

ANALYZING THE APPLICATION OF THE EQUALITY CONCEPT TO INDIGENOUS STATUS IN RELATION TO HUMAN RIGHTS

Cristiane Martins Viegas de Oliveira

Local Development Graduate Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Leandro Rachel Arguello

Local Development Doctorate Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Diego Bezerra de Souza

Local Development Graduate Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Antonio Carlos Dorsa

Local Development Doctorate Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Raphael Ricardo de Jesus Portela

Local Development Doctorate Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Aline Ortega Soloaga

Graduate Program of Movement Sciences, Federal University of Mato Grosso do Sul
Campo Grande, Mato Grosso do Sul – Brazil.

Raquel Borges de Barros Primo

PhD in the Health Sciences Graduate Program, Federal University of Grande Dourados
Dourados, Mato Grosso do Sul – Brazil.

Geanlucas Mendes Monteiro

Health and Development in West Central Region Graduate Program, Federal University of Mato Grosso
do Sul
Campo Grande, Mato Grosso do Sul – Brazil.

Flávio Henrique Souza de Araújo

Health Sciences Doctorate Program, Federal University of Grande Dourados
Dourados, Mato Grosso do Sul – Brazil.

André Luiz Dias

Law Degree, Federal University of Bahia
Salvador, Bahia – Brazil.

João Vitor Alves dos Santos

Local Development Mastering Program, Dom Bosco Catholic University
Campo Grande, Mato Grosso do Sul – Brazil.

Gildiney Penaves de Alencar

Master Degree of Health and Development in West Central Region, Federal University of Mato Grosso do Sul
Campo Grande, Mato Grosso do Sul – Brazil.

Abstract

This article is about the Statute of the Indian from the educational point of view of equality. It aims to approach one of the branches of social rights, regarding education. This education is protected by the 1988 Constitution of the Federative Republic of Brazil and must be provided on an equal basis for students of basic education and indigenous academics. It is a fact that traditional populations, from basic education, receive an education in a different way, because of their language, customs. Based on this premise, the research sought to answer why offer differentiated treatment in basic education (primary and secondary) and not give the necessary support in higher education? In this context, we sought to get to know the reality of the indigenous peoples in terms of education, from the first steps until they entered the University. In addition, factors were pointed out that make it difficult for these scholars to remain in universities and the possible ways to attenuate the existing discrepancies in education and opportunity between indigenous and non-indigenous people. The methodology applied was the bibliographic review, with the use of books, legislation (especially the Statute of the Indian) and articles hosted in online journals. The results showed that despite the advances, there is still a long way to go to achieve an ideal education.

Key Words: Education; Public Policies; Indian Statute; Human Rights.

1. Introduction

The Brazilian indigenous population, with the coming of the Portuguese Crown to Brazil, underwent countless assimilationist processes that sought the integration of this community with the rest of the population. About 519 years later, even with the guarantee of rights and protection to indigenous peoples, they still suffer the effects of this isolationist policy, especially with regard to education.

Assimilationism, in turn, constituted the policy adopted by the colonizers in Brazilian lands, in order to transform the African peoples into Portuguese citizens, making them leave behind their roots and culture. This assimilatory process was divided into 3 phases: 1st - the destruction of traditional societies; 2nd - the introduction of Portuguese culture and 3rd - the integration of Africans into Portuguese society.

Analogously to this, we have the asyllationism in relation to the indigenous peoples, who suffered this same process, but who, unlike the African peoples, continued to suffer the effects of this policy, even after the proclamation of the Republic.

With the promulgation of the Federal Constitution in 1988, the original populations began to mobilize so that their rights would be truly respected, among them the issue of education that should take into account their cultures. From that moment on, laws promising the protection of indigenous peoples emerged, despite the growth of practices aimed at extinguishing their culture.

Indigenous school education is governed by the Statute of the Indian, in its Arts. 47 to 52, which indicate ideal ways for these peoples to have full access to education, without alienating them from family life, and without leaving behind language and customs. Despite this, the reality that has been seen is an education far from the ideal, especially when it comes to higher education, in which there is a clear discrepancy as to the opportunities when compared to other indigenous academics. This neglect results in a polarized country, economically speaking, and unequal in social terms.

It is in this context that the Brazilian indigenous population is inserted, facing the existence of promising laws, but that the fight against inequality has not yet been effectively propagated; or rather, that it has not been sufficiently respected.

