



IIHR

Inter-American Institute
of Human Rights

VI Inter-American Report on Human Rights Education

**Normative development
of human rights education
and student government**
Second measurement

Inter-American Institute of Human Rights

Inter-American Report on Human Rights Education

A study of 19 countries

**Normative development of human rights education
and student government**

Second measurement

San Jose, Costa Rica - December, 2007

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Introduction

A mandate, a mission, an unfinished journey: IIHR and human rights education

The IIHR hit a major milestone in 1984. That year it performed an exploratory study on the possibility of incorporating human rights instruction into the secondary school curriculum. The study became the seed for a pioneering, foundational program of the IIHR. By 1985, the human rights education (HRE) program had become fully operational, ushering in a new mission and laying the foundations of a process that is still on-going today. In the 1990s, the IIHR set up a program called the *Educational Resource Center* (CRE), whose stated purpose was to help teachers incorporate human rights issues into their daily practice. The CRE began to compile materials being produced throughout the region, organize them and make them available to users. It prepared catalogues containing bibliographic information and descriptions of the materials. It also put together directories of organizations and produced and distributed teaching materials on rarely-taught issues or perspectives.

The Institute has been stepping up its advocacy work in this particular field. One of its projects in 1993 was to prepare and publish the first version of the CRE *Carpeta de materiales didácticos*, containing classroom aids on human rights. Its more recent accomplishments received a strong push from the program for active promotion of human rights: access to justice, political participation and human rights education.¹ Since 2000, the IIHR has been developing a research methodology on human rights based on a system of indicators to measure progress with these sets of rights, an approach that was first applied (2001-2002) in six counties of the region. This early measurement eventually gave rise to the annual preparation of the *Inter-American Report on Human Rights Education*, covering the 19 countries that have signed or ratified the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* (Protocol of San Salvador)². The purpose of the report is to identify promising trends that mark progress in the countries' move to recognize and guarantee the right to human rights education, as established in article 13 and 13.2 of the Protocol and other international conventions ratified by the countries.

One of the key contributions of the Institute has been its work to measure progress in guaranteeing the right to HRE. With its reports, it has enriched the field of economic, social and cultural rights (ESCRs) and enhanced the development of a system for monitoring progress in human rights. Progress is becoming visible on a number of fronts. In 2004, the General Assembly of the Organization of American States adopted a resolution entitled "Strengthening of Human Rights Systems Pursuant to the Plan of Action of the Third Summit of the Americas" (AG/RES. 2030 (XXXIV-O/04)), by which the OAS first took a position on strengthening systems for the promotion and protection of human rights. One year later, in 2005, the General Assembly adopted a body of "Standards for the Preparation of Periodic Reports Pursuant to the Protocol of San Salvador" (AG/RES. 2074 (XXXV-O/05)), appealing to the IIHR to contribute the know-how it had developed. This recognition places the Institute at the heart of on-going research and technical consultation projects to develop a monitoring system for applying the Protocol of San Salvador.

1 The main program components of the strategic framework articulated in 1999 and implemented as of 2002 were: a thematic and geopolitical focus, strengthening networks and repositioning core programs and activities, such as the Inter-Disciplinary Course on Human Rights and the Center for Electoral Promotion and Assistance (CAPEL).

2 See the IIHR website: <http://www.iidh.ed.cr/> > English > Center of Pedagogical Resources.

These processes recently culminated in the *Inter-American meeting of ministers of education on human rights education*, held from May 31 through June 2, 2007 at the joint initiative of the Institute and the Ministry of Education of the Republic of Panama. The meeting, which was supported in part by the United Nations Children's Fund (UNICEF), served as a forum where the Institute introduced its new *Proposal for Incorporating Human Rights Education into Formal Schooling for Children from 10 to 14 Years of Age*.³ Shortly thereafter, the 37th meeting of the OAS General Assembly adopted Resolution AG/RES. 2321 (XXXVII-O/07), urging the Member States to analyze the contributions of the curricular proposal with a view to adopting it in accordance with Article 13.2 of the Protocol of San Salvador.

This *Sixth HRE Report* is not merely the sixth in a series that was first introduced in 2002; it is the first in the second cycle of research and monitoring. The new reporting cycle will revisit the same issues measured in the first five reports. In addition, it will raise the profile of a specific topic that will cut across its analysis during the entire second cycle of measurement: democratic participation by students in educational management. This first report of the second cycle examines this specific issue, as well as HRE and the right to education in general, from the perspective of current laws and institutions. Future reports will analyze it from the perspective of curriculum, school textbooks and educational planning.

The IIHR recognizes and applauds the ministries and secretariats of education that have promoted and organized systems and offices to build democratically elected student governments in the schools. This is a form of hands-on education and an effective means of complying with the right to HRE. At the opening ceremony of the conference of the Quito Protocol, which brought together South America's electoral organizations and entities in Santiago Chile, Michelle Bachelet, the president of Chile, commented that our young people are no longer interested in joining political parties and are staying away from the polls in droves. This means education has its work cut out. Even if public investment is as low as this *Sixth Report* suggests, newly emerging initiatives hold out the promise of expanding and strengthening education for this generation. Today's young people must learn to be more participatory and grow up to be adults who take part in elections and who will strive to preserve the values of democracy. The task of imparting skills and democratic values needs to be multi-faceted; it cannot be limited to lessons taught in a single classroom course. The practice of school government helps cement lessons about human rights starting in the early years of school. Because it is a particularly meaningful experience, it becomes a point of reference in the lives of students and an opportunity to foster values and awaken an awareness of the environment and reality. Unquestionably, such a program is a hard sell in official circles, and it is not easy to open the educational system to the practice of school government for students in the critical age bracket from 10 to 14. However, it is an ethical necessity that will prove its value for preserving democracy in the 21st century.

We must never lose sight of the fact that our HRE activities are built on a working relationship and a shared foundation, and that rigor and discipline in school education play a very important role in fostering human rights in the school. The implementation of student government does not mean a lowering of academic standards or circumscribing educational practice in exchange for more rights in the classroom. Hence it would be a grave mistake to neglect the

3 The full text of the proposal is available in the four official languages of the inter-American system (Spanish, English, French and Portuguese) over the IIHR website: <http://www.iidh.ed.cr/> Propuesta curricular y metodológica.

opportunity for children to practice and enjoy life in democracy inside the schools and, above all, learn to respect consensus-based school rules and discipline. Student government and school discipline are not mutually exclusive. Children need to be shown that school government is of value to them, while scrupulously respecting the human rights of the entire community, including both their classmates and their teachers. Ultimately, the faculty continues to be the best possible channel for transmitting a sense of zeal for building and promoting human rights in the school. These things are not contradictory. Experiences with student government have shown that responsibility and personal effort combine well with academic rigor and discipline, at the same time fostering student participation in school policy. If student governments are given a more solid legal footing, the results will soon become apparent in the general elections of our countries here in the Americas. We must counteract the apathy and suspicion that young people tend to feel toward politics, which are undermining the right to democracy in America. The task of HRE is to help reverse this sense of youthful discouragement. The *Sixth Report* draws substantive conclusions on this issue that is so critical for democratic culture in the hemisphere of the Americas.

This *Sixth Report* takes us back to the starting point of the cycle, bringing greater depth and certain innovations. It furthers and enriches our goal of monitoring HRE in the school systems of the Americas, providing oversight of public policies for HRE in the States of the region. The system of HRE reports is consolidating its position as a monitoring program that yields the latest information and reveals current conditions with increasing clarity. Above all, it is useful for revealing whether conditions are in fact changing over time, in what direction and with what intensity.

Roberto Cuéllar M.
Executive Director of the IIHR
San Jose, December 10, 2007

Section I

The IIHR report on human rights education

Background and institutional setting

Since the early 1990's, the IIHR has been cooperating with ministries of education in the countries of the region to help them incorporate human rights education into the formal educational system. Its work has drawn on lessons learned from a long-standing educational tradition. In its early years, the Institute emphasized training for human rights workers organized into civil society organizations with a mission to promote and protect rights, which at that time were engaged in urgent tasks for the defense of basic rights. This tradition has increasingly expanded to address needs for teaching and training the people who are active in public institutions with a mission to uphold and monitor human rights and democracy.

Based on its past experience, there were several reasons why the Institute chose to focus on the formal educational system, without at the same time neglecting its work in other educational spheres. One of the most important was its conviction that an understanding of fundamental rights and duties, instilled at an early age, is an effective condition for protecting these rights. In the second place, many countries in the region at that time were engaged in processes of reintroducing democratic governments. It seemed an ideal opportunity to expand the reach of human rights promotion well beyond mere reaction to violations and hold out human rights as a fundamental component for promoting life in democracy.

In pursuit of these convictions, throughout the 1990s the Institute undertook major efforts to produce and promote teaching materials in support of educational work in the schools. It was also alert to needs for technical assistance by education authorities in various countries of the region, who at that time were engaged in education reform. Teaching aids produced by the Institute were widely replicated by national institutions.¹ Pioneering educators seized these same materials as a vehicle to introduce human rights instruction into the schools. Meanwhile, IIHR assistance to ministries of education was clearly revealing an urgent need to promote systematic, ongoing processes for incorporating human rights education into the educational system. The task was proving to be highly complex and subject to countless political, regulatory, institutional and practical considerations.

As the 21st century began, the IIHR began to modernize its working strategies in response to the changing face of human rights and democracy in the region.² It decided to build on the capabilities it had developed over 20 years of work so as to respond better to the challenges most deeply felt by its counterparts in the countries and to new concerns expressed by the agencies supporting its operations. The Institute reorganized its activities around three high-priority groups of rights: the inclusion of human rights education as a fundamental component of formal education, promotion of rights involving access to justice, and broad development of the right to political participation. These priorities themselves reflected the most acute dramas sweeping through the countries of the region. Starting in 2005, a fourth body of rights was added to the other three core themes of Institute work: economic, social and cultural rights, adopted at the time the Protocol of San Salvador went into effect.

1 See IIHR/Amnesty International, *Carpeta de materiales didácticos del Centro de Recursos Educativos*. San Jose, Costa Rica, 1995; IIHR, *Hallazgos sobre democracia y derechos humanos en la educación media en Costa Rica y Panamá*. San Jose, Costa Rica, 2000.

2 See the following Institute documents: IIHR, *The current outlook for human rights and democracy*. San Jose, Costa Rica, 2003; IIHR, *Framework for the development of an institutional strategy (2003-2005)*. San Jose, Costa Rica, 2003.

The Institute took a variety of measures and promoted strategic actions to address these bodies of rights. First, it launched a program of applied research to identify and verify the main trends in developing legal protection and establishing political conditions for the exercise of the rights contained within these groupings. At the same time, it focused on the specific perspectives pertaining to three types of relationships fundamental for building equality and good governance: the particularities of gender, ethnic diversity and the dynamic between State and civil society.

From 2000 to 2001, the program designed a methodology for measuring progress, stagnation or setbacks in the protection of rights and in the conditions for exercising these rights, based on advances in all three of its high-priority systems: access to justice, political participation and human rights education. The methodology combines working hypotheses, domains to be monitored, variables based on time and content, and progress indicators. It was discussed and fine-tuned with input from many social groups from various countries of the region who took part in consultations convened specifically for this purpose, and through the courses, seminars and specialized workshops included on the regular calendar of Institute activities.³ The systems were run through a first trial application in six countries — Guatemala, Mexico, Nicaragua, Paraguay, Peru and Venezuela — and a final validation in Bolivia. The results of these and other measurement exercises were published under the title *Human Rights progress maps*.⁴

This first exercise produced encouraging results and led to a decision to deepen and expand the system on the right to human rights education and apply it to all the countries of the region. The idea was to produce a report every year for five years (2002-2006), discussing various important aspects of the central mission to promote the incorporation of human rights education into formal education. These reports would discuss progress in the incorporation of HRE since 1990; they would be submitted to the Organization of American States as a friendly rapporteurship, and presented to the governments and civil society organizations in the countries. They would also be useful as basic discussion documents for training and outreach activities. Finally, the Institute hoped that the results, including both a situation assessment and promising conditions, would provide a foundation for developing and proposing a curricular and methodological proposal in this field.

The project was completed successfully. Research took place every year in the 19 signatory countries of the Protocol of San Salvador. The reports were submitted and discussed in the Permanent Council of the OAS and sessions of the Inter-American Commission on Human Rights (IACHR). On December 10 of each year, the reports were introduced at ceremonies held simultaneously in at least 10 countries, and print versions were widely distributed in Spanish and English. The reports were also used as training materials for courses and other events. At the end of the program, the Institute prepared the *Curricular and methodological proposal for incorporating human rights education into formal schooling for children from 10 to 14 years of age* and placed it in the hands of top Ministry of Education authorities during a regional conference held in Panama from May 31 through June 2, 2007, on the occasion of the 37th General Assembly of the OAS.

3 Section II discusses the features of the methodology, along with its advantages and limitations.

4 Available in digital format over the Institute website http://www.iidh.ed.cr/mapas_eng.htm. The map includes a series of general indicators and information resources on human rights for all the countries of the region.

Nature and scope of the HRE Report

The *Inter-American HRE Report* prepared each year by the IIHR is a compilation of research conducted simultaneously in 19 countries of the region, following a standard design used for collecting and comparing results obtained in each country. To gather the information, researchers apply a data collection matrix and run their findings through a system of indicators to show how certain variables have performed. These variables reflect significant changes that have taken place in the exercise of particular aspects of the right to HRE over a given period.

Thus the report reveals trends by region and country — whether progress, setbacks or stagnation — in legal and judicial protection and in the political, institutional and practical conditions for the exercise of a right or set of rights. It does not measure the status of a given right at a particular moment in time, or violations of that right that may have occurred.

Both the overall system and the particular indicators emphasize qualitative considerations of relationships being studied or researched. It makes no attempt to take quantitative measurements, nor does it produce an equation for ranking the countries or comparing aspects of a right. The report offers no performance scales. Instead it explores conditions and opportunities likely to promote progress, and to some extent, offers examples of good practices that can be replicated or considered for devising solutions to critical issues.

The IIHR intends for the reports to serve as input to inter-American bodies for monitoring, promoting and protecting human rights; to ombudsman institutions, variously known as human rights commissions, special prosecutors or defense agencies, that perform these functions in each country; to public institutions responsible for creating the conditions necessary to guarantee the right to human rights education, and to civil society entities working in this field.

