to the constitutional text.

Beyond pointing out a purely normative problem, this study aims to demonstrate that it promotes relevant practical effects in terms of human rights, since teaching activity in contemporary Brazil has been progressively marked by political, social, and institutional tensions that directly affect educational freedom, the pluralism of ideas and pedagogical conceptions, and the democratic management of educational institutions. Adding to the precarious working conditions, the lack of institutional support, and the increase in political conflicts in the school environment, this consolidates a scenario in which educators become constant targets of administrative and disciplinary persecution, reinforced by the "authoritarian legacy" analyzed.

These processes, therefore, relate to the persistence of normative devices inherited from those "years of lead", which continue to govern the actions of public servants and education professionals, frequently resulting in violations of the human rights of this group.

Therefore, the aim is to carry out an analytical synthesis of the main points of relevance in these normative texts in order to, in the end, highlight those in which the activities of defending democratic education should focus on their role in resisting setbacks and advancing this agenda in the country.

2. Some challenges for democratic education in the face of the "authoritarian legacy"

Between 1964 and 1985, Brazil lived under an authoritarian regime characterized by the restriction of political and civil rights, including significant limitations on democratic education. During this period, current censorship practices became established in cultural, artistic, and educational spheres (Ação Educativa, 2022, p. 16), with impacts that are still felt and constantly reinterpreted against democratic education.

Among these, it is indicated that, during those decades, several state statutes were drawn up regarding public service and the teaching profession, which regulate the actions of teachers based on principles of political and ideological control typical of authoritarianism. This is a symptom that does not end with this scenario, because, to a large extent, "the democratic Constitution of 1988 received the State structured under the military dictatorship (1964-1985)" (Bercovici, 2010, p. 78).

Regarding the rules related to the teaching profession, it is well known that there is content that restricts pedagogical pluralism, limits the political expression of education professionals, and establishes severe sanctions in cases of non-compliance with the provisions regarding the duties and prohibitions applicable to the category. More than three decades after the Constitution of the Federative Republic of Brazil (1988), the states of Acre, Ceará, Minas Gerais, Paraná, Pernambuco, Rio de Janeiro, Rio Grande do Sul, and São Paulo are territories where these rules remain in force and unchanged, in whole or in part, despite the return to democracy.

The formal enforcement of rules arising from authoritarianism aligns with a contemporary trend of democratic decline in Latin America (International Idea, 2023, p. 71). Not surprisingly, this coexists with a contemporary context of persecution of teachers at the national level. (Penna; Aquino; Moura, 2024).

The situation is widely documented in various institutional studies and reports, such as the document “*6 anos de projetos ‘Escola sem Partido’ no Brasil*” (2020), prepared by Frente Nacional da Escola Sem Mordança; the report “*A case study on recent developments*” (2020), produced by ► Global Public Policy Institute ◀ (GPPI) and Centro de Análise da Liberdade e do Autoritarismo (LAUT); the on-site visit carried out by the Inter-American Commission on Human Rights (CIDH) in 2018, later systematized in a report on the subject (2021); the report “*Tenho medo, esse era o objetivo deles*” (Human Rights Watch, 2022); “*Manual de Defesa contra a Censura nas Escolas*” (Ação Educativa, 2022), prepared by human rights defense entities; the report “*Educação sob Ataque*” (2023), by the Campanha Nacional pelo Direito à Educação (2023); the study “*Ataque às escolas no Brasil: análise do fenômeno e recomendações para a ação governamental*” (2023), by the Ministry of Education (Brazil, 2023); as well as the report “*Alerta do Brasil*” (Layus; Alves, 2023), by Scholars at Risk, in addition to the extensive coverage of censorship episodes carried out by the Brazilian press.