The general objective of this work is to address one of the main fundamental rights presented in Article 6 of the Constitutional Charter, namely education, viewed from the perspective of equality before the indigenous population with regard to human rights. In specific terms, it intends to present the difficulties faced by Indians when leaving their communities and to verify the real opportunities for Indians to enter universities.

Finally, the relevance of this debate will be presented, as well as the educational stages of indigenous populations and the public policies created so that they can consolidate themselves in higher education.

2. The first steps in indigenous education: From the arrival of europeans to the current indigenous school structure.

Until the 1970s, indigenous education was guided by catechism in order to assimilate the culture of Brazilian society. The idea was to integrate and civilize the indigenous, who from the point of view of Western Christian culture, came from an inferior and little developed culture. This was confirmed by the fact that the official guardianship agencies, the then Service for the Protection of the Indian (SPI) and later the National Indian Foundation (FUNAI) - signed an agreement with religious organizations of various faiths, so that they would be in charge of implementing school work within the villages and indigenous communities (INEP, 1994).

In this initial analysis it is essential to define the concept of equality. The 1988 Federal Constitution, in the bulge of article 5, brings the issue of equality, explaining that "everyone is equal before the law. The doctrine, in turn, divides this equality into two: material and formal. In this case, equality is material equality, that which, according to Aristotle, is "to treat the equal and unequal equally, to the extent of their inequalities. Thus, unequal treatment is allowed when it comes to different circumstances/individuals. In practice, we see the action of this article in granting, for example, benefits to the elderly, children, the

disabled, etc.

Based on this premise, it is intended to punctuate equality in relation to the education offered to the indigenous population. It is not a question of providing the same treatment offered to other students; it is a question of balancing this treatment so that, in the end, all academics can have the same opportunities of a professional career.

From the first contact with education, the indigenous peoples were hostages to discriminatory and repressive practices, which aimed to curb any means of spreading their culture and, consequently, their own identity. Discussing quality indigenous education has become important because it is essential to value indigenous knowledge and know-how, making them protagonists.

Markus (2006, p. 56) conceptualized indigenous education as "

[...] educational processes specific to indigenous societies that include pedagogies, ways, methods, and specific rules of teaching and learning, which guide all life in this society. Indigenous education, therefore, does not consist only of schooling; it is an education produced and transmitted by the indigenous community itself, where the teacher is an active participant and responsible for teaching not only the school's programmatic content, but also for teaching the customs, traditions, religious practices and all the elements that foster cultural identity.

According to data from the IBGE (2010) census, there are about 305 ethnic groups in Brazil, which implies that each community follows its own culture. Therefore, when referring to indigenous school education, it is essential to understand it in the context of each culture, whose multiculturalism makes it impossible to standardize a curricular grid.

Soratto (2007), Belz (2008), and Cruz (2009) divided the history of indigenous school education into four phases, namely: 1) colonial Brazil; 2) creation of the Indian Protection Service (SPI), which was later replaced by FUNAI in 1967; 3) formation of non-governmental organizations and indigenous movements initiated in the 1960s and 1970s (military period); and 4) the initiative of the indigenous themselves to manage and mediate the processes of school education.

Still according to the authors mentioned above, the first contact of the indigenous with school education began in the colonial period, when the colonizers sought to intronize into the communities, ideas and customs from Europe and Christianity. According to Novaes (2011), the Jesuit missionaries were the first to undertake this task. The idea was precisely to adapt these peoples to the Portuguese reality of the time, aiming at the incorporation of indigenous labor into Brazilian society; however, the attempt to catechize these indigenous peoples remained flawed, since there was a lack of interest in learning the Christian culture. Even, according to Novaes (2011), there was a strong influence of this fact, with the transfer of African slave labor, precisely because of the difficulty of catechizing these peoples.

After that, the second phase began, which was the creation of the Indian Protection Service (SPI), created on June 20, 1910, giving way to the body that currently deals with issues pertinent to the indigenous population, which is the National Indian Foundation (FUNAI) created on December 5, 1967. It is important to point out that just the fact of speaking of an agency that would act in defense of indigenous interests has already meant a great step towards respect for diversity in the country, since at the time there was little talk about the rights of indigenous peoples. In the transition from one phase to the next there was a fact of great

relevance that can be pointed out as the kick-off for this new phase: in the middle of the 18th century the first indigenous legislation was created. After Marquês de Pombal expelled the Jesuits from Brazil, he noted a need to protect the indigenous peoples from their influence, thus proclaiming, in 1755, the emancipation of indigenous peoples. After that, the schools were replaced by strategic classes (public and secular education system) and administered by the Directory of Indians (SECO, AMARAL, s/d online).