The IIHR has taken on this task in compliance with a charter-based mandate. It is both authorized and committed to perform studies of human rights in compliance with its institutional mission for human rights education, research and promotion in the framework of the American Convention. While clearly recognizing the comprehensive nature of the global system for protection and promotion, it specializes in developing standards derived from the instruments that underlie the inter-American system, with an interdisciplinary approach, always cognizant of problems specific to the Americas.

The Institute prepares its report with the intention of generating tools that the countries of the region can use in their on-going evaluations of the place that human rights issues hold in their political and social life, in compliance with international commitments and obligations. It does not claim, and indeed has no mandate, to judge State compliance. Its role is to serve as an auxiliary arm of the protection bodies (the Inter-American Court and Commission of Human Rights) from its relatively privileged position as an eminently academic and independent institution. It interacts with all the players on the human rights stage, remaining at the sidelines of contentious matters, promoting dialogue among the parties and proposing technical instruments and institutional solutions that will not compromise the normal procedures for responding to petitions or resolving judicial cases.

This is not a report on the right to education. It focuses on only one of the qualities that educational services should feature — human rights content. Human rights education, a right in and of itself, is understood as an essential component of the right to education. In this context, access to education is considered a general condition and pre-requisite for enjoying the right to HRE, which in turn is a guarantee of the right to a high-quality education.

Regulatory basis of the Report: the right to human rights education

The development of institutional norms grounded in the *Universal Declaration of Human Rights* and, particularly, the Protocol of San Salvador, has clearly established the right to human rights education as part of the right to education. In fact, as Article 13 of the Protocol states: *Everyone has the right to education. [This] education should be directed towards the full development of the human personality and human dignity and should strengthen respect for human rights, ideological pluralism, fundamental freedoms, justice and peace... [and] ought to enable everyone to participate effectively in a democratic and pluralistic society...and should foster understanding, tolerance and friendship among all nations and all racial, ethnic and religious groups; and promote activities for the maintenance of peace.*

Although the legal effects of the Protocol of San Salvador become binding upon ratification by the State, every country that has either signed or ratified has a commitment to proactively design the legal and logistical grounds for promoting and protecting economic, social and cultural rights in all their dimensions. This includes the commitment to ratify the Protocol and the duty to progressively adapt its domestic laws, prepare public policies and launch activities that will fulfill the Protocol's purpose.

The States that have ratified the Protocol also have the obligations specified in Article 19.2 of the Protocol: to present periodic reports to the OAS General Secretariat for examination by the Inter-American Economic and Social Council and the Inter-American Council for Education, Science and Culture. A copy of these reports must be sent to the Inter-American Commission on Human Rights.

The Protocol of San Salvador entered into effect three years ago upon receiving 12 ratifications. At that time, the General Assembly of the OAS resolved to design and implement a procedure that the States Parties could use for filing their reports, emulating the system of progress indicators adopted by the IIHR for analysis of HRE. It entrusted the OAS Permanent Council and through it, the Commission, to develop a proposal with the support of the Institute.

These obligations of the States are complementary to those defined in other international instruments establishing obligations for human rights education.⁵

Conceptual and methodological basis: investigating progress in human rights

Approaches to human rights research

Over the past half-century, three primary approaches to human rights research have emerged. (i) The first is the most traditional approach to human rights investigations, having been in use longer and become more widespread. It focuses on specific violations. Its goal is to identify cases of rights infringement, document them, examine the legal and procedural implications, establish responsibility and ultimately, file a claim and prosecute. (ii) A second approach — human rights situations — focuses primarily on actions and behavior by the public sector, and their cumulative impact on the State's obligation to respect certain conditions and guarantees, or to promote measures that provide access to fundamental rights without discrimination. (iii) A third research approach, that could be dubbed the progress approach, is intended to draw

5 Cf. Section III, Table of results from indicator 1.1.

comparisons over time of the degree to which States have complied with their human rights commitments, based on the standard of progressive achievement.

Given the particular object of investigation, the methodology used for the violation approach is essentially on a case-by-case basis and is very well suited to the field of civil and political rights. Such investigations have been and continue to be critically important for unearthing specific cases of rights violations. They set in motion the judicial and socio-political processes needed to clarify the facts, punish perpetrators and provide justice and reparation to victims, at the same time helping to prevent future violations.⁶

The second approach develops correlations between statistical results and public policy measures in fields associated with human rights; it is particularly suited to studies of political participation and access to economic, social and cultural rights.⁷ It gives rise to a type of research that combines considerations on human rights standards with statistical information that describes or analyzes general situations or reflects widespread opinions.

The progress measurement approach takes account of sufficiently long periods to weigh whether or not concrete progress is being made in achieving rights based on minimum standards expressed in international provisions and adopted by the countries when they ratify conventions and other instruments. It can never replace the job of monitoring, drawing attention to violations, filing complaints and defending rights; nor is it intended to mask setbacks in the achievement of desirable goals. It is innovative because of its potential to portray human rights concerns as processes, or phenomena that change over time, rather than merely taking a photograph of the situation at a given moment.⁸

This table summarizes the methodological features, results and main uses of the research approaches as described below. The IIHR has been developing the progress approach since 2000,

and its applied research projects since that time have all been designed and conducted accordingly.

Approaches for human rights research			
Approach	Methodology	Type of results	Uses
Violation	Descriptive methodology	Identify frequency	Denounce and defend
Situation	Comparative methodology	Assess	Identify problems
Progress	Forward looking methodology	Identify trends	Promote dialogue and monitor compliance

Human rights reports and monitoring

Human rights studies often take the shape of reports, a vehicle used by the international protection system as the preferred mechanism for monitoring human rights situations. Several international instruments require the States to submit reports. Others offer the possibility of having specialized protection bodies generate reports, such as those systematically prepared by

⁶ This approach has benefitted from wider access to public information, associated with the restoration of democracy.

⁷ Findings from this type of research facilitate the development of public action recommendations, many of which address legal and institutional matters or allocation of public investment.

⁸ This approach helps identify not only shortfalls, but also possibilities for overcoming them over the medium and long term; it is helpful in developing priorities and working strategies that are shared and complementary among a variety of players in the social scenario.

rapporteurs, or those produced after *in loco* visits for specific purposes. Depending on the case, these official reports either reflect or describe the viewpoint of governments on the situations and on efforts being made to comply with convention-based commitments.

An impressive constellation of international civil entities and a number of national coalitions of non-governmental organizations also translate their research projects into general or specialized regular reports, in some cases offered and accepted as supplementary material for use by monitoring bodies. These are known as *shadow reports*. Some of these national reports, because they are issued systematically and on a regular basis, have become tools for monitoring public sector performance in the field of human rights.⁹

In recent years, the introduction of ombudsman institutions has given rise to a new type of report. The leaders of these institutions (variously known as human rights defenders, prosecutors or commissioners) regularly report to the legislative body and serve as official institutions for monitoring constitutional rights and international human rights commitments. Their reports regularly document and analyze complaints received by the institution or critical situations in which it has intervened, as well as compliance with recommendations it has directed to other agents of the public sector, and the resulting impact.

With very few exceptions, no systematic mechanisms have been devised for monitoring compliance with the recommendations of international monitoring bodies, or much less, the judgments of international courts. The United Nations Development Program (UNDP) recently undertook a systematic effort to monitor compliance with development commitments, from a perspective of associated rights, in the form of a regular evaluation of the achievement of millennium development goals.

*New instruments for new scenarios*¹⁰

The move to find new approaches to studying and monitoring human rights arises from a greater awareness of major changes that have been appearing in the field of human rights over the past 20 years and the need to foster dialogue on these processes.

These changes are numerous and varied. Among other things, both public- and civil-sector stakeholders have diversified, and their interactions have grown more complex. New social dramas have emerged, crying out for innovative responses. Fund donors have begun to push for more direct, effective investments in the countries. New standards for project management and impact are being promoted. There is also a greater need to foster consensus building between civil society organizations, the State and the international community.

Even as the scenario becomes more complex, human rights work grows more demanding. As various processes arise in the field, new tools are needed to document them objectively, identify emerging trends and devise effective strategies for managing them. At the same time, civil society and the State need to engage in dialogue on human rights with each other and with the international community. All this demands a focus, not only on problems of violation and responsibility, but also on the development of evaluations and shared purposes concerning at least those areas where gaps are persistent or new directions hold promise.

The progress approach tends to trigger a degree of suspicion. Its indicators do not produce an exhaustive account of real-life situations. Even so, there is no doubt that the progress approach

9 Examples include the PROVEA reports in Venezuela, CELS in Argentina, and reports by the coordinators of human rights organization in Peru and Paraguay. At the regional level, the annual report of the Inter-American Platform of Human Rights, Democracy and Development is gaining this stature.

10 In this regard, see Institute document: IIHR, *The current outlook for human rights and democracy*. San Jose, Costa Rica, 2003.

is a useful, practical tool, based as it is on indicators that highlight the direction of a particular phenomenon and reveal its signs or symptoms. It is an excellent means to identify trends in the field of human rights and democracy and anticipate possible future trends. This is why the IIHR has developed indicators using progress in human rights as a signpost.¹¹ It developed its reports as navigation charts to be used by institutions and individuals working for human rights.

Research projects gain certain advantages from the use of progress indicators. (i) They can be implemented simultaneously in several different countries, producing a reasonably good level of comparability. (ii) They use data from hard sources, including legislation, administrative decrees, official documents and textbooks; this lessens the risks of interpretation or of managing personal opinions. (iii) They measure efforts being made in each country and are not limited to actual results, which in the case of education, depend on other factors not considered in this research.

The first cycle of the HRE report: 2002-2006

General structure of the research

Research that produced the first five reports was guided by three precepts extracted from the regulatory basis described above. (i) All individuals, regardless of condition, have the right to receive human rights education. (ii) The State is under obligation to provide this education. (iii) It must meet this obligation first and foremost in the formal educational system, regardless of whether educational services are centralized or decentralized.

The studies were built on the general hypothesis that evolution or progress in compliance with the right to HRE depends on a variety of factors associated with legal certainty, institutional development, policy adoption, translation of these policies into operating frameworks and educational instruments, and the endowment of human and material resources.

In other words, the right to receive human rights education is highly dependent on other factors: (i) Has the State adopted both international and national regulatory provisions creating this right and associated obligations? Is it developing public policies consistent with this right? (ii) Has human rights content been incorporated into the curriculum of the formal educational system and into other non-formal educational activities? Do school textbooks reflect this content and avoid references contrary to its fundamental values? (iii) Do training programs for future teachers cover this type of content and the knowledge and skills to impart it? Are other personnel who will have an impact on the educational process trained accordingly? (iv) Does educational planning include the development of measures to incorporate HRE increasingly at all educational levels? (v) Are curriculum slots being added for this type of education? Are they appropriate?

Research planners defined five fields of study to measure how, how far and in what direction State compliance with these obligations was developing:¹² (i) regulatory provisions, institutions and public policies; (ii) curriculum and school textbooks; (iii) teacher training; (iv) educational planning, and (v) specific curriculum content and courses.

The work in each field covered several domains specific to that field. The study of regulatory or legal provisions examined such questions as adherence to international instruments,

11 For a more extensive discussion of the institutional foundations for this work, see: IIHR, *Framework for the development of an institutional strategy (2003-2005)*. San Jose, Costa Rica, 2003.

12 Each of these should be understood as a web of relationships that develop among three domains — regulatory or legal, policy or institutional, and practical; the result is a particular level of performance.

recognition in the Constitution, legal guarantees and other regulatory measures or standards. The policy or institutional realm included the presence of public policies and administrative guidelines, the creation of institutions responsible for guaranteeing rights, and the development of action instruments. Finally, educational practices were seen as the means by which the chain of decisions and instructions is carried out to comply with regulatory provisions and policies.

A set of variables was developed for each of these domains to reveal the most significant changes that had occurred over a period of 10 to 15 years, in all cases beginning in 1990 and ending in the year immediately prior to the research itself. The variables also revealed interactions between the development of regulations, policies and practices.

Finally, to study and measure the performance of each variable over time, researchers developed a set of indicators applied to the beginning and end of each period. Essentially, this consists of information taken from official, verifiable written sources, such as legislation, program documents, administrative budgets and instructions, curriculum plans or textbooks for use in the schools, management reports, results of evaluations or studies, statistics, and the like.

Note that the system does not examine personal opinions, nor does it make any claim to reflect the perceptions of users or their degree of satisfaction with the implementation of the right. Such sources, including interviews, focus groups or a review of general literature, were used in the early stage of designing a conceptual and methodological frame and, in exceptional cases, to enhance the results of data collection tables by giving a view of the context.¹³

The study of the specific perspectives indicated above (gender, diversity, interaction) was handled in different ways over the course of the cycle. Two reports set up separate domains, while others added specific variables and generally developed indicators that were sensitive to differences between genders, identities or other forms of action and interaction between public and non-governmental sectors for each theme.

The following table summarizes the structure of research throughout the first cycle of the program, indicating which reports were produced each year.

General structure of the HRE report cycle					
Subject fields	Domains	Variables	Indicators	Report No.	Year
Normative development and public policy	1	4	10	I	2002
Development of school curricula and textbooks	3	6	28	II	2003
Development of teacher education	4	11	38	III	2004
Developments in national planning	3	8	26	IV	2005
Development of curricular courses and content: 10-14 years of age	3	9	28	V	2006
Total	14	38	130	--	

¹³ The results of the investigations, set forth in each report, were validated each year against opinions by various types of people involved in events for promotion, training and education.

Preparation, implementation and analysis of research

Much of the information for the first report was contributed by participants in the *Twentieth Interdisciplinary Course on Human Rights* that took place in San Jose in July and August, 2002. Before attending the course, each of the 120 students, coming from over 20 countries of the region, prepared brief reports based on data collection tables proposed by the IIHR. In the two-week course, they shared and compared their reports and considered possible conclusions and recommendations. IIHR staff completed the exercise and put together the first report.

Speaking to participants in the interdisciplinary course that same year, the IIHR Executive Director publicly assumed a commitment to following through on the process, exploring a new subject field every year. The students promised to disseminate the reports in their different countries, and some also offered to cooperate in the research in subsequent years.

Research activities for Reports Two through Five followed a clearly defined sequence. First, the Institute team developed a working hypothesis and designed a system of variables and indicators. Second, researchers in the countries gathered information using the system of indicators as a guide.¹⁴ Third, the Institute team standardized, filled out and synthesized the information. Fourth, the team analyzed findings, developed a comparative synthesis of results (regularities and specificities) and drafted comments. Fifth, conclusions and recommendations were discussed. Sixth, reports were written and published. Finally, the reports were introduced to the public.