Among all, it is worth mentioning the recent diagnosis of Observatório Nacional de Violência contra Educadoras/es (2025), according to which 93% of educators in Brazil have already suffered or know someone who has suffered censorship or persecution at work. Furthermore, according to the report, the main means of promoting violence against educators are the following:

Attempts at intimidation appear as the most common method (58%), followed by aggressive questioning about the legitimacy of the topic and/or work method (41%). We would like to highlight once again the high incidence of questioning the professional knowledge of educators, who hold the second, third, and fourth places at the top of the ranking. The responses indicate a combination of various forms of attacks: summons to account for work

methods (36%), forced change of workplace (12%), removal from position or function as a form of retaliation (11%), legal harassment (9%), criminal proceedings (3%), and suspension (2%). It is worth highlighting the use of the administrative process (9%) as a form of attack, since it involves the use of a common public service procedure as a method of persecution, whether due to non-compliance with public ethics or the direct influence of external agents seeking to silence educators (Observatório Nacional de Violência Contra Educadoras/ES, 2025, p. 25).

As we will analyze, the statutes arising from the military dictatorship in state legislation favor these modes of attack.

3. Analysis of statutes originating from the military dictatorship in state legislation relating to the exercise of teaching activity.

In 2020, the case of Nádia Cristina Treméa, a teacher from Paraná, was reported. She was removed from her duties due to her participation in strikes and support for students who participated in the occupation of public schools in 2015 and 2016. According to the news outlet in question, the lawsuits she faced, as did those of other professionals in the same state, were based on the Public Servant Statute and the Teaching Statute, both created in the 1970s during the military regime (Caldas, 2020).

Complementary Law 7 of 1976 provides for the Statute of the State Teaching Profession and provides, along with art. 82, prohibitions such as “referring disrespectfully, by any means, to constituted authorities and acts of the administration, although, in duly signed work, they may be criticized in an elevated, impersonal and constructive manner from the doctrinal point of view and regarding the organization and efficiency of the Education service”. (Paraná, 1976, art. 82). The same provision also restricts educators from promoting “expressions of appreciation or disapproval within the educational establishment, or becoming supportive of them,” inciting or participating in strikes, and engaging in partisan political activities, which underscores the seriousness of the current provisions regarding the exercise of democratic rights by educators.

Indeed, Paraná stands out as one of the states where violence against educators is exemplary. The Southern region, among all, is the one that recorded the most cases of restriction on freedom of teaching (Observatório Nacional de Violência Contra Educadoras/ES, 2025, p. 23). Likewise, this state also appears in the ranking of those that have presented the most initiatives, through their Legislative Assemblies, that violate the rights of educators, occupying second place in this analysis criterion (Moura;

Silva, 2020). Furthermore, approximately 20% of the Paraná state education system is militarized (Articulação contra o Ultraconservadorismo na Educação, 2025, p. 21).

In the state of Paraná, the persistence of this authoritarian model is particularly evident, since both the teaching profession statute and the civil service statute were drafted during the dictatorial period and maintain broad wording that allows for the disciplinary punishment of political demonstrations by teachers.

The identified provisions, especially those highlighted in the survey, restrict institutional criticism and collective action, enabling disciplinary action against conduct related to participation in public debates or educational mobilizations. The coexistence of two normative instruments with authoritarian origins broadens the scope of these restrictions and reinforces the potential for disciplinary application. However, this case is not isolated, and it is not exceptional that one or the other, or even both, of the statutes created during the "years of lead" remain in effect in various other federative entities regarding the actions considered appropriate for this category.

Several Brazilian states still maintain regulations for teaching that were developed during the authoritarian period. These regulations contain disciplinary provisions that restrict the political and union activities of educators, with broad formulations that allow for extensive interpretations and the application of penalties against teachers.

A comparative analysis of state legislation reveals the persistence of normative provisions that restrict freedom of expression, union activity, and the political participation of educators, whether through the maintenance of statutes drawn up during the military dictatorship or through the subsequent reproduction of their normative matrix. The survey demonstrates that such predictions appear uniformly across different states, albeit with varying degrees of severity, revealing the persistence of an authoritarian model applied to public education.

Among the most frequently identified prohibitions are bans on references considered derogatory to public authorities, restrictions on union activity, and the prohibition of political demonstrations within the institutional environment, in addition to limitations related to participation in strikes or collective mobilization of employees.