The retro change referred to was ineffective because 53 years later, with the arrival of the Portuguese royal family in 1808, D. João dictated new directions for these peoples; one of them, for example, was the permission for the settlers to enslave the indigenous people. Despite the setback, a change in the scenario of the indigenous population is notorious because, even for a brief period of time, they could feel a change in their status, since they went from being savages without a soul, to being human beings subject to rights just like the rest of society.

The second phase of the history of indigenous school education was externally good for the indigenous population, because it brought significant changes for this population, but internally it was marked by numerous controversies. According to Ferreira (2007, p.64, highlights in the original), this phase

It is marked by the State's attempt to reformulate indigenist policy. The concern with the linguistic and cultural diversity of the indigenous peoples in the country comes on the scene. With the creation of FUNAI in 1967, there were some more significant changes. Bilingual education is chosen as a way to "respect tribal values. In 1973, by the Statute of the Indian - Law 6001 - it became mandatory to teach native languages in indigenous schools. The issue of bilingualism as a way to ensure and respect the "cultural heritage of indigenous communities". (Article 47, of the Statute of the Indian) is, however, in contradiction with the integrationist objectives of school education offered in practice by FUNAI.

Since the creation of FUNAI, together with the promulgation of the Statute of the Indian, there has been a different view of indigenous school education, especially with regard to the issue of the language worked in the classroom. On the other hand, internally this phase is full of polemics. This is because the Indian Protection Service (SPI) just before its extinction, faced a series of complaints about corruption, administrative irregularities, etc. These accusations caused the government of the time to decide to extinguish this body and create a new one, with the same attributions, but to execute the service in a different way, a fact that came with the promise of punishment to those involved and the clarification of the facts.

The creation of an agency focused on the indigenous population was of paramount importance to meet their demands, even though it was not as effective as it should have been, but it showed progress compared to previous years.

According to Ferreira (2007), the third phase had its beginning marked by the military regime. During this period, some indigenous assemblies were held throughout the country, and the issue of indigenous education was frequently discussed. In addition, the demands and mobilizations around indigenous rights have made these movements gain strength and brought favorable results to the indigenous populations. The fourth and final phase took place from the 1980s onwards, with the demands of indigenous peoples to administer and manage their education processes. For Soratto (2007, p. 54), "[...] the demonstrations and demands for recognition of difference have become increasingly strong and intense, and the indigenous school has gained space in Brazilian society in favor of their rights.

Paixão (2010) still makes a subdivision of these phases stating that the first two as the phases of non-participation, the third phase is that of induced participation and finally, the fourth as the phase of effective participation, each of which imprinted the historical context of the time and how society reacted in each period with indigenous issues.

The history of the indigenous population in Brazil shows that it was only from 1988 onwards, with the promulgation of the Federal Constitution, that the Brazilian State recognized the right to differentiated citizenship for indigenous peoples, respecting their territorial and cultural rights and their specificities.

According to the 2015 School Census, there are currently 3,085 indigenous schools in Brazil, with a total of 285,000 students and 20,000 teachers who serve about 305 ethnic groups and speak 274 different languages (EDUCATION BORATORY, 2019).

Each indigenous community has its own particularity. This does not mean that there are no communities with the same language or culture, however, it is common that there is a difference from one community to another. This could be a reason for the process to be differentiated as well. Among the specifics that the indigenous school has are: teaching in indigenous languages in addition to Portuguese; a school calendar adapted to the ritual and daily activities of each context; transmission of traditional knowledge within the school; and community participation in the decisions of the school's objectives.

It is not possible to create an indigenous school grade to be faithfully followed by all communities, because of the different calendars of each people and also because of the different languages. But it is essential to establish guidelines for this education to be implemented in the context of each community, without disrespecting the culture, as was done through the 1988 Federal Constitution and the Statute of the Indian.

3 The situation of indigenous school education in the context of recent research.

Through the researches carried out, it was possible to verify the precariousness in some indigenous schools, such as: the lack of availability of government agents to solve questions about structure, didactic material, available resources, activities carried out in the classroom, insufficiency of training courses for indigenous teachers, lack of realization of the right to difference, among others.