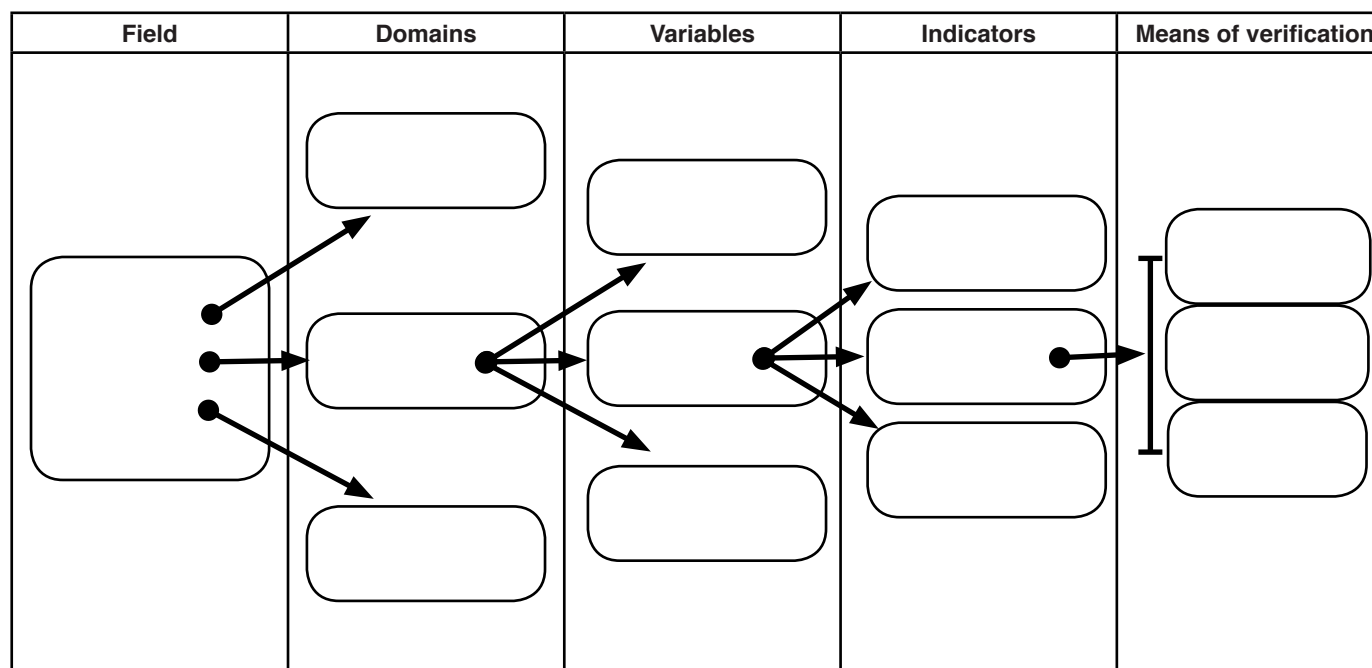
The IIHR used a carefully developed system of indicators for research leading to the *HRE Report*, as summarized in the following table:¹⁵

Structure of a system of indicators				
Field	Domains	Variables	Indicators	Means of verification
The full set of everything that is subsumed under a certain activity. Example: the body of rights and actions associated with a major theme.	The full set of issues (relationships) contained in a concept or affected by the influence or action of something expressed. Example: each level of the regulatory framework (Kelsen pyramid).	A magnitude that may take on different values. Example: factor +/- close to the accepted standard.	"Key" indicators that point to trends for each variable over time. Example: laws in effect at two different periods.	Sources of information supporting proposed indicators. Example: laws, official documents, school textbooks.

One of the advantages of a system of indicators is that it can be made more complex and dense, depending on research needs and the level of detail required. In any case, this is an ongoing task based on a logical system and a protocol of application to ensure that results are as objective as possible and remain valid. The results do not describe reality, but merely offer a glimpse of current trends. The increasing levels of complexity in the system can be illustrated as follows:

¹⁴ The teams were made up of individual researchers as well as groups organized into human rights NGOs. Most of the contributors had attended courses held by the IIHR over the years.

¹⁵ Terminology was taken from the *Diccionario de uso del español* by M. Moliner, 2001. Madrid, Editorial Gredos.



Support teams in the countries collect data using a table provided by the IIHR and following a protocol of instructions to ensure that responses are as homogeneous as possible.

Data collected by local researchers then needs to be processed. Research teams begin this stage by gauging the number and quality of responses received, completing any unfinished areas and in cases of doubt, verifying the information with secondary sources, and putting together documents with replies or findings for each country. The results are expressed as texts or tables and placed on a CD attached as an appendix to the report, complete with a search function.

Researchers facilitate comparative analysis by preparing tables displaying a synthesis (sometimes but not always expressed in terms of values or percentages) of responses to each variable for all the countries. This makes it easier to identify constants, recurrences and specificities useful for tracing general and particular trends of progress under each domain in the system.

The report is launched on December 10 of each year in public events held at IIHR headquarters in Costa Rica and several other countries, attended by members of the General Assembly, IIHR staff, the particular national consultant, and in cooperation with some public institution or civil society entity. In the early months of the year following publication, the report is presented to the OAS Permanent Council, the Committee on Juridical and Political Affairs and the Inter-American Commission in Washington D.C.

Hypotheses and tables from the first HRE report cycle

First report: Development of HRE in the regulatory sphere

The first report revolved around the working hypothesis that protection of the right to human rights education depends on whether the State has adopted international and national regulatory provisions establishing this right and imposing certain obligations, and whether public policies consistent with this condition are being developed. It was felt that these conditions should be weighed against the situation involving the more general right to education.

Researchers created two domains: a domain on the right to education and a domain on the right to human rights education. They then developed a table for data collection and analysis of results structured as follows:¹⁶

Variables	Indicators
Right to education	Constitutional norms on the right to education
	Percent of the national budget allocated to education in the constitution
	Compulsory nature of education
	Educational enrollment
Adoption of norms on HRE	Ratification of international instruments
	Inclusion of HRE in national laws
Adoption of public policies	Inclusion of HRE in decrees, rulings and other instruments of public administration.
	Inclusion of HRE in official education documents and national course plans
Institutional development	Existence of government departments specialized in HRE
	Government programs specialized in HRE

Second report: Development of HRE in school curricula and textbooks

The research hypothesis for this report was that progress in HRE depends on whether human rights content has been effectively incorporated into the curriculum of the formal educational system, and whether school textbooks reflect this content and are free of references contrary to fundamental values.

The text of article 13.2 of the Protocol of San Salvador was divided up by theme and used as a guide. Particular attention focused on the performance of variables that measured educational content related to the State, rule of law, justice, democracy and overall values. For practical reasons and to simplify the analysis of curricular programs and school textbooks, a sampling was taken of grade levels in the educational system, as seen in the following table.

¹⁶ In order to facilitate understanding, the domains were reversed in this text. The right to education had originally been displayed as a fourth variable.

Domain 1: Curriculum regime	
Variable	Indicators
Incorporation of HRE into the official document that directs the objectives and content of the curriculum	Content on HR and constitutional guarantees
	Content on justice, State institutions and the rule of law
	Content on democracy, voting rights, elections, political and ideological pluralism
	Content on values education (solidarity, human dignity, peace, tolerance and understanding among nations)
Incorporation of HRE content into the 5th, 8th and 11th grade curriculum	Content on human rights and constitutional guarantees
	Content on justice, State institutions and the rule of law
	Content on democracy, voting rights, elections, political and ideological pluralism
	Content on values education (solidarity, human dignity, peace, tolerance and understanding among nations)

Domain 2: School textbooks	
Variable	Indicators
Incorporation of HRE content into 5th, 8th and 11th grade textbooks	Content on human rights and constitutional guarantees
	Content on justice, State institutions and the rule of law
	Content on democracy, voting rights, elections, political and ideological pluralism
	Content on values education (solidarity, human dignity, peace, tolerance and understanding among nations)

Domain 3: Cross-cutting perspectives	
Variable	Indicators
Gender Equity	Content addressing gender equity in: 1) official document setting curricular objectives and contents 2) course programs 3) textbooks
	Language used in textbooks
	Roles in which women are depicted in textbook illustrations
	Number of women vs. men in textbook illustrations
Ethnic Diversity	Content addressing ethnic diversity in: 1) official document setting curricular objectives and contents 2) course programs 3) textbooks
	Roles in which indigenous people and Afro-descendants are depicted in textbook illustrations
	Number of indigenous people and Afro-descendants in textbook illustrations
	Auxiliary or complementary bibliography on intercultural issues and bilingualism
Interaction between civil society and the State	The role of civil society in curriculum development
	Curricular and textbook content that promotes the knowledge and/or participation of civil society in governmental and non-governmental organizations

Third report: Development of HRE in teacher education and training

The third study revolved around the hypothesis that the content, values, attitudes and skills for teaching human rights should be part of the training process for teachers and other people who have an impact on education.

The study explored changes that took place between 1990 and 2003 in teacher training, whether for newly minted professionals about to join the ranks of teachers, or experienced teachers taking part in courses, seminars, workshops and other continuing education activities. Researchers asked whether general laws on education, special laws on teacher programs, other regulatory or administrative provisions, and policy documents had articulated the need for teachers to receive proper instruction for understanding and teaching human rights material. They also asked whether the curriculum in teacher training institutions had incorporated such content, and whether continuing education programs for in-service teachers had done so.

Domain 1: basic and advanced training in regulatory Documents and institutions	
Variables	Indicators
Content of laws on teacher education and training	Chapter or section on teacher education and training
	Provisions stipulating teacher skills and knowledge for human rights teaching
Content of national education plans	Chapter or section on teacher education and training
	Guidelines on teacher skills and knowledge for human rights teaching
Structure of the Ministry with regard to training in the teaching of human rights	A unit in charge of training educators to teach human rights
	A unit that establishes pedagogical guidelines for training educators in teacher training schools and institutes of education
	Pedagogical guidelines for teaching human rights in teacher training schools and institutes of education

Domain 2: Basic or initial training	
Variables	Indicators
Curricular content of teacher training schools	A course specifically on "human rights"
	A course on teaching human rights
	Research papers, theses, essays on the teaching of human rights
Curricular content of other teacher training institutions	A course specifically on "human rights"
	A course on teaching human rights
	Research papers, theses, essays on teaching of human rights

Domain 3: In-service training for educators	
Variables	Indicators
Classes, short courses or other activities for educators provided by ministries of education	Courses, workshops or training activities on HR
	Agreements between ministries and other organizations
	Material on the teaching of human rights
Classes, short courses or other activities for educators provided by the Ombudsman	Courses, workshops or training activities on HR
	Agreements between the Ombudsman and other organizations
	Material on the teaching of human rights

Fourth report: Development of HRE in educational planning

The regional study on the impact of human rights issues on educational planning was drawn from an analysis of the preparation of national human rights plans, national plans for human rights education and other similar programs. All these were seen as significant indicators of the development of public policies for including HRE as a central component of educational processes at all levels, and on their basic orientation. The study thus revolved around the hypothesis that HRE progress depends in part on whether educational planning calls for the development of measures to incorporate HRE progressively into all educational levels and other spheres of life in society, in addition to the formal education system.

The table of indicators is summarized below. It was constructed using guidelines proposed by the United Nations for developing national plans on human rights education.

Domain 1: Developing the Plan	
Variable	Indicators
Establishing an entity to develop the HREPLAN (council, committee, commission or working group)	Nature of the entity
	Mandate and functions
	Membership
	Activities conducted (meetings, workshops, etc.)
Assessment of the state of HRE in the country	One or more studies were performed on the state of HRE
	Existing studies on the state of HRE were taken into consideration
	The committee requested technical assistance for preparing the plan (consultancies, meetings of experts, etc.) from international or national organizations
Setting priorities for preparing the HREPLAN	Priorities have been set for the particular human rights included in the Plan
	Priorities have been set on the rights of particular social groups or individuals
	Priorities have been set for the educational levels in which HRE will be incorporated
Procedures and activities for developing the HREPLAN	Activities performed to develop the plan
	Current state of preparation of the plan
	Actions pending to complete preparation of the plan

Domain 2: Content of the Plan	
Variable	Indicators
Formal components of the HREPLAN	Timetable for developing the Plan
	Responsibilities are assigned for implementing the plan
	Provisions are made to review and revise content
	A specific budget allocation has been provided to implement the plan
Technical components of the HREPLAN	Table of contents
	Human rights expressly mentioned in the plan
	Other educational content mentioned in the plan (democracy, rule of law, justice, tolerance, etc.)
Crosscutting perspectives in the HREPLAN	Gender equality
	Recognition of ethnic and cultural diversity
	Interaction between the State and society in the field of HRE

Domain 3: Implementing the Plan	
Variable	Indicators
Degree of implementation of the HREPLAN	Overall state of implementation of the national HREPLAN
	An institutional structure is responsible for implementing the HREPLAN
	The expense budget allocated for the HREPLAN is being used

Fifth report: HRE and current trends in curriculum courses and content

The Fifth Report, based on assessments provided in the first four reports on HRE progress, adopted the hypothesis that the process of incorporating human rights education into the schools calls for negotiation on curriculum courses and content. The purpose of the research was to study the current status and evolving trends of curriculum courses and content that in fact or in theory would provide a framework for organizing the content given in the IIHR educational proposal. The fifth report, like the proposal itself, focused on the age group from 10 to 14 years.

The research table used in this last study of the first report cycle was structured as follows:

Domain 1: Process of curriculum design	
Variable	Indicators
Level of decision-making	National
	State, provincial, municipal
	Local and school
Institutional responsibility for curriculum design	Professional level of curriculum designers
	Development and preparation of curriculum
	Responsibilities of the Curriculum Department or Division

Domain 2: Curriculum slots for 2000 and 2005	
Variable	Indicators
Courses for 12-year programs	Map by grades
	Curriculum format and design
Course load (hours) of the map	Classroom hours by grade
Human rights content	For 10-year-olds
	For 11-year-olds
	For 12-year-olds
	For 13-year-olds
	For 14-year-olds

Domain 3: Teaching resources for 2000 and 2005	
Variable	Indicators
Presence of human rights content in schoolbooks	For 10-year-olds
	For 11-year-olds
	For 12-year-olds
	For 13-year-olds
	For 14-year-olds
Presence of human rights content in graded assignments	For 10-year-olds
	For 11-year-olds
	For 12-year-olds
	For 13-year-olds
Extra-curricular activities	For 14-year-olds
	Visits to government institutions
Special commemoration days	On ethnic diversity
	On gender equity
	Others associated with human rights

Section II Sixth HRE Report

Beginning a new report cycle

The IIHR Educational Proposal

Upon completion of the first cycle of Inter-American HRE reports, the IIHR prepared a specialized, technically sound educational proposal for incorporating human rights instruction into the school curriculum for children from 10 to 14 years of age. The proposal was seen as a tool for adding content on human rights and democracy or expanding and strengthening such content already present.