For illustrative purposes, a situation similar to that of Paraná occurs in the State of São Paulo, which Statute of Civil Public Servants, established by Law No. 10,261 of 1968, remains in force with problematic provisions, especially those related to union activity and the right to strike. The wording identified in the survey allows for restrictive interpretations regarding the political participation of public employees, including teachers, which is incompatible with the constitutional guarantees of freedom of expression and association. In

this case, the formal persistence of legislation from the military dictatorship is linked to its contemporary application, maintaining a disciplinary framework of an authoritarian nature. This is the state that, according to a 2020 survey, proposed the most legislated initiatives attacking teachers (Moura; Silva, 2020), and where there are also firm initiatives to militarize public education (Articulação contra o Ultraconservadorismo na Educação, 2025).

In states like Rio de Janeiro, the situation presents a hybrid character. Although the specific legislation for teachers is later and does not contain serious violations, the general statute for state public servants, drafted during the authoritarian period, maintains restrictive provisions similar to those found in other states. This normative duality allows the functional discipline of educators to be based on devices inherited from the dictatorship, even in the presence of more recent legislation aimed at teachers, highlighting the indirect persistence of the authoritarian matrix.

In Rio Grande do Sul, the survey indicates that the State Teaching Law of 1974 contains problematic provisions, later supplemented by the state public servant legislation of 1994. Although some of the rules applicable to the category were enacted after the dictatorship, provisions remain that restrict the political activity of public servants, especially in the area of functional discipline. This case highlights the normative continuity between authoritarian legislation and subsequent reforms, in which the inherited restrictions were not completely overcome.

In Minas Gerais, the situation presents a relevant specificity, since the legislation dates back to the 1950s and contains wording that was subsequently reproduced in several states, especially the prohibition of derogatory references to public authorities. This formulation became a kind of standard clause in civil service statutes, being replicated in different legislations, including those subsequent to redemocratization. Although some of the legislation in Minas Gerais is more recent, the persistence of this provision demonstrates the nationwide spread of the authoritarian disciplinary model.

The survey also identifies states where legislation is subsequent to the dictatorship, but reproduces provisions similar to the models that were in force at that time, revealing continuity regarding the duties and prohibitions applicable to the category. In this sense, in Espírito Santo, Complementary Law No. 46 of 1994 contains wording considered potentially harmful to educators, demonstrating that the temporal overcoming of the authoritarian period did not imply the abandonment of the restrictive disciplinary model. A similar situation occurs in Mato Grosso, where Complementary Law No. 04 of 1990 maintains provisions that limit the political activity of civil servants, demonstrating the continuity of regulations even after redemocratization.

In Mato Grosso do Sul, the phenomenon takes on an even more significant character, since recent legislation — including some from 2024 — maintains wording similar to that identified in the authoritarian statutes. This demonstrates that the persistence of this disciplinary model is not limited to the survival of old rules, but involves their contemporary reproduction, including in recent legislative contexts. This continuity reinforces the idea that authoritarian institutionalism remains a structuring element of disciplinary law as applied to education.

The state of Acre also presents a mixed picture, with the coexistence of legislation subsequent to the dictatorship and norms contemporary to the authoritarian period, both containing provisions that restrict institutional criticism. This regulatory duality reinforces the potential for disciplinary action against educators, especially in contexts of political or union mobilization.

In turn, the case of Goiás reveals a unique characteristic, since the state legislation, although subsequent to the dictatorship, includes a specific provision directed at teachers, providing for disciplinary action for teachers who "coerce or entice students for political-partisan purposes". The breadth of this formulation allows for the framing of pedagogical activities related to political debate or civic education as disciplinary infractions, potentially restricting academic freedom. The specific nature of this device highlights the persistence of the logic of ideological control directed particularly at teaching activity.

Regarding Pernambuco, a similar pattern of prohibitions is observed, reflected in a plurality of other federative entities, with particular emphasis on the content of art. 194 of Law No. 6.123/1968, which considers actions by public officials to include conduct such as "promoting expressions of appreciation or disapproval," "coercing or enticing subordinates for political-partisan purposes," and "directly or indirectly promoting or participating in the paralysis of public services."