It remains clear, however, that there have been significant advances in relation to indigenous education, if we compare the colonial period with the present moment. However, even though there are laws protecting the right to differentiated, specific, and quality education for indigenous populations, in practice we still see many challenges to be overcome. Abbonizio (2013, p. 52-3), makes the following reflection on the theme:

If the new indigenous schools were evaluated in terms of physical structure, material resources, school meals, sports equipment, libraries, laboratories, accessibility and, above all, technical-pedagogical accompaniment of the teams from the education departments, they would probably make up a picture of the most precarious Brazilian schools, as if the prerogative of being a school located on indigenous land justified their isolation and restriction to other rights.

Research done by Oliveira (2015) and Zibetti (2015), summarized in a single table, shown below, reveals

the conditions of each component element of the indigenous school system, which are: curriculum, didactic material, physical structure, functioning and organization and resources.

Table 1. Components of the indigenous school grade

CURRICULO	TOTAL	%
They bring issues related to indigenous culture	24	100
Similar to the non-indigenous school	15	62,5
Similar to the rural school	7	29,16
It includes generating themes chosen by the school, triggering dialogue with the children and their families	2	8,33
DIETARY MATERIAL	TOTAL	%
Use of the "common" textbook	11	45,83
Specifications and/or apostille	6	25
PHYSICAL STRUCTURE	TOTAL	%
Precarious schools	7	29,16
Schools with new structures	2	8,33
School that was being built and was abandoned	1	4,16
School that was demolished to be built but the works were not started	1	4,16
FUNCTIONALITY AND ORGANIZATION	TOTAL	%
Active participation of the indigenous family and community in the school	15	62,5
Non-indigenous school calendar	14	58,33
Bureaucratic difficulties arising from the government	13	54,16
Similar schedules for non-indigenous schools	6	25
Respectful relationship between teacher and students	6	25
Evasion	5	20,83
Shared and/or democratic management	4	16,66

Activities of the "school tradition" (routine, call, exams, monthly and bimonthly grades, regarding national holidays, repetition of readings, copies, individualized works, etc.)	4	16,66
Own calendar	4	16,66
Non-indigenous management	2	8,33
Indigenous management	2	8,33
Own schedule	1	4,16
Disinterested relationship of the teacher and/or the teacher with the community	1	4,16
RESOURCES	TOTAL	%
Problems in the implementation of the training courses for teachers and indigenous women teachers	7	29,16
Lack of picnic material, physical space	4	16,66

Source: BDTD survey conducted in 2014 by Oliveira (2015) and Zibetti (2015)

From these data it is possible to see that the reality of school education is now much closer to education in rural schools than to the education idealized in the 1988 Federal Constitution or in the Statute of the Indian. Belz (2008, p. 7) makes the following point, stating that, "[...] at many times, the practice of teachers reveals that the school in the village is much more similar to a rural school, since it privileges a curriculum proposal that is present in non-indigenous schools in Paraná," but seeking to escape the established standardization, teachers offer the knowledge accumulated by the Kaingang people.

In addition, other authors bring diverse accounts, which walk towards the same reality: the existing laws are promising and bring a new idea on how to conduct indigenous education. The great guiding issue is that these same laws do not leave the documentary sphere; perhaps because of the indisposition of those involved, perhaps because of the scarcity of resources. The fact is that the way this education is being conducted is far from ideal.

A work done by Cruz (2009, p. 131) showed that the Terena school had a new and masonry structure: "It has nine classrooms, a kitchen, a men's and a women's bathroom, a room and a bathroom for the teachers, a multipurpose court, a large hollow, a place of socialization and a smaller hollow in which, it seems, a library will function, both built in Mutirão and Terena style". However, the author noted that this teaching takes place in very precarious conditions, "[...] resulting in the formation of subjects with poor literacy and a committed understanding of the world. I noticed in the written records of the children their inability to use correct writing to present their ideas, regardless of their age and the year they are attending, drawing attention to this education being offered at school (CRUZ, 2009, p. 166).

The result of research done by Brito (2012, p.122) shows that the production of didactic material is small, which states that in the village of Espírito Santo, the didactic material used "[...] is composed of non-differentiated textbooks for the indigenous reality, produced in publishing houses in the Center-South of the country, and some handbooks produced with the help of CIMI.

Finally, there are countless problems faced in indigenous education. Because of the large number of indigenous communities, it may be that these problems vary from one community to another, it may be that in a certain community there is an education that follows all the molds defined in the 1988 Federal Constitution and the Statute of the Indian. This problem is recurrent and occurs in several communities, and this reality weakens education for these Indians who are beginning school life.