The proposal was the culmination of an analytical process that drew on many sources: (i) the Institute's extensive experience in this field; (ii) the results of the five Inter-American reports; (iii) the Institute's participation in a variety of educational initiatives; (iv) interaction with educational counterparts throughout the hemisphere; (v) developments by other institutions on similar subjects, and (vi) currently existing doctrine.

Now the IIHR has set clear objectives for its new undertaking. (i) It will expand on its earlier work, building a strategic, all-encompassing proposal to incorporate or strengthen systematic human rights education for children from 10 to 14 years of age. While targeting this particular age group, the proposal will build on general theoretical and methodological foundations and be applicable to diverse national settings and potentially adaptable to other age groups as well. (ii) It will meet a need in countries that are aware of the importance of human rights education and concerned about meeting their commitments to the regional and international community to introduce this education massively into schooling for children and adolescents.

Clearly, the Inter-American reports have highlighted significant progress; they also revealed limitations and gaps, as well as highly unequal degrees of development from one country to another. This is why the IIHR educational proposal was intended to help the countries overcome shortfalls and gaps and provide a broad, all-encompassing, rigorous vision for incorporating human rights into formal education. It is directed at top-level authorities and technical teams in the countries' ministries of education and other academic institutions and should serve as a contribution to the development of educational policies, plans and practices in this field. It will equip States that signed the Protocol of San Salvador to abide by their commitments and will shore up their efforts to carry out the *United Nations World Programme for Human Rights Education* (2005-2007) adopted by the United Nations General Assembly.

The proposal recognizes and builds on progress this hemisphere has made over the past decade in the field of human rights education in national regulatory systems, political agreements by presidents and ministers of education, and greater implementation by the States of the region. At the same time, it reflects the urging of the international community to go even farther.¹

¹ See: *World Programme for Human Rights Education* (<http://www1.umn.edu/humanrts/instree/worldprogramme.htm>) and the plan of action (<http://www2.ohchr.org/english/issues/education/docs/A.59.525.Rev.1.pdf>).

Ministers of education and human rights education

As was stated earlier, among the many events surrounding the 37th General Assembly of the OAS, the Institute and Panama, the host country, held the *Inter-American Education Ministers' Meeting on Human Rights* from May 31 through June 2, 2007, with sponsorship by UNICEF. The activity brought together 17 official delegations of high-level education authorities from the countries of the region. It examined the current state of HRE in the region, identified progress and unmet challenges, and proposed mechanisms for strengthening interinstitutional linkages to develop future actions in compliance with commitments the countries acquired when signing international instruments on this subject.

The delegations at the event began their work by examining the IIHR curricular and methodological proposal. They studied the text in detail, offered their comments and took the opportunity to set a common horizon for meeting the challenges of guaranteeing more effective inclusion of human rights content in the formal educational system at all levels, with a special

focus on children from 10 to 14 years of age. The meeting closed with the signing of the *Act of Panama on Human Rights Education*.²

The 37th General Assembly of the OAS (Panama, June 3 to 5, 2007) subsequently adopted resolution AG/RES.2321, "Proposal to Incorporate Human Rights Education into Formal Education for Schoolchildren Aged 10 to 14, in Accordance with the Protocol of San Salvador."³ This resolution takes into account a number of applicable precedents in the Inter-American system and recognizes "... the efforts of the Conference of Ministers of Education on Human Rights Education, recently convened by the Minister of Education of Panama and the IIHR, to strengthen the human rights material incorporated into the member states' formal educational systems..." Furthermore, it expresses appreciation of the "...efforts of the Inter-American Institute of Human Rights (IIHR) in producing, uninterruptedly since 2002, five Inter-American Reports on Human Rights Education, which record progress made by the states parties to the Protocol of San Salvador with re-

1. To acknowledge the progress, actions, and policies gradually being implemented by member States with respect to human rights education for children and young people in academic institutions, as documented by the Inter-American Reports on Human Rights Education.

2. To suggest that member States implement, if, and to the extent that, they have not yet done so, the recommendations contained in the Inter-American Reports on Human Rights Education at different levels in their formal education systems.

3. To suggest to member States that they analyze the contributions of the Curricular and Methodological Proposal of the Inter-American Institute of Human Rights (IIHR) to incorporate human rights education into the official curriculum for children aged 10 to 14, with a view to their adopting it and in accordance with Article 13.2 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, "Protocol of San Salvador." Accordingly, to recommend to member States that have not already done so that they adopt, sign, and ratify this instrument.

4. To underscore the work and achievements of the Inter-American Meeting of Ministers of Education on Human Rights Education in the States parties to the Protocol of San Salvador, as it served to exchange experience and to discuss the curricular and methodological developments needed to introduce or strengthen human rights education in each state party's educational system.

AG/RES.2321(XXXVII-O/07))

² The *Act* can be found in IIHR Newsletter, issue 99, or on the Web at http://www.iidh.ed.cr/documentos/comunicados/Junio%2007-2007%20Acta_Encuentro%20ingles.pdf

³ The Resolution was published in the IIHR Newsletter, see issue 98.

spect to human rights education...” Finally, the General Assembly adopted four operative points urging the countries to move quickly in introducing HRE into their educational systems (see text box).

The new cycle of the Inter-American report

Results from the meeting of ministers and the encouraging reaction by the General Assembly clearly reveal the wisdom of the IIHR decision to implement a new cycle of reports. Each year, it will focus on one of the topics explored during the first cycle. Consequently, it will be able to report on progress made more recently under the new international regulatory provisions as well as conditions and developments internal to each country.

The event in Panama provided a valuable opportunity to enlist direct participation by officials from the ministries of education in this second cycle of research on HRE

progress. This means the report will become a forum to share findings and good practices — in essence, a reciprocal technical cooperation system — in compliance with recommendations of the conference of ministers and suggestions by the OAS General Assembly. Preparation of this report drew on a larger number of researchers than in the past, as the efforts of IIHR alumni were combined with those of staff members officially designated by the ministers of education in countries under study.⁴

Country	Officer designated by the ministry of education	IIHR alumni
Argentina	X	X
Bolivia		X
Brazil	X	X
Chile	X	X
Colombia	X	X
Costa Rica		X
Dominican Rep.		X
Ecuador	X	X
El Salvador	X	X
Guatemala	X	
Haiti		
Mexico	X	X
Nicaragua		X
Paraguay	X	X
Panama	X	X
Peru		X
Suriname	X	
Uruguay	X	X
Venezuela	X	X

Objectives and structure of the research

Stability and innovation

The most basic question is whether a State has taken on a commitment to provide educational services to the entire population and whether these services will include educating for the exercise and respect of fundamental rights. The most straightforward evidence of such a commitment is that the State has adopted a legal corpus — at the highest hierarchical level in the legal system — to recognize and guarantee this right. It includes provisions in the Constitution, ratification of applicable international instruments, and the development of relevant legislation.

⁴ This is the first report to contain data on Suriname, reflecting a very positive response by that country’s Ministry of Education. Unfortunately, a number of practical problems made it impossible to work with local researchers in Haiti, so the information included in this report was collected at IIHR headquarters using the few sources available.

Nearly 60 years have elapsed since the right to education was recognized in international human rights instruments and incorporated into the text of most constitutions, and nearly 30 years have gone by since the right to human rights education was articulated in the Protocol of San Salvador. A study to verify the kind of evidence described above must examine the most elementary public policy and administrative measures for implementing the rights, including the creation of an institutional structure that is responsible for these guarantees and endowed with resources to enforce them.

In particular, those countries of the region that were under authoritarian governments at different times after the second half of the 20th century have now had the opportunity to amend their constitutions, adapt their laws, and undertake broad-based processes of education reform. Researchers examined progress achieved during the period between 2000 and 2007 by comparing legal texts in effect at both times, the development of a lead institution and the existence of other administrative measures (such as the adoption of plans and projects) that might reveal changes favorable to the consolidation of HRE.

The study of current legislation naturally includes those laws that make direct reference to education. It also covers provisions for training other critical stakeholders in the field of human rights such as judges and law enforcement personnel, or those who are subjects of specific rights including appropriate education, such as women, indigenous groups and disabled persons.

Tracking the growth of departments responsible for human right issues in the ministries of education and other public entities, as well as the existence of programs for human rights training and outreach, gives a first impression of the public policy environment, to be explored in more depth in later reports. Prevailing situations in 2000 were compared with those in 2007 on the understanding that during the same lapse, countries were being pushed to meet the objectives of the HRE Decade and acquired or renewed a commitment to design and implement national plans in this field.

A significant innovation in this second report is the inclusion of a domain on *student government*. This practice, relatively new in the countries of the region, as been targeted by regulations, administrative orders and program implementation. A study of the student government movement provides significant indications as to the will and means of incorporating human rights into formal education, particularly political rights and education for democracy, in a practical way that departs from traditional approaches to pedagogical transmission.

The collection and analysis matrix

The table used in the 2002 report was changed in at least three ways for the updated version, based on a number of lessons learned in the first report cycle. First, the new study used a larger number of indicators to produce a more in-depth examination of the subject. In the second place, the new table offers as many opportunities as are possible and relevant to elicit differentiated responses reflecting the perspectives of gender, ethnic diversity and State-society interaction. Finally, researchers in each country were given detailed guidelines on using the matrix and a glossary of key concepts. The matrix in its final form is as follows:

Domain 1: right to education (as context)		
Variables	Indicators	Means of verification
1. Adoption of legal provisions on the right to education	Constitutional provisions	National Constitution
	Percent of national budget provided in the Constitution for education	National Constitution
	Compulsory nature of education	National Constitution, General Education Act, juvenile laws
2. Adoption of public policies	Provisions favoring access to compulsory education for all children under the jurisdiction of the State, without discrimination	General Education Act
	Provisions favoring the adaptation of compulsory education for all children unable to attend school	General Education Act

This report, following the same lines as the first report, considered certain minimum indicators on the general right to education. In so doing, it made the assumption that the likelihood of receiving rights education is conditioned by the presence of this overall right.

The research matrix contains two more indicators than the one used in the earlier report, based on suggestions by the United Nations ESCR Committee and a former rapporteur on the right to education, Katarina Tomasevski. One targets discrimination-free access to educational systems, and the other examines efforts to adapt educational services to meet the needs of children unable to attend school.

The next step was to review adherence to international human rights standards, based on a selection of 11 international instruments that make reference to human rights education. The selected instruments include those adopted by the United Nations, OAS, ILO and UNESCO dating back to 1960 (see complete listing in Section III, Progress in Legal Protection of HRE).

Indicators of national legislation (the Constitution, General Education Act and other provisions of the national legal system) reveal changes that may suggest the introduction of more HRE material. This can be confirmed by comparing 2000 texts with those in effect in 2007.

Analysis of the General Education Act or its equivalent in each country began with the preparation of a content checklist designed for analyzing provisions in effect in 2000 and 2007. It included the following items: (i) how current law defines education; (ii) what current law defines as the purposes, goals or objectives of education; (iii) principles governing education in the country; (iv) recognition of diverse stakeholders in education or members of the educational community; (v) explicit references to HRE; (vi) explicit references to bilingual or intercultural education; (vii) explicit references to other HRE-related educational concepts, such as “civic education”, “education for democracy or citizenship”, and “moral education or values education.”

The study also looked for evidence that the State attaches special importance to human rights education. It asked whether the government has the political will to implement HRE in training certain public officials and in developing the activities of certain government institutions, specifically in adherence to legal requirements. National researchers were asked to examine the following laws or their equivalents: laws regulating the ombudsman, police academy, military academy, judicial academy and women’s institute; laws on domestic violence or violence against women and on equal opportunities or true equality; laws covering children and

the juvenile code or equivalent; laws on electoral organizations and institutes and on political parties; indigenous laws and laws creating any other public institutions responsible for promoting and guaranteeing equal rights and freedom from discrimination.

Domain 2: Right to human rights education (2000-2007)		
Variables	Indicators	Means of verification
1. Adoption of legal provisions on the right to education	1.1. Ratification of international instruments	List of instruments
	Reference to HRE in the national Constitution	National Constitution
	Reference to HRE in the General Education Act	General Education Act
	Reference to HRE in other provisions of the national legal system	Listing of laws
2. Adoption of public policies	2.1. Reference to HRE in executive orders, rulings and other government instruments	Executive orders and rulings by various Ministries
	Incorporation of HRE into educational course plans and documents	Course plans and documents of the Ministry of Education
3. Institutional development	Existence of government departments specialized in HRE or including HRE	Organizational chart and documents of national Ministries (education, justice, foreign affairs, interior, defense, women, etc.)
	Government programs specialized in HRE	Documents of national Ministries

The first report showed that by 2000, the countries had already achieved reasonable success with incorporating the right to HRE into their legislation. Accordingly, the newer report trains special attention on variables indicating the existence of secondary legal provisions, rules and regulations, and other types of documents adopted since that time. It examines the development of plans or administrative instructions that evidence progress in adopting favorable public policies. Researchers were asked to study executive orders or rulings that have appeared in spheres outside the education sector, including ministries of security, defense, foreign affairs, government, family or women, justice, indigenous affairs, social welfare, health and others that together comprise a country's central government, together with documents from the ministries of education that set education strategies such as national course plans and reports on education reform.

The matrix also includes a variable on changes taking place in the existence and operation of agencies and programs specialized in human rights education, including any that could be targeted or promoted by ministries other than education. In cases where such departments had already been created by 2000, it was interesting to know whether they were still open by 2007, had expanded their sphere of action and activities, had acquired a larger staff or had become smaller, whether they had opened branch offices in other regions of the country, or any other relevant information demonstrating changes during this period.

As was already stated, this new study of progress in legal, political and institutional protection of HRE added a section on promoting and guaranteeing the right of students to take part in school management by setting up and running a student government.