A comparative analysis of these states shows that the persistence of authoritarian mechanisms is not an isolated phenomenon, but a widespread normative pattern in state administrative law. It is observed that, even when the legislation comes after the military dictatorship, it reproduces broad formulations that limit institutional criticism, union activity, and the political participation of educators. This uniformity reveals the structural continuity of a disciplinary model oriented towards the political neutralization of public servants and the control of pedagogical freedom.

To facilitate visualization of the analyzed content, a summary table of impressions by state is produced below:

Analytical table - State legal provisions and summary classification of identified restrictions.

State	Rules analyzed	Approved during the dictatorship?	Restrictions on teaching	Note
RS	Law No. 6.672/1974; Complementary Law No. 10.098/1994	Yes No	Art. 178 of Decree-Law of 1994	Problematic prohibitions in a post-dictatorship law
SC	Law No. 6.745/1985; Law No. 6.844/1986	No	Not provided	Not provided
PR	Complementary Law No. 7/1976; Law No. 6.174/1970	Yes	Art. 82 of Complementary Law 7; Art. 285 of Law 6.174	Writing excessively aligned with the authoritarian profile of the dictatorship.
SP	Complementary Law no. 444/1985; Law no. 10.261/1968	No Yes	Art. 242 of Law No. 10.261/1968	Restriction on the right to strike and to unionize.
RJ	Law No. 1.881/1992; Decree-Law No. 220/1975	No Yes	Art. 40 of Decree-Law No. 220/1975	Derogatory references to superiors in public administration are prohibited.
ES	Law No. 5.580/1998; Complementary Law No. 46/1994	No	Art. 221 of Complementary Law No. 46/1994	After the dictatorship
MT	Complementary Law No. 4/1990; Law No. 8.151/2004	No	Art. 144 of Complementary Law No. 4/1990	After the dictatorship
MS	Law No. 6.278/2024; Complementary Law No. 87/2000	No	Art. 217 of Law No. 6.278/2024	After the dictatorship
MG	Law No. 869/1952; Law no. 7.109/1977	No Yes	Art. 217 of Law No. 869/1952	Law predating the dictatorship, with wording similar to decrees from the authoritarian period.
AC	Complementary Law no. 39/1993; Law no. 529/1974	No Yes	Art. 171 of Law No. 529/1974 177 of Complementary	Relevant prohibitions on the right to protest against public administration.

			Law No. 39/1993	
AL	Law No. 5.247/1991; Law No. 6.196/2000	No	Art. 73 of Law No. 6.196/2000	After the dictatorship
BA	Law No. 6.677/1994; Law No. 8.261/2002	No	Art. 176 of Law No. 6.677/1994	After the dictatorship
CE	Law No. 9.826/1974; Law No. 10.884/1984	Yes	Art. 193 of Law No. 9.826/1974; Art. 78 of Law No. 10.884/1984	Restrictions on the right to strike and punishment for attacking "national interests"
RN	Complementary Law no. 122/1994; Complementary Law no. 322/2006	No	Art. 130 of Complementary Law No. 122/1994	Post-dictatorship, with restrictions on unionization.
DF	Complementary Law no. 840/2011; Law no. 5.105/2013	No	Not provided	Not provided
GO	Law No. 20.756/2020; Law No. 13.909/2001	No	Arts. 202 and 203 of Law No. 20.756/2020	Specific text for teachers with restrictive content.
PI	Law No. 4.212/1988; Complementary Law No. 13/1994	No	Art. 138 of Complementary Law No. 13/1994	Restrictions on unionization
PE	Law No. 6.123/1968; Law No. 11.329/1996	Yes No	Art. 194 of Law No. 6.123/1968	Wording similar to decrees issued after the dictatorship.
MA	Law No. 9.860/2013; Law No. 6.107/1994	No	Art. 59 of Law No. 9.860/2013; Art. 210 of Law No. 6.107/1994	Restrictions on unionization
PB	Complementary Law no. 58/2003; Law no. 13.258/2024	No	Art. 107 of Complementary Law No. 58/2003	Restriction on the right to strike