4 The Meeting of opposites: Differentiated teaching and the constitutional principle of equality as allies in indigenous school education

As seen previously, the Federal Constitution of 1988 brings in Article 5, in the caput, the maxim that "Article 5 All are equal before the law, without distinction of any nature, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, freedom, equality, security and property [...]"

In this respect, it is important to distinguish this equality. The doctrine divides this equality into two aspects: material equality and formal equality. Formal equality is that which treats equality before the law. Material equality is that in which human beings receive equal or unequal treatment, depending on their situation. The latter is the equality referred to in this work, the equality that allows differentiated treatment in order to try to smooth out some of the differences between beings and situations in society. It is in this aspect that the encounter of totally opposite facts occurs: equality and difference. It is essential that such opposing sides walk together to build a new chapter in indigenous school education.

Without these allies, indigenous school education today would probably return to the times of colonial Brazil; the only difference would be that today they would not be catechized against their own will - the result of a secular country - but it would be a schooling that would leave something to be desired, especially in terms of school calendar and bilingualism, among other aspects.

It is important to emphasize that the differentiation of education in indigenous schools is not a pretext for precariousness in education, much less a synonym for inferiority. In fact, at the time when the indigenous people began to demand differentiated education, their main concern was that the members of that community should also receive the knowledge of their peoples and have space for the practice of their customary rites.

All the significant changes in the indigenous education system are the result of two protagonisms: the Statute of the Indian, created in 1973 (Law No. 6,001) and the Federal Constitution, promulgated in 1988. At the time, the act of creating a Statute for the indigenous people was a revolutionary fact, especially in the historical context of the time. Synthesizing, in the act of creation of Law 6.001 of 1973, henceforth called "Statute of the Indian", it was a landmark that revolutionized the indigenous school education in force at that time.

5. Analysis of the status of indigenous people and their contribution to (dis)equality in indigenous school education

For sure, the Statute of the Indian has revolutionized indigenous life in several factors, however, the indigenous scenario has not undeniably improved, as expected. During the period of creation of the Statute of the Indian, there were still remnants of the assimilationist policy that haunted the indigenous population for many years, especially during the colonial period. The fact that the Statute was created during a period of military intervention strongly contributed to the fact that this law was not totally focused on respect for indigenous diversity. The objective of integrating the indigenous peoples into society also stands out. It is possible to observe this purpose from the first article of this legal provision, noting the presence of the integrationist ideal: "Article 1 This law regulates the legal situation of Indians or foresters and indigenous communities, with the purpose of preserving their culture and integrating them, progressively and harmoniously, into national communion."

The question of integrationism differs from assimilationism in that assimilation would imply the loss of the cultural identity of the assimilated group, while in integration, uses, customs and traditions are not lost. In the case of the Statute of the Indian, although this law brought very important provisions in the construction of respect for cultural diversity, it still shared space with provisions within the Statute itself that revealed the intention of the rulers of the time: the intention that the indigenous should be integrated with our society. In addition, we can highlight another provision in the Statute that reveals the integrationist intentions existing at the time:

Article 4 Indians are considered:

- I - Isolated - When they live in unknown groups or have few and vague reports through eventual contacts with elements of national communion;
- II - In the process of integration - When, in intermittent or permanent contact with strange groups, they keep less or most of the conditions of their native life, but accept some practices and ways of existence common to other sectors of national communion, which they need more and more for their own sustenance;
- III - Integrated - When incorporated into the national communion and recognized in the full exercise of civil rights, even if they retain uses, customs and traditions characteristic of their culture.

It is clear that in this article the legislator's concern to label the indigenous population, possibly in order to absorb the most conservative indigenous people into society. In 1988, with the enactment of the so-called "Citizen Constitution," indigenous rights were innovated on a specific topic for them, according to Article 231 of the Constitution:

Art. 231. Indians are recognized for their social organization, customs, languages, beliefs and traditions, and for their original rights over the lands they traditionally occupy, and it is the Union's responsibility to demarcate them, protect them, and ensure that all their goods are respected.

The 1988 Federal Constitution also strengthened and guaranteed indigenous multiculturalism, respect for traditions, among other things, and this caused integrationist or asyllagistic thinking to lose its strength, so much so that the devices supported by this thought are ignored today.