The addition of this section was based on the conviction that student government plays several key roles. It is a relatively new program whose purpose is to organize student participation in the life of educational institutions. It offers an ideal opportunity to learn first-hand about human rights, particularly political rights, and thus holds a critical place in the curriculum on education for democracy.

Domain 3: Student government programs (1990-2000-2007)		
Variables	Indicators	Means of verification
1. Adoption of legal provisions on student government	Existence of a student government program—regular or experimental—in regulations on education	General Education Act or special laws, executive orders or ministerial ruling
	Presence of HRE principles and content in the rationale underlying student government programs	General Education Act or special laws, executive orders or ministerial ruling Checklist of HRE principles and content from the IIHR Curricular Proposal
2. Institutional development	Existence of a department in the Ministry of Education responsible for implementing student government at the macro level (national or provincial)	General Education Act or special laws, executive orders or ministerial ruling Ministry documents
	Assignment of responsibility for implementing student elections in the schools (micro level)	General Education Act or special laws, executive orders or ministerial ruling Ministry documents Interview with Ministry officials
	Existence of a budget for implementing student government in the schools	General Education Act or special laws, executive orders or ministerial ruling Ministry documents Interview with Ministry officials

The study examined the status of two variables at three different times: 1990, 2000 and 2007. Researchers looked for progress in: (i) adoption of legal provisions on student government, and (ii) creation of ministry-level departments and other administrative facilities to promote, implement and follow up on provisions for student government.

Two indicators were used to study the variable on adoption of legal provisions. The first questioned whether education laws, legal provisions or other regulations had been adopted on the subject of student government (or its equivalent), and whether any changes had occurred in these systems since they were first created. The second focused on countries that already have extracurricular programs of this type and questioned whether such programs were the reflection of an explicit political desire for the formal educational system to promote knowledge acquisition and practical training in the values, attitudes and skills of human rights education and democracy — in addition to and independently of such content in the formal school curriculum.

The variable on institutional development of student government programs was examined using three indicators. The first is the existence of a department in the ministry of education, at the macro (national or provincial) level, responsible for implementing and developing a student government program. The second is identification of explicit regulations, instructions, guidelines or directives that define who is responsible for implementing concrete strategies and activities for the student government program at the micro level (in educational institutions). The third is whether the Ministry of Education has allocated specific resources for implementing

student government in the schools, and if so, how much the allocation represents as a percentage of the ministry's general budget and what budget items are covered.

Precepts of the Sixth Report: assumptions, hypothesis and scope

Point of departure: the right to education

The starting point for the *Inter-American Report on Human Rights Education* is a theoretical and political assumption that the right of every individual to receive human rights education is highly dependent on his or her right to receive education at all. The authors of this report uphold the IIHR position that rights education, by definition, should be universally accessible without discrimination of any kind and should be systematic, broad and of high quality. The likelihood of finding all these attributes depends entirely on whether HRE has been incorporated into the formal educational system of each country.

When they subscribe to the precept that education is a right, the States acquire an *obligation either to provide or to allocate resources* that will guarantee full enjoyment of this right. As the doctrine sustains, State resources become the essential substance or content of the right. Government intervention is on-going and indispensable because its absence would automatically presuppose denial of the right.⁵

According to Robert Alexy, the scale of positive State actions covers a broad range, from protecting each citizen from other citizens and ordering standards of organization and procedure, to authorizing the outlay of money and goods.⁶ The State guarantees a right by creating some type of regulation without which the exercise of that right would become meaningless. In these cases, the State's obligation does not always entail transferring funds to the beneficiary of the outlay, but rather setting up a body of rules and regulations that grant some particular stature to a given state of affairs, or organizing a structure with the mandate to implement a given activity.⁷

Institutional legal actions would become impossible if their underlying legal provisions were repealed. Clearly, then, the repeal of implementing regulations is locked into a close conceptual relationship with the nullification of institutional actions.⁸ Similarly, Abramovich and Curtis note that "institutional legal actions" become impossible not only when implementing regulations that created them are repealed, but also when no such regulations are created in the first place. If the Constitution or a human rights covenant establishes rights whose exercise depends conceptually on the creation of rules and regulations, this implies that the State is under a positive obligation to create such provisions.⁹

The United Nations ESCR Committee has issued an interpretation of article 2.1 of the *International Covenant on Economic, Social and Cultural Rights*,¹⁰ asserting that States must

5 Abramovich, Victor and Christian Curtis, *Los derechos sociales como derechos exigibles*. Ed. Trotta Madrid, 2002, 25.

6 Alexy, Robert, *Teoría de los derechos fundamentales*. Ed. Centros de estudios políticos y constitucionales, Madrid, 2001, 428.

7 Abramovich and Curtis, *Los derechos sociales*, 33.

8 Alexy, Robert, *Teoría de los derechos*, pp. 189-190.

9 Abramovich and Curtis, *Los derechos sociales*, 33, footnote 30.

10 1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources,

adopt measures for progressive realization of the effective exercise of these rights. This position should be interpreted in light of the objective of the Covenant, which is to establish clear obligations. It imposes an obligation to move as expeditiously and effectively as possible toward that goal. The Committee expressed its view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party.¹¹

Receiving high-quality education is a right in itself and is also a prerequisite for the full exercise of other rights. Access to employment and social security, participation in the labor market, claiming guarantees of the right to information and full participation in political life, the ability to demand health or housing services — in practice, all these are closely linked to the skills and knowledge acquired through education. If they are to exercise their full citizenship, understood as a gate of access to all rights, citizens need to be taught that they have a right to obtain these satisfiers, that their rights are guaranteed in the international and national corpus of laws, and that they can be claimed through institutional channels.

The former rapporteur on the right to education explained education as a multiplier that increases access to all individual rights and freedoms when the right to education is effectively guaranteed. Denial or abridgement of this right deprives people of the enjoyment of many other rights and freedoms. This is why education is not merely an end in itself, but a means to achieve other universally accepted objectives. International human rights law is a framework already in place for evaluating progress in achieving these objectives, as it sets goals, purposes and methods of education by which everyone can enjoy the full spectrum of human rights.¹²

State obligations for the right to education

Tomasevski, reflecting the position of the United Nations ESCR Committee, asserts that the common international framework should be used to measure State progress in complying with obligations on the right to education. This framework consists of a basic core of Government-mandated course content and whether education is: (i) *affordable* (available), (ii) *accessible*, (iii) *acceptable* and (iv) *adaptable*. The four categories have been defined as follows:¹³

Affordable (available) education embodies two State obligations. First, given the civil and political right to education, it is incumbent on the government to accredit schools that respect freedom of education and freedom in education. Second, because education is a social and cultural right, governments must ensure that free, obligatory schooling is available to all school-age children. In this same connection, education as a cultural right must respect diversity, especially by honoring the rights of minorities and indigenous peoples.

Access takes different forms at different educational levels. Because the right to education is exercised progressively, the State is under obligation to provide free, compulsory education, on an inclusive basis, from the earliest possible age, and to facilitate access to post-compulsory education as much as it is able. The universally accepted minimum standard demands that governments offer free education

with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

11 Comment on Article 2 of the ICESCR ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument))

12 Tomasevski, Katarina, "Contenido y vigencia de la educación," *Cuadernos pedagógicos*. IIHR, San Jose, Costa Rica, 2004, 349-50.

13 Tomasevski, Katarina, "Indicadores del derecho a la educación," *Revista IIDH*, No. 40. San Jose, Costa Rica, July-December 2004, 349-50.

for school-age children. In many countries, secondary and higher education are offered as commercial services, although some guarantee them as a continuing human right. Compulsory education should be free, while post-compulsory education may require certain outlays, the magnitude of which should be weighed in consideration of purchasing power.

Acceptable education encapsulates quality standards involving such matters as safety and health in school or the professional qualifications of teachers, but it is much more than that. The government should create, monitor and demand certain quality standards in both public and private educational institutions. The standard of acceptability has expanded considerably in international human rights law. For example, the rights of minorities and indigenous peoples have implications for the language of instruction. Prohibitions on corporal punishment have transformed discipline in schools. Because children now have the right *to* education and enjoy certain rights *in* education, the notion of acceptability has broadened to cover educational programs and textbooks, as well as methods of teaching and learning, all of which come under the scrutiny and undergo modifications with the intent of making education acceptable for everyone.

Adaptable education means that schools must now adapt to children, based on the principle of the best interests of the child as defined in the *Convention on the Rights of the Child*. This reverses the tradition of forcing children to adapt to whatever conditions the school imposed on them. Because human rights are indivisible, safeguards need to be created to guarantee all human rights in education and adapt education progressively until it embraces all human rights. International human rights law sets a key objective of promoting human rights through education. This presupposes an intersectoral analysis of the impact of education on all human rights.

Human rights education

This report understands human rights education as the process of acquiring certain knowledge, values, attitudes and skills necessary to know, understand, assert and claim our own rights on the basis of standards established in various international instruments as reflected in domestic legislation.

In keeping with the article 13.2 of the Protocol of San Salvador, the IHR understands human rights education as meaning that all persons, regardless of sex, national or ethnic origin, or economic, social and cultural conditions, have the real possibility to receive systematic, broad-based, high-quality education that will equip them to understand their human rights, their own responsibilities and the national and international systems for protection of rights. Students learn to respect and protect the human rights of others, to respect differences and to value diversity. They come to understand the interrelationships between human rights, rule of law and democratic systems, and in their daily interactions, they practice values, attitudes and behaviors consistent with human rights. The IHR understands that human rights education is part of the right to education and a necessary condition for the effective exercise of all human rights.

The most basic, and probably most important, way to develop a culture of rights is to introduce educational content on human rights and democracy into the formal education that children and adolescents receive at school, both public and private. Here they learn to recognize and respect rights, tolerate diversity, promote equality and exercise citizenship.

The IHR also believes that human rights education — understood comprehensively to include the perspectives of academic study, political practice and daily life — is a vitally important means to bring about change. It instills new kinds of skills, attitudes and behaviors in civil servants working for government institutions and new attitudes in the leaders of political parties and other organizations of society. This type of education will ultimately strengthen inclusive, transparent political systems, produce good government and reduce and eliminate

social exclusion. Unquestionably, human rights education is an unparalleled tool in the hands of human groups traditionally affected by discrimination, particularly women, children, the elderly, indigenous peoples, Afro-descendants, persons with disabilities and the poor. With such an education, they can claim access to all the rights due them, and they can organize to ensure that their rights are promoted and protected.

A new research domain

Student government: learning and practicing rights

The hypothesis and its rationale

For the purposes of this report, *student government* is understood as an organization created by representatives of the student community in each school, elected democratically, whose purposes include listening to, debating and voicing student opinions and proposals to the school administration and taking part in decisions on matters of school life that affect them. Although there are many variations on the organizational framework of such structures, they generally offer the student body an opportunity for participation, representation, deliberation and decision-making in the school.

Why was student government selected for study in a report on HRE progress in the region's educational systems? From a human rights perspective, it is doubly significant that a State, through the ministry or secretariat of public education, legitimizes and promotes the operation of this type of student organization in the schools, with the specific qualities listed above. First, such a State recognizes children and young people as persons who are subjects of rights — including the right to participation — and cares enough to extend the exercise of these rights into the social institutions where they spend much of their time. Second, such an educational system encourages practical experiences with citizenship inside the school as a means to learn the principles and behaviors of democracy and human rights. In both ways, the presence of a student government program is clear evidence of the State's political will to teach its children about their rights, the institutions and mechanisms of democracy and the knowledge, values, attitudes and skills needed to exercise both fully.

By recognizing these things, the State abides by commitments it acquired when it subscribed to human rights instruments. Such commitments in the inter-American system can be found in the Protocol of San Salvador (1988) and the *Inter-American Democratic Charter* (2001), which discusses education in and for life in democracy. At the international level, they are set forth in the *Convention on the Rights of the Child* (United Nations, 1989), with respect to guaranteeing the rights of children.

More specifically, the Protocol of San Salvador is very clear in Article 13.2, which outlines the right to human rights education and establishes the obligation on States Parties to “enable everyone to participate effectively in a democratic and pluralistic society.” This mandate is reinforced in the *Inter-American Democratic Charter*, whose Article 27 calls on the States to give “[s]pecial attention ... to the development of programs and activities for the education of children and youth as a means of ensuring the continuance of democratic values, including liberty and social justice.”

In the international sphere, the *Convention on the Rights of the Child* — the most widely ratified human rights instrument in history — lays contemporary philosophical, psychological and legal foundations for any public policy involving children. The doctrine points to article 12 of the *Convention*, which introduces an essential and innovative principle: that children who are capable of forming their own views have the right to express their opinions freely, and that their views and their right to be heard must be respected. The right of children to be heard implies the parallel duty of adults to listen to them — and in the view of jurist Alessandro Baratta, it implies even further the duty to learn from them. Understood in this way, adds Baratta, the principle set forth in article 12 should be a guidepost on the road to relationships between children and adults and on the road to democracy itself. Ultimately, the development of democracy is inseparable from recognizing children not as “future citizens,” but as citizens with full rights.¹⁴

In the view of many thinkers and organizations working for children, the notion of citizenship that underlies the provisions of the *Convention* is much more than the mere legal status commonly achieved at the age of 18, together with its concomitant rights and responsibilities. They sustain that the *Convention* adopts an innovative model of citizenship based on the right to take part in building society to the degree that each person’s individual abilities allow.¹⁵ The *Convention* is often cited for its “three P’s” — participation, provision and protection. The first of these has proven to be the “most challenging aspect of this powerful international instrument, “...addressed warily by many researchers and practitioners around the world who value the freedom of child citizens of today, and realise that the responsibilities of tomorrow will be theirs.”¹⁶

Thus, the *Convention* encourages a concept of children based not only on their needs and vulnerability, but also on their developing capabilities. It sets aside the traditional perspective, instead asserting that children’s welfare is conditional upon their ability to develop “agency” (become active stakeholders). In other words, with the necessary guidance, children should gradually gain more and more influence over their own lives and environment.¹⁷ Significantly, the theory speaks of “developing skills” or “evolving competence” to indicate that these abilities cannot yet be exercised fully, but require a formative process. This is why education specialists describe children’s exercise of citizenship rights and associated responsibilities as “assisted participation.” Children build their capacity to participate significantly when they have access to assisted participation experiences, and as their skills mature, they are able to attain successively greater levels of participation.¹⁸ There is no question that a certain level of cognitive and moral development is necessary in order to build citizenship, but this is a two-way or dialectical relationship because the practice of civic virtues fosters growth of the mind and conscience.¹⁹

14 Baratta, Alessandro, “El niño como sujeto de derechos y participante en el proceso democrático,” *Revista Espacios*, No. 10, San Jose, 1997. Reprinted in *Derechos de la niñez y la adolescencia. Antología*. Comisión Nacional para el mejoramiento de la Administración de Justicia, UNICEF, Judicial Branch-Judicial Academy and United Nations volunteers, San Jose, Costa Rica, 2001.