PA	Law No. 5.351/1986; Law No. 5.810/1994	No	Art. 178 of Law No. 5.810/1994	Low gravity
RO	Complementary Law no. 17/1986; Complementary Law no. 68/1992	No	Art. 151 of Complementary Law No. 17/1986; Art. 155 of Complementary Law No. 68/1992	Regular texts
RR	Complementary Law no. 53/2001; Law no. 111/1995	No	Art. 110 of Complementary Law No. 53/2001	Post-dictatorship, with a positive highlight to the explicit prohibition of sexual harassment or discriminatory conduct.

Source: Own preparation.

The effects of this regulatory framework include expanding the disciplinary power of the Public Administration, allowing for broad interpretations of disciplinary infractions, and fostering self-censorship among teachers. The coexistence of authoritarian statutes and subsequent legislation that reproduces their logic contributes to the consolidation of a legal environment in which political manifestations by educators can be framed as disciplinary infractions, which constitute one of the recurring forms of violence against the professional category in question.

In this sense, the analysis of state legislation demonstrates that the contemporary persecution of teachers does not arise solely from isolated administrative practices, however, it is based on a normative framework that maintains authoritarian traits incompatible with the constitutional paradigm of democratic education.

4. Conclusion

Considering the regulatory framework for the legal configuration of the public teaching service in the country, it is clear that the burden of "authoritarian baggage" in relation to education is heavy. Given the active role of educators in producing social critique, as well as the undeniable union organization of the profession in the face of precarious working conditions, attacks on their freedoms are also frequent in authoritarian contexts.

During the military dictatorship, persecution was established, including through normative means, particularly regarding statutory productions. Decades after the return to democracy, not only do state laws inspired by the logic of restricting the rights of educators remain in effect. Among the authoritarian norms that remain in force, we find provisions that stipulate punishment for involvement in political party activities, the prevention of criticism of public administration, and the persecution of those who participate in strikes, among other legally archaic provisions, without any criticism, in updated versions of the same normative frameworks.

Therefore, our argument is that the persistence of legal statutes produced during the military dictatorship constitutes a relevant element for understanding the phenomenon of contemporary persecution of educators in Brazil, highlighting its institutional character. Overcoming this authoritarian institutional framework, therefore, it requires regulatory review, judicial action, and the strengthening of democratic public education policies supported by the guarantee of the special human rights of educators (Ximenes; Oliveira, 2026).

Although the objective of this work was not to investigate the correlation between administrative procedures against teachers and the use of the statutory framework – a perspective made difficult due to the secrecy of those initiatives and the consequent lack of public access to all the information – the national panorama of increasing attacks on the teaching profession calls for attention regarding the sense of authoritarian infrastructure that stems from the preservation of the laws analyzed. Previously seemingly dormant under the wave of redemocratization in the country, the legal statutes of the military dictatorship are being legally revitalized in the current persecution of educators in Brazil.

Indeed, the reactive juridification of education is a strategy conceived within a scenario of conservative neoliberalism, which involves mobilizing, within the legal arena and through its legislative and judicial instruments, the restriction of access to rights for social groups as a tactic of political construction and as a strategy to contain democratic and anti-discriminatory advances in education (Ximenes; Vaggione, 2024). Therefore, educators frequently become targets of censorship projects, public persecution, disciplinary and judicial administrative proceedings, extrajudicial notifications, parliamentary narratives, among other attacks (Ação Educativa, 2022).