Silva (2015) defines the current system of protection for indigenous peoples as a system of interaction, not integration. It is important to point out that Law no. 6,001 of 1973 is still in force in the Brazilian legal system, however, its analysis must be made in accordance with the 1988 Federal Constitution. For this reason, the provisions of integrationist or asymmetrical nature are no longer used: these provisions were not received by the Federal Constitution. Santos Filho (2005, p. 44-9) reiterates the idea stating that

[...] the provisions of the Indian Statute, Law 6.001/1973, forged under the asyllary optics, it is worth mentioning, which aimed at the total incorporation of Indians or their communities into national society, with the loss of their ethnic or cultural identity, were not received by the new constitutional system implemented since 1988.

With regard to indigenous school education, the 1988 Federal Constitution received the provision of the Statute of the Indian that ensured the proper learning processes and bilingual teaching. Let's see:

Art. 210. Minimum contents will be established for elementary education, in order to ensure common basic training and respect for national and regional cultural and artistic values.

§ 2º Regular primary education will be given in Portuguese, and the indigenous communities will also be guaranteed the use of their mother tongues and their own learning processes.

Articles 47 to 52 of the Statute of the Indian represent a summary of the main provisions on indigenous school education in verbis:

Art. 47: Respect for the cultural heritage of indigenous communities, their artistic values and means of expression is assured.

Art. 48: The education system in force in the country is extended to the indigenous population, with the necessary adaptations.

Art. 49: The literacy of the Indians will be done in the language of the group to which they belong, and in Portuguese, safeguarding the use of the former.

Art. 50: The education of the Indian will be oriented towards integration into the national communion through a process of gradual understanding of the general problems and values of the national society, as well as the utilization of his individual aptitudes.

Art. 51 Assistance to minors, for educational purposes, will be provided, as far as possible, without keeping them away from family or tribal coexistence.

Art. 52: The Indian will be provided with adequate professional training, according to his degree of acculturation.

Finally, the Statute continues to be in force normally. The Federal Constitution, as previously mentioned, received the Statute of Indio, with the exception of the laws that opposed the right to multiculturalism. It is

important to point out that the Statute itself was a milestone in the history of the indigenous population, but it had been contaminated by the interests of others that did not refer to the well-being of these peoples.

6. Mapping of norms on indigenous school education

In addition to the Federal Constitution of 1988, other documents and norms guide indigenous school education, among them: the Convention and Resolution n° 169/1989, of the International Labor Organization (ILO); Federal Decree n° 26/1991; Interministerial Ordinance n° 559/1991; Ordinance n° 60/1992; Guidelines for the National Indigenous School Education Policy of 1993; Guidelines and Bases of National Education Law (LDBEN) n° 9.394/1996; the National Curricular Reference for Indigenous Schools (RCNEI) of 1998; Resolution CNE/CEB n° 3/1999; CNE/CEB Opinion n° 14/1999; Guidelines for the Implementation of Indigenous Teacher Training Programs in the State Education Systems of 2000; Law n° 10.172/2001 - National Education Plan (PNE); and Decree No. 6861/2009 (BATISTA, 2005; BERGAMASCHI, 2005; BRITO, 2012; PAES, 2002; ROSSATO, 2002; SORATTO, 2007).

According to Oliveira (2015) and Zibetti (2015), "The legal documents produced propose an intercultural dialogue, following the principles of school education, differentiated and specific for each indigenous people, considering the indigenous protagonists of the school process, with a view to achieving their autonomy.

The above documents and norms direct the reader to observe indigenous education through a critical eye, being aware of the cruel historical context through which the indigenous population has crossed and how these new norms reflect on indigenous education today

7. Access to higher education and new challenges

After the promulgation of the Citizen Constitution, the demands of indigenous peoples began to grow. This is because, with the acceptance of indigenous culture, there was greater openness to enter higher education.

According to Paladino (2013), Brazil, at the end of 1990, kept indigenous higher education off any government agenda. The author said that, even though there were students belonging to the original peoples who graduated at that time - many of them leaders of the indigenous movement - at that time it was more urgent to establish basic education schools on indigenous lands.

The access of indigenous people to higher education ended up expanding because, they saw in the Universities, a path for the search of better conditions. This is what Bergamashi (2005) reveals, clarifying that

Nowadays, it is noticeable that in all the Indigenous Areas of the State, the interest of the communities and their leaders for the study of their youth is growing, perceiving the universities as a new strategic space relevant in their struggle for better living conditions and greater autonomy.

With this, a growing number of indigenous people are looking for a degree in higher education; most of them were once only in high school, but today the reality is different.