15 Earls, F. and M. Carlson, *Adolescents as Collaborators in Search of Well-being*. Document, Harvard University, 1998. Cited in Fundación Omar Dengo, “CADE: Aprender a deliberar para una ciudadanía activa y democrática,” *Fundamentos teóricos metodológicos y guía didáctica para educadores*. San Jose, Costa Rica, 2005.

16 Holden, Cathie and Nick Clough, ed., *Children as Citizens. Education for participation*. Jessica Kingle Publishers, London, UK, 1998, 9.

17 Earls and Carlson, *Adolescents as Collaborators*.

18 Holden and Clough, *Children as Citizens*.

19 Clarke, Paul Barry, *Deep Citizenship*. Pluto Press, London, 1996.

For all these reasons, the practice of student government in schools provides a real opportunity for students to wield human rights and democratic principles and learn about them experientially. This study therefore includes student government as a new domain, independent and separate from explicit curriculum content on human rights, democracy and citizenship. Granted, in some cases, the explicit curriculum also contains notions of student government, such as basic principles and how it is organized. Research for the *Second Inter-American Report on HRE* (2003), which focused on curriculum and textbook developments, did find references to this subject in a small number of cases. Even so, a functioning student organization in the school is always part of the parallel or supplementary curriculum, together with a variety of other educational activities that the school has traditionally offered alongside academic subjects listed in the formal curriculum.²⁰

Scope and limitations of this domain in the report

The inclusion in this report of a domain on student government is not meant to imply that this is the only way for systematic education to guarantee the right to participation and expression in children and adolescents, nor that it is necessarily the best. It is, however, one of the most geographically widespread ways to do so, and seems to be the most relevant and hold the greatest potential.

It is relevant because it is specifically geared to ensure that students can organize themselves using democratic procedures. It allows them to express their viewpoints publically and assert their interests as active members of the educational process. It provides them a forum to engage in dialogue with one another and with other sectors of the educational community, deliberate on matters of concern to them, have a voice in decisions affecting the school environment and propose and carry out actions to address issues of concern to the school. Students thus learn to exercise their rights to assembly, association, expression, and particularly to be heard by the adults in their lives. Student government holds great educational potential because it prepares children for conscious, informed exercise of their rights as adult citizens, teaching them to respect these rights and defend them for themselves and for others. By engaging in early political-electoral exercises inside the safe, protected environment of the school, children acquire knowledge, values, attitudes and skills they will apply to the hard-hitting real-world environment they will encounter in the social-political life of their community and their country. It is the most widespread and fastest growing means of student participation in schools in the Western world. As an object of study, it is thus readily visible in all or most of the countries in this region, and therefore a useful item for analysis and regional comparisons.

20 Such athletic, artistic, social, civic, community and other types of offerings are known in practice and in the educational literature as “extra-curricular,” “paracurricular” or “out-of-classroom” activities. Although definitions are not identical in all contexts or among all authors, studies have drawn conclusions that hold great significance for HRE. For example they have found that students at all levels value these activities and find ways to participate in one or more, depending on what is available in the institution and their personal preferences; that the activities have a positive influence on the development of various dimensions of personality (depending on which activity is involved) and generally, on skills such as social competency, autonomy, self-esteem and appreciation of diversity, and they are positively correlated with levels of retention and satisfaction in the school. (See synthesis of studies in George D. Kuh, “The Other Curriculum: Out-of-Class Experiences Associated with Student Learning and Personal Development,” *Journal of Higher Education*, vol. 66, 1995.)

Clearly, this form of student government has much to offer from the HRE perspective; it does, however, have certain limitations. Many school experiences dubbed “student government” do not necessarily promote real participation by students or generate all these valuable learning processes. Schools may proudly point to practices that, in fact, are little more than window dressing — as when students are encouraged to take part in minor, noncontroversial details of institutional life (infrastructure, uniforms, lunchroom), but are directly or indirectly denied access to more substantive or controversial affairs (teacher-student relationships, curricular content, sexual or psychological harassment). The same can be said when school authorities give no serious consideration to the recommendations proffered by student leaders.²¹

Student government holds great democratic and educational potential. However, this potential can be activated only if the exercise is constructed appropriately — with children as authentic stakeholders and using democratic procedures — and if critical features are present — deliberation within the student community, integration into other levels of the educational community and involvement in institutional decision-making. Otherwise, student government can be a risky exercise that extends a counterfeit form of participation. The only way to determine whether this is the case is to study each individual experience and observe its operations firsthand.

This report examines the development of HRE laws and regulations. Researchers asked whether signatory States of the Protocol of San Salvador — that also signed the *Inter-American Democratic Charter* — had progressed over the past two decades in two areas relevant to student government. (i) Does the regulatory framework explicitly recognize some form of student government featuring a degree of participation, representation and decision making? (ii) Are school resources available to make student government a reality in educational establishments?

In order to collect and share documentary information on these questions, researchers focused on three historical milestones: 1990, 2000 and 2007. The first year, 1990, stands as a constant in all the *Inter-American HRE Reports*, serving as the starting point of the “reference period” during which changes in educational systems were observed. The third milestone, 2007, corresponds to another decision that is a constant in the reports, that is, to set an endpoint to the reference period as the same year the research takes place, so that whenever possible, analytical findings on educational developments in the region are always up-to-date. As the life cycle of the report has lengthened, the reference period also extended, so the decision was made to add a third intermediate milestone, 2000, marking the midpoint between decades and providing a means to examine changes and identify trends through a metaphorical zoom lens.

21 Holden, Cathie, “Keen at 11, Cynical at 18? Encouraging Pupil Participation in School and Community,” in: Holden, Cathie and Nick Clough, *Children as Citizens*.

Section III

Research findings

Scope and application of findings

The purpose of this report, as explained in Section II above, is to examine domestic legislation in each country of the region and analyze the legal framework by which human rights education is created and established. In order to elucidate the context, it begins by exploring certain key features of the legal framework on the general right to education. Researchers approached this task by first verifying the presence and breadth of HRE principles articulated in local legislation and in the main instruments defining public policies for education in each country: Constitution, national laws on education, other laws making reference to the field of education and a variety of official documents that guide education at the national level.

Before introducing the research findings, it is important to clarify certain implications about the scope of this kind of study. An analysis of the legal framework — whether in a country or a region — reveals only one narrow aspect of educational conditions: the intentions and political will that legislators have expressed in written standards. This is important, but also poses serious limitations that should be understood fully.

The legal framework holds major doctrinal, historical and practical significance for the progress of the right to education and the right to human rights education in a country. Its importance lies, first, in the fact that national laws constitute formal recognition of these rights and establish State responsibility to guarantee them. This means the State is under obligation to take measures that will give practical effect to theoretical rights through the country's educational system.

The second reason why the legal framework is so important is that most legislation establishing human rights is the outcome of historical movements that pursued social change and ultimately succeeded in having these rights recognized formally. Social awareness of these matters began to develop much earlier, but laws generally do not appear until some group demonstrates the need for them and mobilizes to bring them into existence. The law itself marks a specific time when a new current of thought became institutionalized, having begun to develop much earlier.

The enactment of a law also looks to the future, as any law, in and of itself, holds both educational value and transforming potential. The process of adopting and subsequently disseminating a new law informs and educates the inhabitants of a country concerning some standard of social coexistence that is considered valuable and should prevail in the organization of national life. Every law triggers a process of citizen education.

Nonetheless, the legal framework also has its limitations. Mere enactment of a law does not necessarily wreak immediate changes in the daily life of the country's people. Generally, in order for a new law to modify deeply rooted situations or patterns of behavior, other conditions need to exist as well. These conditions could include, for example, a body of specific implementing regulations, available human, technical and budgetary resources for acting on it, and mechanisms for monitoring and overseeing implementation and invoking sanctions for non-compliance. In a case as complex as educational processes, innovations intended to transform

daily life in the schools and have an impact on the entire educational community necessarily call for HRE legal provisions to be incorporated into the curriculum and courses of study. Moreover, such curriculum and course programs need to achieve full, equitable coverage. Teachers need to be trained to impart the new plans and programs, and instructional materials need to be obtained. These are only the most visible conditions for implementation, and each one should be examined individually, alongside the study of the legal framework. The fairest, most modern of laws may come to nothing if measures to enforce it are not taken, or if sociopolitical circumstances in a country hinder its implementation.

The reverse is also true. Lack of specific HRE provisions in a particular country should not automatically be interpreted as evidence that the country is unaware of or has rejected human rights instruction. It is possible that curricular programs, course plans or textbooks have been introducing HRE principles and content all along, with no evident need to make explicit mention of the subject in national education laws.

In short, the legal framework for HRE reveals only one aspect of the real situation in a region. It is not the whole picture, nor does it absolutely and unequivocally reflect the status of this right in each country.

Within these limitations, a study of the legal and regulatory framework of HRE is much more than an academic exercise. It provides a technical and political working tool. It yields systematic information and a legal foundation empowering public sector entities and civil society organizations to push for greater progress and undertake their own, more detailed research in each particular country. It is a useful tool for designing curricular programs and courses of study that apply existing regulations more effectively. It is essential for evaluating the exercise of existing regulatory provisions and national policies set by government authorities, and for advocating the adoption of broader regulatory and policy measures.

The right to education: Condition and backdrop for human rights education

Recognition of the right, compulsory nature and State funding

This report understands that the right to education is an enabling condition and essential backdrop for HRE. Hence it begins by studying evidence (indicators) to show how current national laws recognize and support the basic right to education. Researchers did not find significant changes in constitution-based conditions since 2002, as only two national constitutions introduced amendments involving the right to education over the past five years (Mexico and Chile).

As was seen in the *First HRE Report*, the right of citizens to receive education, the obligation of the State to provide it as a public service, and the government's power to regulate it are incorporated into the national constitutions of all the countries in the region, although in certain cases, the language used is not so explicit or precise as it could be.

Among the 19 countries that are signatories to the Protocol of San Salvador, 16 (84.2% of the total) make explicit reference to education as a right. Fourteen of these cite the "right to education" per se, while two use equivalent terms: "the right to teach and learn" (Argentina, Art. 14, 1994) and "the right to receive instruction and acquire culture" (Bolivia, Art. 7, 1995).

Of the other three (15.8% of the total), one mentions “freedom of instruction” (Dominican Republic), and two others discuss education in general, without framing it as a specific right or freedom (Costa Rica and Peru). These cases appear to be using language found in earlier versions of their constitutions. There is no evidence to suggest that terminological variations may have altered the effectiveness of the right to education, but jurists who uphold guarantee-based legal traditions sustain that highly explicit constitutional texts on human rights offer the best assurance of protection.

Having found that the right is recognized, researchers then examined budgetary provisions, asking whether constitutional texts mandate a certain percentage or other specific binding budgetary allocation to finance public education, above and beyond the power of each administration to earmark more in its annual regular budget. The presence of a constitutional provision serves as the best possible assurance of financial backing to guarantee the right to education in a country. No administration is likely to infringe the highest law of the land by ignoring budgetary provisions found in the constitution itself. Such provisions cannot be altered without amending the constitution, with all the complexities this entails (time commitments, balancing legislative forces, building alliances, political dealmaking, etc.).

Of the countries studied, only seven make specific provision in their constitutions:

Table 1 Constitutional provisions to finance education	
Country	Provisions
Brazil	The Union (federal government) will allocate no less than 18%, and the states, Federal District and municipalities no less than 25% of annual tax revenues, including income from transfers, for the support and development of education. (Art. 212, Federal Constitution of Brazil, 1988) As an additional source of funding, basic public education shall receive the education portion of the social contribution of wages that employers are required by law to withhold. (Art. 212, §5. Constitutional Amendment no. 14, 1996)
Costa Rica	Public expenditures on State education, including higher education, shall be no less than 6% of the annual gross domestic product. (1997 Constitutional reform)
Ecuador	The general State budget shall allocate no less than 30% of the central government’s total current income for education and the eradication of illiteracy. (Art. 71, National Constitution, 1998)
Guatemala	No less than 5% of the general budget for regular State revenues shall be allocated to the Universidad de San Carlos de Guatemala. (Art. 84, National Constitution of 1985, amended in 1993)
Mexico	Every year the State – Federation, federal entities and municipalities – shall allocate no less than 8% of the country’s gross domestic product to cover expenditures on public education and educational services; of this amount, at least 1% of the gross domestic product shall be earmarked for scientific research and technology development in public institutions of higher education. (Art. 25, National Constitution as amended in 2005)
Nicaragua	Universities and centers of higher technical education that the State is legally bound to finance shall receive an annual allocation of 6% of the General Budget of the Republic. (Art. 125, National Constitution, 1995)
Paraguay	The General Budget of the Nation shall set aside for education an amount equal to no less than 20% of the total allocation for the Central Administration, excluding loans and grants. (Art. 85, National Constitution, 1992)

Of the seven countries whose constitutions specify budgetary provision for education, only two are limited exclusively to financing for higher education (Nicaragua and Guatemala, in the latter case, for a particular university). The other five merely imply that higher education would be included together with other levels of the educational system. In short, fewer than 40% of the countries studied have created constitutional safeguards to finance public education, and 10% of these have done so only for university education.

Table 2
Commitment to education: public outlays

Country	As % of GNP		As % of total public outlays	
	1991	2002-04 (a)	1991	2002-04 (a)
Argentina	3,3	3,5	--	14,6
Bolivia	2,4	6,4 (—)	--	18,1
Brazil	--	4,1	--	10,9
Chile	2,5	3,7	10,0	18,5
Colombia	2,4	4,9	14,3	11,7
Costa Rica	3,4	4,9	21,8	18,5
Dominican Rep.	--	1,1	--	6,3
Ecuador	3,4	--	17,5	--
El Salvador	1,8	2,8 (—)	15,2	20,0
Guatemala	1,3	--	13,0	--
Haiti	1,4	--	20,0	--
Mexico	3,8	5,8	15,3	--
Nicaragua	3,4	3,1 (—)	12,1	15,0
Panama	4,6	3,9 (—)	18,9	8,9 (—)
Paraguay	1,9	4,3	10,3	10,8
Peru	2,8	3,0	--	17,1
Suriname	--	--	--	--
Uruguay	2,5	2,2	16,6	7,9
Venezuela	4,5	--	17,0	--

Notes:

(a) Figures taken from the most recent year of the specified period for which information was available.