Research conducted in 2024 by Observatório Nacional da Violência contra Educadoras(es) (2025), entitled “Um estudo quantitativo sobre a perseguição de educadoras/es no Brasil”, with 3,012 valid responses from educators, allows for an unprecedented characterization and quantification of the phenomenon. In all regions of Brazil, at least 90% of educators reported having had direct or indirect contact with acts of persecution and/or censorship. Of those, 44% reported experiencing this four or more times; among those directly

affected, 76% indicated impacts on their professional life and 67% on their personal life. The predominant professional impact is self-censorship, that is, the withdrawal of public content and activities for fear of questioning, an effect also strongly perceived among educators who witnessed or heard about the persecution. The research report concludes with twenty-three (23) political-pedagogical, legal and public policy recommendations for addressing violence against educators. One of these recommendations directly relates to the article:

12. Review and adaptation of the statutes for public servants and teachers, aiming at the defense of educators.

To promote, under the coordination of the Ministry of Management and Innovation in Public Services (MGI), studies and legislative initiatives on the need to adapt the statutes of public servants and teachers, as well as the rules of administrative procedure, in force within the scope of the Federal Government, the States, the Municipalities and the Federal District, in order to adapt them to the democratic paradigm of the 1988 Federal Constitution, considering that preliminary studies indicate that the persistence of statutory and procedural rules issued in an authoritarian context serves as a basis for the formal persecution of educators, to the detriment of the democratic environment and the exercise of the right to defense (Observatório Nacional de Violência contra Educadoras/es, 2025, p. 41, emphasis in the original).

Despite the systematic violence suffered by educators in the country, documented in the Observatório Nacional de Violência contra Educadoras/es research, our study points to a paradox: although already known institutionally and socially, violence against educators resulting from the violation of their special human rights presents serious deficits in recognition, classification, and protection, especially in relation to professionals and schools in basic education. In the context of higher education, conservative attacks have provoked a greater density of positive responses, advances in the repertoire of theoretical, doctrinal and jurisprudential production on academic freedoms and university autonomy in the national (Sales; Mendes, 2025; Travincas, 2018) and inter-American (Inter-American Commission on Human Rights, 2021) context. It is also paradoxical that there is insufficient support when we compare educators to journalists, for example, whose vulnerability is expressly recognized by the State as arising from the correlation between their work and the defense of human rights, as we will discuss.

Considering the multiple fronts of attack on democratic education, and even the tendency for these risks to increase in relation to educators due to the observed rise in this phenomenon during election years (Observatório Nacional de Violência Contra Educadoras/es, 2025, p. 23), our work points to the urgent need for political, legal, and pedagogical mobilization to adapt state regulatory frameworks to the contemporary constitutional context.

References

- AÇÃO EDUCATIVA. *Manual de defesa contra a censura nas escolas*. São Paulo: Ação Educativa, 2022. Disponível em: https://manualdedefesasasescolas.org.br/livro/2022_ManualdeDefesaContraaCensura.pdf. Acesso em: 2 jun. 2026.
- ARTICULAÇÃO CONTRA O ULTRACONSERVADORISMO NA EDUCAÇÃO; AÇÃO EDUCATIVA. *Educar com liberdade, não com medo: argumentos contra a militarização da educação*. São Paulo: Ação Educativa, 2025. Disponível em: <https://acaoeducativa.org.br/wp-content/uploads/2025/04/Educar-com-liberdade-nao-com-medo-argumentos-contr-a-militarizacao-da-educacao.pdf>. Acesso em: 2 jun. 2026.
- BERCOVICI, G. “O Direito Constitucional passa, o Direito Administrativo permanece”: a persistência da estrutura administrativa de 1967. In: TELES, Edson; SAFATLE, Vladimir (org.). *O que resta da ditadura: a exceção brasileira*. São Paulo: Boitempo, 2010. p. 77-90.
- BRASIL. Constituição (1988). *Constituição da República Federativa do Brasil*. Brasília, DF: Presidência da República, 1988. Disponível em: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 2 jun. 2026.
- BRASIL. Ministério da Educação. *Ataque às escolas no Brasil: análise do fenômeno e recomendações para a ação governamental*. Brasília: Governo Federal, 2023.
- CALDAS, A. C. Governo do Paraná persegue professores por manifestações. *Brasil de Fato*, 1 fev. 2020. Disponível em: <https://www.brasildefato.com.br/2020/02/01/governo-do-parana-persegue-professores-por-manifestacoes/>. Acesso em: 1 abr. 2026.
- CAMPANHA NACIONAL PELO DIREITO À EDUCAÇÃO. *Educação sob ataque no Brasil*. São Paulo: Campanha Nacional pelo Direito à Educação, 2023. Disponível em: <https://educacaosobataque.org/>. Acesso em: 25 mai. 2026.
- CENTRO DE ANÁLISE DA LIBERDADE E DO AUTORITARISMO (LAUT). *Sobre o LAUT*. São Paulo: LAUT. Disponível em: <https://laut.org.br/>. Acesso em: 2 jun. 2026.
- DIAMOND, L. Rethinking civil society: toward democratic consolidation. *Journal of Democracy*, Baltimore, v. 5, n. 3, p. 4-17, jul. 1994. Disponível em: <https://doi.org/10.1353/jod.1994.0041>. Acesso em: 2 jun. 2026. DOI: <https://doi.org/10.1353/jod.1994.0041>.
- ESPÍRITO SANTO (Estado). *Lei Complementar n. 46, de 31 de janeiro de 1994*. Institui o Regime Jurídico Único dos servidores públicos civis da administração direta, das autarquias e das fundações públicas do Estado do Espírito Santo, de qualquer dos seus Poderes. Vitória: Governo do Estado do Espírito Santo, 1994. Disponível em: <https://www3.al.es.gov.br/legislacao/norma.aspx?id=33129>. Acesso em: 2 jun. 2026.