Although there has been considerable influx of indigenous people into university banks, the great impasse, and one of the greatest challenges for them, is the question of permanence. The first challenge is the precariousness of basic education, which causes these academics to enter higher education on a basis that is not as solid as it should be.

The government's disregard for indigenous schools is a relevant factor because it has an impact both in the short term - in the classroom itself in indigenous schools - and in the long term on knowledge formation, which will serve as a basis for the rest of academic life in the future.

The second deadlock detected is in relation to the very presence of indigenous people in universities. In this sense, issues related to discrimination (both of the students and of the employees themselves), bureaucracy in relation to the documents that the universities ask for, difficulty in understanding the dialogue (language, understanding of text, oral presentations), among others, can be listed. The third challenge is about the situation after the academic internship, the fate of these indigenous people after completion of higher education. Urquiza (2011), Nascimento (2011) and Espíndola (2011) report that in Mato Grosso do Sul

[...] the situation of open conflict between Indians and landowners over land ownership, aggravated by a historical relationship of exclusion and denial of indigenous culture, manifested by the prejudices that permeate the relationship with the regional environment, makes the relationship of the newly formed with the labor market difficult. How can we avoid that the passage through the HEIs does not translate tomorrow into new frustration when, after the course, they do not find work or, in other terms, continue without a place in the regional reality?

Another aggravating factor that must be taken into account is those indigenous people who live far from the universities, and for this reason they move to the city where the university is located. The reality experienced is totally different. Factors such as traffic and violence in big cities make the environment somewhat hostile and make staying at university a dilemma. In addition, the question of class attendance, required by the universities, makes staying at the academy a paradox; submitting to the university's time schedule and moving away from the way they experience time in their original culture, or rejecting this academic schedule and failing to succeed in completing the course.

Thus, a challenge for universities arises: to make the academic environment a place that goes beyond the transmission of the programmatic content of the academic degree; to make the academy an environment also focused on the constant exercise of interculturality. It is a premature analysis of facts that leave something to be desired and need restructuring, but perhaps the question of continued interculturality in the academic environment is one of the key points for the increase in the number of indigenous who enter and complete higher education.

8. Final considerations

Although the advance in indigenous school education is notorious, when compared to the first access to schools, it is noticeable that there are still many challenges to be faced. The role of education in the life of the individual is the tool capable of changing a generation.

Therefore, it is necessary to take a more careful look at how this school education reaches indigenous students. The restructuring of indigenous schools in each community is essential for a more solid foundation in knowledge formation. In addition, a good education can be the watershed for the indigenous, who in the future will choose whether or not to join the Academy. In addition, it is important to rethink public policies aimed at indigenous academics in order to make their stay less complicated.

Finally, the growing numbers of academics in universities makes it the right time for universities to reflect on the type of education they offer to indigenous peoples and on ways to propagate interculturalism in the field of higher education, being aware that it is not the indigenous who must be integrated into the culture of the academic mass, but rather the academy that must develop the way in which activities are conducted, with a view to overcoming homogenizing tendencies in education.

9. References

- ABBONIZIO, Aline Cristina de Oliveira. Indigenous school education as an educational innovation: the school and the future aspirations of the communities. 2013. 192f. Thesis (Doctorate in Education) - University of São Paulo, São Paulo, 2013.
- BATISTA, Teresinha Aparecida da Silva. The struggle for an indigenous school in Te'yikue, Caarapó/MS. 2005. 156f. Dissertation (Masters in Education) - Dom Bosco Catholic University, Campo Grande.
- BELZ, Karina Cristiane. Kaingang school education: from official discourse to effective practices. Florianópolis, 2008, 189f. Dissertation (Masters in Education) - Universidade Federal de Santa Catarina, Florianópolis.
- BRITO, Edson Machado de. Karipuna education in Amapá in the context of differentiated indigenous school education in the village of Espírito Santo. 2012. 184f. Thesis (Doctorate in Education) - Pontifícia Universidade Católica de São Paulo, São Paulo.
- CARLOS, Antonio. Notes on History. Portuguese colonization and asyllary politics. 2017. Available at: <https://antoniocv.wordpress.com/2017/02/03/colonizacao-portuguesa-e-politica-assimilacionista/>. Access on 20 Aug. 2019.
- CRUZ, Simone Figueiredo. The Terena child: the dialogue between indigenous education and school education in Buriti village. 2009. 195f. Dissertation (Masters in Education) - Dom Bosco Catholic University, Campo Grande.
- FERREIRA, Geraldo Veloso. Indigenous school education: the indigenous cultural practices in the pedagogical action of the Indigenous State School São Miguel - Iauaretê (AM). 2007, 207f. Dissertation (Masters in Education) - Pontifícia Universidade Católica de São Paulo, São Paulo.
- INEP- National Institute of Educational Studies and Research. In Open. Brasília. Year 14. n.63, July/September 1994. Available at: <http://portal.inep.gov.br/documents/186968/485895/Educa%C3%A7%C3%A3o+escolar+ind%C3%ADgena/9c1b748e-4e94-46a3-8e94-ac5109aaba3f?version=1.3> Accessed Aug 22, 2019
- JUSBRASIL. The Statute of the Indian before the Federal Constitution of 1988. Available at: <https://gabriel2052.jusbrasil.com.br/artigos/237423120/o-estatuto-do-indio-frente-a-constituicao-federal-de-1988>. Access on: 20 Aug. 2019.