(—) Where national estimates are not available, data are taken from estimates by the UNESCO Institute for Statistics.

Source: *Human Development Report 2006*, United Nations Development Programme (UNDP), p. 319-22. Only columns 1 to 4 of the reference table are transcribed. Figures taken from the UNESCO Institute for Statistics.

A constitutional provision is just that; there is no certainty that payments are being made in actual practice. Because most of the provisions cited in this study were found in constitutional reforms that date back only to the second half of the 1990s, some goals may still be unmet. Verification would call for an analysis in each country based on annual national budget figures, in order to determine whether real investment in education is consistent with constitutionally established goals, or at least whether outlays are gradually moving toward legally mandated levels. This would be acceptable so long as there were no evidence of actual setbacks or regression, which would violate the principle of progressive development of economic, social and cultural rights. Table 2 offers a timid first step toward this kind of analysis, synthesizing the most recent available comparative data on public expenditures for education in the countries under study.

Another useful indicator on the right to education in the region con-

sists of legal mandates governing the compulsory nature of schooling. Table 3 offers comparisons over time of legislation in effect in the countries for the years 2000 versus 2007, detailing which grade levels are compulsory and how many years of study they represent.

Certain unforeseen difficulties arose in the preparation of this table because of figures that had appeared to be specific and precise. Upon closer examination of national provisions selected for verifying the indicator — the *Constitution*, the *General Education Act* and the *Children's Code* — researchers found more than a few instances of conflicting rules and even inconsistencies (either in terminology or in the method used for counting years). They also found statutory provisions on compulsory levels of schooling that did not stipulate clearly how many years were involved, and general mandates that existed on the books but which lacked implementing legislation. Consequently, there is no certainty as to whether such provisions are truly in effect. We believe this situation is merely a symptom of significant ongoing processes of legal change. Transformations to adapt national education laws to new standards of protection established in the *Convention on the Rights of the Child* (1989/1990) are not yet complete in some countries or in certain specific laws.

A clear example is the large number of changes made in compulsory education. From 2000 to 2007, at least four countries extended the term of compulsory education by one to four years: Argentina (from 10 to 13 years), Brazil (from eight to nine years), Chile (from eight to 12 years) and Mexico (from nine to 11 years). In other countries, although changes were made in legal texts, it was difficult to translate them into a specific number of years. The real figures will become clear when the different legal texts are brought into harmony.

Compulsory schooling was traditionally limited to elementary school, and this continues to be the case in some countries. The research identified two different means of lengthening the term of compulsory education, used either separately or in combination. The first was to raise the upper limit, extending it from completion of elementary school to include some or all grades of secondary school (Argentina and Chile). The other was to lower the bottom limit by adding one or more years of preschool, variously known as preschool, nursery school or kindergarten (Brazil and Mexico).

Longer periods of compulsory education unquestionably mark progress in the effective exercise of the right to education for children and youth. The figures need to be evaluated with certain reservations, however, to put these changes into perspective. Some of the countries studied for this report have terse legal texts mandating compulsory education, with little elaboration. They need considerable regulatory work to clarify and regulate the scope and content of coverage. In some cases, they also need to harmonize different bodies of regulations that call for inconsistent periods of compulsory schooling. For example, provisions of the *Constitution* need to be translated into the *General Education Act* or *Children's Code*, or the provisions of the *Children's Code* made consistent with the *General Education Act*, in cases of discrepancy.

Table 3
Compulsory nature of education: levels and years of schooling

Country	2000		2007	
	Legal mandate	No. of years	Legal mandate	No. of years
Argentina	Final year of early education [= kindergarten for 5-year-olds] and complete basic general education. (Art. 10, Federal Education Act, 1993)	10	From age 5 through completion of secondary education. (Art. 16, National Education Act, 2006)	13
Bolivia	Elementary school. (Art. 177, Constitution, 1995)	8 (a)	Same	8 (a)
Brazil	Basic education. (Art. 32, Law 9394, 1996)	8	Basic and secondary education. The system applies through 21 years of age. (Art. 19, No. 10, subparagraph 4, Constitution, amended under law 19876, 2003)	9
Chile	Basic education. (Art. 19, No. 10, Subparagraph 4, Constitution, 1980)	8	Basic and secondary education. The system applies through 21 years of age. (Art. 19, No. 10, subparagraph 4, Constitution, amended under law 19876, 2003)	12
Colombia	From ages 5 to 15, including 1 year of preschool and 9 of basic education. (Art. 356, Constitution, 1991)	10	Same	10

Costa Rica	Two inconsistent mandates: Preschool and basic general education. (Art. 78, Constitution, 1949), and preschool, basic general education and diversified (high-school equivalency) education. (Art. 59, Children's Code, 1998)	10(a)(—)	Same	10(a)(—)
Dominican Republic	Final year of preschool (age 5) and basic level. (Art. 33 and 35, General Education Act, 1997)	9	Same	9
Ecuador	Elementary and basic cycle. (Art. 6, Regulations of the Education Act, 1985)	10	Same. Through grade 10 of basic education. (In addition to the earlier law, Art. 5 of the Code on Children and Adolescents, 2003)	10
El Salvador	Preschool and basic education. (Art. 56, Constitution, 1983, and Art. 351, Family Code)	9 (a)	Same	9 (a)
Guatemala	Early education, preschool, elementary and basic education. (Art. 74, Constitution, 1993).	11 (a)	Through the last year of diversified (high-school equivalency) education. (Art. 37, Law for Integrated Protection of Children and Adolescents, 2003)	n/a (c)
Haiti	Elementary education. (Art. 32.3, Constitution, 1987)	6(a)	Same	6(a)
Mexico	Elementary and secondary education. (Art. 3, Constitution, 1917)	9	Preschool, elementary and secondary education. (Art. 3, Constitution, 2002 reform)	11(d)
Nicaragua	Elementary education. (Art. 121, Constitution, 1987)	6	Same	6
Panama	Basic general education – includes preschool, elementary, pre-secondary. (Law 34 to amend the Basic Education Act, 1995)	11	Same	11
Paraguay	Basic school education. (Art. 76, Constitution, 1992 and Art. 32, General Education Act, 1998)	9	Same	9
Peru	Early education, progressively -- elementary and secondary. (Art. 17, Constitution, 1993)	11	Same	11
Suriname	Elementary. (Art. 39, Constitution, 1987, with 1992 reforms)	6	Same	6
Uruguay	Elementary education and secondary, agricultural or industrial schooling. (Art. 70, Constitution, 1967)	10 (a)	Preschool (ages 4 and 5), elementary education and first 3 years of secondary school. (Art. 1 and 4, Law 18154, 2007)	10 (e)
Venezuela	Two inconsistent mandates: From nursery through diversified secondary school (high-school equivalency) (Art. 103, Constitution, 1999); and preschool and basic education (Art. 9, Education Act, 1980)	10 (a) (f)	Same	10 (a) (f)

Notes:

(a) In cases where specific national information was unavailable, data were taken from the UNESCO Data Center, Public Reports/Education (<http://stats.uis.unesco.org/unesco/TableViewer/tableView.aspx?ReportId=163>) and from the former United Nations Rapporteur for the Right to Education, Katarina Tomasevski (cf. her book *Education Denied: Costs and Remedies*, Zed Books, 2003).

(—) Costa Rica: current figure from UNESCO and Tomasevski (2004), based on the Constitution. Provisions in the Children's Code raise the number of years to 12.

(c) Guatemala: data from UNESCO show a lower number -- years of compulsory schooling; but in view of the fact that implementing legislation has not yet been enacted under the *Law for Integrated Protection of Children and Adolescents*, it is not clear what provisions are in effect.

(d) Mexico: 2002 reforms set deadlines for progressive implementation of lengthened requirements for compulsory education. The three years of preschool are already guaranteed by law, but in practice, the earliest year will not be introduced until the 2008-09 school year. For 2007, compulsory education was still 11 years, but will increase to 12 with the next school year.

(e) Uruguay: the law states that the first level of early education for 4-year-olds will begin in 2009.

(f) Venezuela: this is the current figure available from UNESCO and Tomasevski (2004). The new Education Act will soon go into effect to comply with constitutional provisions of 1999, and the number of years of compulsory schooling is expected to increase to at least 13, over and above nursery school age.

In the second place, the principle of free education needs to be verified to determine whether parallel implementing regulations are in effect. If not, they need to be promoted lest the compulsory nature of education be reduced to mere good intentions with no practical effect. Katarina Tomasevski notes that in many countries of the world, disparities between the greater duration of compulsory education and the lesser duration of free education in practice reverse the effect of well-meaning attempts to lengthen compulsory schooling.¹

It would also be necessary to look closely at the real cost of education, even beyond the letter of the law. Schooling imposes direct, indirect and opportunity costs on families that send their children to school, and these costs undermine the effective exercise of compulsory education.²

Accessibility and adaptation of education

Having examined constitutional provisions on the right to education, this second cycle of the *HRE Report* looked beyond the Constitution. Its intent was to determine whether, and if relevant, how, national education laws could facilitate accessibility and adaptation of compulsory education to reach all children in the country.

For the purposes of this report, regulations to encourage **access to education** include all those provisions intended to shield children from being excluded from the educational system based on discriminatory factors banned under article 3 of the Protocol of San Salvador.³ This study focused special attention on exclusions based on *economic status* or *situations of poverty* and *any form of disability*. Statutory provisions on **adaptation of education** were understood as those whose purpose is to guarantee education for children unable to attend school for a variety of reasons (working children, incarcerated children, or pregnant girls). The analysis focused on provisions found in national laws of education, without considering the possibility of other special laws targeting vulnerable populations.

From 2000 to 2007, most of the region's countries introduced partial reform of education laws. Argentina, Nicaragua and Peru undertook comprehensive reform culminating in an entirely new body of education laws. Chile recently initiated reform of its education law, and Uruguay has begun formal debate in the same direction.

The more comprehensive education reforms marked clear progress in such matters as accessibility and adaptation of education. Examples can be found in the new laws of Argentina, Peru and Nicaragua, which developed these issues more fully and in greater detail than their previous laws.

Many of the new statutes explicitly introduce concepts such as *equity* and *inclusion* and reflect serious concern for overcoming historically-based situations that limited access to edu-

1 Tomasevski, Katarina, *The State of the Right to Education Worldwide. Free or Fee: 2006 Global Report*. Copenhagen, August 2006.

2 *Direct costs* of education include different types of fees charged by schools or education authorities, as well as the purchase of textbooks and other classroom materials. *Indirect costs* include food and clothing that children need whether or not they go to school. *Opportunity costs* occur when children are sent to school instead of working. Tomasevski, Katarina, *The State of the Right to Education*, 188.

3 Protocol of San Salvador, Article 3. "*Obligation of nondiscrimination*. The State Parties to this Protocol undertake to guarantee the exercise of the rights set forth herein without discrimination of any kind for reasons related to race, color, sex, language, religion, political or other opinions, national or social origin, economic status, birth or any other social condition."

**Selected provisions on access to education
according to laws in effect in 2007**

NICARAGUA. General Education Act No. 582, 2006

Article 6. – General definitions of education in Nicaragua:

(i) Inclusive education: Inclusive education shall be understood as the process by which the school or alternative educational service receives persons with disabilities or excluded, marginalized and vulnerable social groups, especially in rural areas, without distinction for ethnic origin, creed, sex or other cause of discrimination, thus contributing to the elimination of poverty, exclusion and inequalities. The schools shall respond to all students as individuals, reframing their organization and curricular programs as necessary.

ARGENTINA. National Education Act, 2006

Article 11: The purposes and objectives of national educational policy shall be:

(e) To guarantee inclusion in education through universal policies, educational strategies and allocation of resources setting a higher priority on the least favored sectors of society.

PERU. Law 28044. General Education, 2003

CHAPTER IV: Equality in education

Article 17.- Equality in education

To compensate for inequalities rooted in economic, geographic or social conditions or those of any kind that hinder equal opportunity in the exercise of the right to education, the State shall take measures on behalf of social sectors that are in a situation of neglect or at risk, to serve them on a preferential basis.

Article 18.- Measures for equality

In order to guarantee educational equality, education authorities, in the sphere of their particular jurisdictions:

(a) Shall pursue compensatory policies to take positive action that will offset inequalities affecting any population segments so requiring.

(—) Shall develop and implement educational projects that include objectives, strategies, actions and resources designed to reverse situations of inequality and/or inequity due to origin, ethnic background, gender, language, creed, opinion, economic condition, age or any other.

(c) Shall emphasize per-student allocation of resources in the most marginalized areas, specifically for infrastructure, equipment, educational materials and technology resources.

(d) Shall provide mechanisms to facilitate timely enrollment, retention and reincorporation of students in the educational system and adopt special measures to retain those who are at risk of being removed from the service.

(e) In the framework of inclusive education, shall conduct education programs for persons with learning difficulties or special educational needs at all levels and in all types of educational programs.

(f) Shall promote specialized educational programs for students of particular talent in order to foster greater development of their potential.

(g) Shall adapt educational services to the needs of the populations, with special emphasis on support for working children.

(h) Shall establish a system of scholarships and aid to guarantee access or continuation of studies for those who display outstanding academic performance but lack the economic means to cover the costs of their education.

(i) Shall mobilize resources to ensure that literacy programs are undertaken for those so requiring.

(j) Shall develop welfare and technical support programs to encourage retention of teachers serving in rural areas or in relatively less developed or socially vulnerable areas. Whenever relevant, such programs shall include incentives in the form of salary bonuses, housing assistance and the like.

PERU. Law No. 23384. General Education, 1982

Article 4

Education is subject to the following basic requirements:

(a) Free, State-provided education at all levels and in all forms, conditioned by student response and subject to pertinent regulations. Free education shall also include supplementary support for students lacking economic means, with such services as health, nutrition, social service and provision of school supplies. Application of these benefits shall be progressive.

(—) Preferential service for marginalized sectors, border zones, rural areas, places where the use of indigenous languages is concentrated, and other similar situations.

(c) Prohibition, under penalty of sanction, on all types of discrimination for reasons of gender, race, creed, political affiliation, language, occupation, marital status, or social or economic condition of students or their parents.

cation by various social groups. In reality, all education laws in effect today include provisions on access to education, although the scope of such provisions varies considerably from one country to the next. Most of the region's countries are also tackling the need to adapt their educational systems and offer a variety of options to special students and vulnerable groups. Argentina's new law extends a broad array of approaches, including options for home-based and hospital-based education, as well as education in correctional centers.