GLOBAL PUBLIC POLICY INSTITUTE; CENTER FOR THE ANALYSIS OF LIBERTY AND AUTHORITARIANISM. *Academic freedom in Brazil: a case study on recent developments*. Berlin: GPPI, 2020. Disponível em: https://gppi.net/assets/GPPi_LAUT_2020_Academic_Freedom_in_Brazil.pdf. Acesso em: 25 mar. 2026.

HUMAN RIGHTS WATCH. “*Tenho medo, esse era o objetivo deles*”: esforços para proibir a educação sobre gênero e sexualidade no Brasil. Nova York: Human Rights Watch, 2022. Disponível em: <https://grafittinews.com.br/wp-content/uploads/2022/05/H-U-M-A-N-RIGHTS-WATCH.pdf>. Acesso em: 25 mar. 2026.

INTERNATIONAL IDEA. *Relatório do Estado Global da Democracia*. Disponível em: <https://www.idea.int/gsod/2023/>. Acesso em: 1 abr. 2026.

LAYUS, R. F.; ALVES, C. N. R. *Alerta do Brasil*: Por uma abordagem abrangente, interseccional e contextual para a garantia da liberdade acadêmica. Policy Brief. New York: Scholars at Risk, 2023. Disponível em: https://www.scholarsatrisk.org/wp-content/uploads/2023/03/Policy-Brief-_PORT_Alerta-do-Brasil.pdf. Acesso em: 25 mar. 2026.

MATO GROSSO (Estado). *Lei Complementar n. 4, de 15 de outubro de 1990*. Dispõe sobre o Estatuto dos Servidores Públicos da Administração Direta, das Autarquias e das Fundações Públicas Estaduais. Cuiabá: Governo do Estado de Mato Grosso, 1990. Disponível em: <https://www.al.mt.gov.br/norma-juridica/urn:lex:br:mato.grosso:estadual:lei.complementar:1990-10-15;4>. Acesso em: 2 jun. 2026.

MENDES, C. H. O entulho autoritário era estoque. *Quatro Cinco Um*, 1 mar. 2020. Disponível em: <https://quatrocincoum.com.br/artigos/d/o-entulho-autoritario-era-estoque>. Acesso em: 6 abr. 2026.

MOURA, F. P. de; SILVA, R. A. da. *6 anos de projetos “Escola sem Partido” no Brasil*: levantamento dos projetos de lei estaduais, municipais, distritais e federais que censuram a liberdade de aprender e ensinar. Brasília: Frente Nacional Escola Sem Mordça, 2020.