EDUCATION LABORATORY. Available at: <https://labedu.org.br/principios-particularidades-escolas-indigenas-brasileiras/>. Access on: 20 Aug.2019.

MARKUS, Cledes. Ethnic identity and indigenous school education. 2006, 156f. Dissertation (Masters in Education) - Regional University of Blumenau, Blumenau, SC.

NOVAES, Gabriela Pontin Novaes. A reflection on indigenous school education throughout history. Available at: www.histedbr.fae.unicamp.br/acer.../Gabriela%20pontin%20novaes.pdf. Accessed May 9, 2011.

OLIVEIRA, Anatalia Daiane de; ZIBETTI, Marli Lúcia Tonatto. What do Brazilian researches on indigenous school education reveal? Tellus, n. 29, p. 87-112, 2016. Available at: <http://www.tellus.ucdb.br/index.php/tellus/article/view/361/352>. Access on: 20 Aug. 2019

PAES, Maria Helena Rodrigues. On the border: the current dilemmas of the indigenous school in Paresi villages of Tangará da Serra-MT, in a view of Cultural Studies. Porto Alegre, 2002. 133f. Dissertation (Masters in Education) - Federal University of Rio Grande do Sul, Faculty of Education, Porto Alegre, 2002.

PAIXÃO, Antônio Jorge Paraense da. Interculturalism and politics in indigenous school education in Teko Haw village - Pará. 2010. 171f. Thesis (Doctorate in Education) - Pontificia Universidade Católica do Rio de Janeiro, Rio de Janeiro.

PALADINO, M. A mapping of affirmative actions aimed at indigenous peoples in higher education. In: BERGAMASCHI, M. A.; NABARRO, E.; BENITES, A. (Orgs.). Indigenous students in higher education: an approach based on the experience at UFRGS. Porto Alegre: UFRGS, 2013.

Constitutional principles. Principles of Isonomy. Available at: <http://principios-constitucionais.info/principio-da-isonomia.html>. Access on: 20 Aug. 2019.

ROMANOWSKI, Joana Paulin; ENS, Romilda Teodora. The so-called "state of the art" research in Education. Magazine Diálogo Educacional, Curitiba, v. 6, n. 19, p. 37-50, sep./dec., 2006. Available in: . Access on: 05 Aug. 2015.

ROSSATO, Veronice Lovato. The results of schooling among the Kaiowá and Guarani in Mato Grosso do Sul - "Is the lyrics still one of ours? 2002, 185f. Dissertation (Masters in Education) - Dom Bosco Catholic University, Campo Grande, MS.

SANTOS FILHO, Roberto Lemos. Notes on indigenist law. Curitiba: Juruá. 2005, p. 45-49.

SECO, Ana Paula; AMARAL, Tania Conceição Iglesias do. Marquês de Pombal and the Brazilian educational reform. Navigating the history of Brazilian Education. HISTEDBR 20 YEARS. Available at: http://www.histedbr.fe.unicamp.br/navegando/periodo_pombalino_intro.html#_ftn1. Accessed on 24 Aug 2019.

MEANING OF MULTICULTURALISM. Available at: <https://www.significados.com.br/multiculturalismo/>. Access on: 20 Aug. 2019.

SORATTO, Marines. The construction of the school's direction for the indigenous high school students of the Francisco Horta Barbosa Reserve - Dourados/MS. 2007. 132f. Dissertation (Masters in Education) - Universidade Católica Dom Bosco, Campo Grande, MS