OBSERVATÓRIO NACIONAL DE VIOLÊNCIA CONTRA EDUCADORAS/ES. *Um estudo quantitativo sobre a perseguição de educadoras/es no Brasil*. Niterói: ONVE, 2025.

PARANÁ (Estado). *Lei Complementar n. 7, de 22 de dezembro de 1976*. Dispõe sobre o Estatuto do Magistério Público do Ensino de 1º e 2º graus e dá outras providências. Curitiba: Governo do Estado do Paraná, 1976. Disponível em: <https://www.legislacao.pr.gov.br/legislacao/exibirAto.do?action=iniciarProcesso&codAto=7682>. Acesso em: 2 jun. 2026.

PENNA, F. de A.; AQUINO, R.; MOURA, F. P. de. Propondo uma definição de perseguição a educadoras(es) baseada na educação democrática. *Educação & Sociedade*, Campinas, v. 45, e274629, 2024. Disponível em: <https://www.scielo.br/j/es/a/hbhChqZNXvVr33ct6R8nKHn/>. Acesso em: 2 jun. 2026. DOI: https://doi.org/10.1590/ES.274629_port.

RIO GRANDE DO SUL (Estado). *Lei n. 6.672, de 22 de abril de 1974*. Dispõe sobre o Estatuto e Plano de Carreira do Magistério Público do Rio Grande do Sul. Porto Alegre: Governo do Estado do Rio Grande do Sul, 1974. Disponível em: https://servicos.educacao.rs.gov.br/dados/lei_no_06672.pdf. Acesso em: 2 jun. 2026.

RIO GRANDE DO SUL (Estado). *Lei Complementar n. 10.098, de 3 de fevereiro de 1994*. Dispõe sobre o estatuto e regime jurídico único dos servidores públicos civis do Estado do Rio Grande do Sul. Porto Alegre: Governo do Estado do Rio Grande do Sul, 1994. Disponível em: <https://www.al.rs.gov.br/legiscomp/arquivo.asp?Rotulo=Lei%20Complementar%20n%C2%BA%2010098&idNorma=527&tipo=pdf>. Acesso em: 2 jun. 2026.

SALES, F. R.; MENDES, C. H. O que protege o discurso acadêmico? Entre liberdade acadêmica e liberdade de expressão no Brasil. *Revista de Direito Econômico e Socioambiental*, Curitiba, v. 16, n. 2, e504, 2025. Disponível em: <https://periodicos.pucpr.br/direitoeconomico/article/view/32353>. Acesso em: 2 jun. 2026. DOI: <https://doi.org/10.7213/rev.dir.econ.soc.v16i2.32353>.

SÃO PAULO (Estado). *Lei n. 10.261, de 28 de outubro de 1968*. Dispõe sobre o Estatuto dos Funcionários Públicos Civis do Estado. São Paulo: Assembleia Legislativa do Estado de São Paulo, 1968. Disponível em: <https://www.al.sp.gov.br/repositorio/legislacao/lei/1968/lei-10261-28.10.1968.html>. Acesso em: 2 jun. 2026.

TRAVINCAS, A. C. T. *A tutela jurídica da liberdade acadêmica no Brasil: a liberdade de ensinar e seus limites*. Porto Alegre: Livraria do Advogado, 2018.

XIMENES, S. B.; OLIVEIRA, L. Z. de. Perseguição a educadores/as no contexto brasileiro: uma proposta de valoração jurídica a partir do direito humano à educação. *Retratos da Escola*, v. 20, n. 2, 2026. [no prelo]

XIMENES, S. B.; VAGGIONE, J. M. Gramáticas do direito em tensão: as disputas pela educação pública no Brasil. *Educação & Sociedade*, Campinas, v. 45, e275546, 2024. Disponível em: <https://www.scielo.br/j/es/a/SL3h8WSV8XMxhMbL4BCW6wy/>. Acesso em: 2 jun. 2026. DOI: https://doi.org/10.1590/ES.275546_port.