The countries have clearly addressed access to education for low-income children by setting objectives to fulfill their commitments to offer free, compulsory education. However, some regulate this commitment in only the briefest of terms or limit their action to scholarship programs. Others have adopted a variety of more comprehensive, better coordinated measures to facilitate access.

The table summarizes several education laws that underwent comprehensive reform over the past five years. Of all these examples, the most revealing is Peru, whose current 2003 education laws stand in clear contrast to texts taken from the earlier 1982 version.

Another critical issue is access to education for disabled persons. The 2006 report of the current United Nations Rapporteur on the Right to Education,

Vernor Muñoz, stipulates that States must enact provisions to safeguard the ability of these citizens to enjoy an education that is affordable, accessible, acceptable and adaptable on an equal footing with everyone else. These provisions must include, as a minimum: physical access, communication access (sign language and braille), social access (to their classmates) and economic access. They should provide for early intervention to identify special educational needs and address them starting in early childhood. Education authorities must promote the development of a common curriculum for all students and encourage education and learning about human rights. Teachers and school administrators should have guaranteed access to prior training as well as in-service training, and students should receive personalized support when necessary. Finally, the State should coordinate all facets of education reform to ensure that it remains consistent with the right to education and inclusive education.⁴

Education laws in all the countries studied, with the exception of Uruguay, call for special education under a system that will allow people with special needs to enjoy their full right to education. In general, the laws cover the establishment of specialized educational facilities, coordination of these facilities with regular schools, extra training for teachers, and preparation of specially designed educational materials for developing curricular content.

The final feature of education is adaptability. Many laws provide for specific formats, including long distance education, generally associated with education in rural areas, and education for working children or incarcerated children. Provisions on education for pregnant girls tend to be less explicit in the region's countries, in fact appearing explicitly in only two cases.⁵ Several examples are summarized in the next table.

Selected provisions on special education according to education laws in effect in 2007

BRAZIL. Law setting guidelines and basis for national education No. 9394, 1996
Art. 58.- Special education shall be understood, for the purposes of this law, as a form of school education offered preferentially in the regular teaching program, for students who have special needs.
EL SALVADOR, General Education Act, Decree No.917, 1996
Art. 34.- Special Education is a process of teaching and learning, using specific, measured methodologies, for persons with special educational needs. Education for people with special educational needs shall be offered either in specialized institutions or in regular educational facilities, in accordance with the needs of each student, and under the care of a specialist or trained teachers. Special schools shall impart educational and pre-vocational courses to students under particular conditions that prevent them from entering regular schools.
MEXICO, General Education Act of 1993
Article 41.- Special education shall be provided for individuals with temporary or permanent disabilities and those with outstanding aptitudes. It shall be adapted to the particular conditions of each student on a basis of social equality. Education for disabled minors shall seek to integrate them into the regular schools by applying specific methods, techniques and materials. Education for those unable to join the mainstream will impart basic instruction to foster autonomy, life in society and productive lives, and all necessary educational support materials and programs shall be prepared to this end. This education shall include guidance for parents or guardians and for teachers and staff in regular schools where students with special educational needs are admitted.

Legal provisions for HRE

Accession to international instruments: an indicator of political will

Since they first began in 2002, these studies on progress in human rights education have monitored progress by the States to ratify a body of treaties within the universal and inter-American systems. Producers of the series have understood that ratification is an indicator of a

4 Muñoz, Vernor, "The Right to Education of Persons with Disabilities," Report of the United Nations Special Rapporteur on Education, 2006, 12.

5 Some countries have lower-level regulations calling for adaptations of education to meet these special needs (such as executive orders or ministerial directives); it should be noted, however, that the right will always be protected better if it is guaranteed under higher-ranking laws.

Selected provisions on special-needs groups according to education laws in effect in 2007	
Persons in custody	<p>ARGENTINA. National Education Act No. 26061, 2006</p> <p>Article 59. All juveniles being held in closed correctional institutions under the terms of article 19 of Law No. 26.061 shall have the right to accede to, remain in and progress through all levels and formats of the educational system. The methods adopted to implement this right shall be based on considerations of flexibility and high quality to ensure results equivalent to those available in conventional educational establishments.</p> <p>COLOMBIA, Law No. 115, 1994</p> <p>Chapter 5. Education for Social Rehabilitation</p> <p>Article 69. Educational processes. Education for social rehabilitation is an integral part of the educational service. It covers the full range of formal, non-formal and informal education and requires teaching methods, content and educational processes consistent with the situation of students.</p> <p>Paragraph. Educational plans and programs in the country's correctional institutions must be adapted to the policies and technical/educational and administrative guidelines of the National Penitentiary and Prison Bureau, INPEC.</p> <p>PANAMA. Education Act, 2004</p> <p>Article 106. (...) The State shall promote educational programs in correctional centers as an aid in re-socializing inmates by giving them access to juvenile and adult educational services.</p>
	<p>NICARAGUA. General Education Act, 2006</p> <p>Article 23.- Basic Regular Education.</p> <p>—3 Elementary School, night program: Evening classes are taught over a six-year period for children and adolescents who did not enroll in basic regular education at the usual age or were obliged to withdraw from the educational system and, at their present age, are unable to continue in regular classes (overage). The format offers an academic program covering all basic subjects: Spanish, Mathematics, Natural Science and Social Science. It is coordinated with night school programs at the secondary level.</p> <p>PARAGUAY. General Education Act, 1998</p> <p>Article 59.- Educational services at all levels shall be extended to persons who, because of their employment status, geographic location, physical disability or age cannot attend formal educational institutions. The Ministry of Education and Culture shall promote the use of long-distance communication technologies. Telecommunications authorities shall reserve radio and television frequencies, cable, or other media to develop distance education programs.</p>
Pregnant girls	<p>ARGENTINA. National Education Act, 2006</p> <p>Article 81.- Legal authorities shall adopt whatever measures are necessary to guarantee that pregnant students are able to enter or remain in school and continue their studies after pregnancy, preventing any form of discrimination against them, in line with article 17 of Law number 26.061. Schools shall set aside lactation rooms. If necessary, competent authorities may offer programs for home-based and hospital-based schooling to female students before or immediately following childbirth.</p> <p>CHILE. Law No. 19688, 2000</p> <p>Article 1- Pregnancy and motherhood shall not stand as an impediment for entering and remaining in educational establishments at any level. Schools must provide academic facilities for such cases.</p>

State's will to recognize human rights and shoulder their human-rights commitments. Naturally, formal adoption of a commitment does not necessarily guarantee that all rights will be protected. Even so, it acquires significance if understood as part of an overall process by which human rights are incorporated into national legal practice, and statutory provisions are developed to deepen the scope of rights and establish specific, effective mechanisms to protect them.

Based on this premise that the legal and regulatory framework is integrated and progressive, a decision by the States to ratify international instruments takes on special significance. It is a fundamental step that reveals a positive intent to deepen and strengthen the effective exercise of human rights and the democratic system through the development of legislation and domestic institutions. Many of these instruments also extend the right of subsidiary appeal to international mechanisms of protection.

At least 11 of these instruments make reference to human rights education in the framework of the right to education. They also set guidelines and minimum objectives to be considered.

Article 26 of the *Universal Declaration of Human Rights* (1948) recognizes and defines the right to education. In its outline of educational content, it clearly states that the objective of education shall be full development of the human personality and strengthening of respect for human rights.

The *Convention against Discrimination in Education*, adopted by the General Conference of UNESCO in 1960, reiterates recognition of this right and corresponding State obligations. Article 5 discusses the content, scope and objectives of education, more extensively and in greater depth than the text found in the Universal Declaration.

Convention against Discrimination in Education (1960)

Article 5

1. The States Parties to this Convention agree that:

a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

(...)

c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, (...)

The wording in this Convention provided a basis for later definition and expansion of the meaning of the right to education (as applied to this hemisphere) and the right to human rights education (as applied to content). The concepts were subsequently incorporated, deepened and expanded in other instruments: the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965), the *International Covenant on Economic, Social and Cultural Rights* (1966), the *Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights* — Protocol of San Salvador (1988) and the *Convention on the Rights of the Child* (1989).

While this report considers all these international instruments, it particularly focuses on the Protocol of San Salvador (1988), which is this region's most important standard-setting document in this field. The Protocol lays a logical foundation for the strategy used in the HRE report, not only by providing a legal framework, but also by delimiting the universe of research — the signatory States. The instrument offers a wide-ranging description of the many components of the right to education that, taken as a whole, define the right to HRE. It first states that the basic thrust of education should be the full development of the human personality and the sense of human dignity. It then associates the strengthening of human rights with ideological pluralism, fundamental freedoms, justice and peace, and assigns to education a central role in enabling all people to participate effectively in a democratic, pluralistic society.

The latter argument is reflected anew in the *Inter-American Democratic Charter* (2001) that advocates high-quality, universally available education as a key to strengthening democratic institutions and promoting good governance, sound administration, democratic values and the strengthening of political institutions and civil society organizations (articles 16 and 27). This once again asserts the fundamental premise that democracy and human rights are inseparable from one another, which is why democracy needs to be a part of HRE.

Other international instruments are also vitally important for their recognition of the specific rights of women and various groups and populations. This report took into account the

Convention against Racial Discrimination (1965) because it adds another critical element: a commitment to take measures in the educational sphere to fight prejudices that lead to racial discrimination. The *Convention on the Elimination of all Forms of Discrimination against Women* (1979) adds the goal of eliminating stereotyped notions of male and female roles at every level and in all forms of education.

The International Labor Organization's *Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries* (1989) creates a body of special provisions on educational programs and services for its target population. The Convention mandates that such services must respond to their particular needs, cover their histories, their knowledge and technologies, their value systems and their further social, economic and cultural aspirations, and make known to them their rights and duties, especially rights deriving from the Convention. It also calls for educational measures targeting all sections of the national community with the object of eliminating prejudices that they may harbor in respect of these peoples (articles 26 through 31). Certainly, these provisions are consistent with the tenor of article 5 of the UNESCO Convention (1960) that also ensures the right of national minorities to use and impart their own language.

In the inter-American system, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (1994) recognizes the right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority and subordination. It obliges the States to promote education and training of justice officials and police officers as well as the general public concerning problems involving violence against women.

The *Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities* (1999) commits the States to take educational measures to eliminate discrimination against these people and promote their full integration into society.

Finally, in the *Inter-American Convention to Prevent and Punish Torture* (1985), the States undertake to adopt measures ensuring that the training of police officers and other public officials responsible for the custody of persons deprived of their freedom will place special emphasis on the prohibition of the use of torture and other cruel, inhuman or degrading treatment.

HRE needs to look beyond the merely technical definitions and specifications found in international instruments and domestic laws. It should also consider any topic that is relevant to the process of acquiring knowledge, experiencing values and attitudes and building the skills of citizenship. These are the lessons by which students come to understand the complex array of factors that determine the effective exercise of human rights, strengthen the democratic system and define the active role each individual must play.

Accordingly, the report on HRE also addresses matters of corruption and impunity as problems that pose a serious threat to the democratic political and social model of coexistence. The basic assumption is that, while not underestimating the importance of corruption as a social issue, the analysis needs to entail much more than a simple classification of associated deviant behaviors subject to criminal prosecution and administrative sanction. In parallel fashion, corruption absolutely must be addressed in its full ethical and social dimension if meaningful, lasting change is to occur. From this perspective, corruption cannot be removed from the framework of HRE, especially in view of the practical and axiological interconnections between the two perspectives.

This study has incorporated the *United Nations Convention against Corruption* (2003), whose text recognizes the right to information. In so doing, it also acknowledges the impor-

tance of educating public officials so they will be equipped to meet the requirements for correct, honorable and proper performance of their public duties. It implies the need to educate other individuals and groups of society for the purpose of promoting non-tolerance of corruption through information activities and public education programs, including school and university curricula.

United Nations Convention against Corruption

Article 7. Public sector

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials: (...)

d) That promote education and training programmes to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions. Such programmes may make reference to codes or standards of conduct in applicable areas.

Article 13. Participation of society

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (...)

c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

Table 4 shows progress in the ratification of these instruments by the 19 States covered in this report.

Table 4 Ratification of international instruments creating HRE						
International instruments	Year of adoption	Ratifications through			For 19 countries	
		1990	2000	2007	Total	%
1. Convention against Discrimination in Education.	1960	9	0	0	9	47.4
2. International Convention on the Elimination of all Forms of Racial Discrimination.	1965	18	0	1	19	100
3. International Covenant on Economic, Social and Cultural Rights.	1966	16	2	0	18	94.8
4. Convention on the Elimination of All Forms of Discrimination against Women.	1979	18	1	0	19	100
5. Inter-American Convention to Prevent and Punish Torture.	1985	9	7	1	17	89.5
6. Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).	1988	1	11	2	14	73.7
7. ILO Convention (169) concerning Indigenous and Tribal Peoples in Independent Countries.	1989	1	8	2	11	57.9
8. Convention on the Rights of the Child.	1989	15	4	0	19	100
9. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belem do Para".	1994	0	18	1	19	100
10. Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities.	1999	0	1	16	17	89.5
11. United Nations Convention against Corruption.	2003	0	0	17	17	89.5
Percentage of ratifications x 19 countries x year		57.%	73.8%	89%	89%	

Three conventions have been ratified by all 19 of the countries covered in this study: two on the rights of women and one on the rights of children. This figure is reflected in the progress achieved in national constitutions and laws. Above all, it is consistent with the considerable development already achieved by social movements demanding gender equality and the growing entry of women into civic life, including their greater visibility in the legislative and executive branches of government, political parties and the life of society in general.

All the countries have acceded to the *Convention on the Rights of the Child*, as well. This reflects the hard work and unfailing presence in the countries of the international organization specialized in children's issues, which significantly, has adopted a rights approach as the focus of its action. Indeed, UNICEF continues to have a major impact on the development of public policies for children and youth in the countries of the region, especially the commitment to educate them about their rights.

In countries with large indigenous populations, extensive indigenous lands or explicit policies on indigenous peoples, the adoption of ILO Convention 169 has created a favorable environment for bringing about legal and institutional reforms that have occurred with the rise of indigenous movements and active indigenous organizations. In the area of education, this movement has brought about the progressive introduction of intercultural and or bilingual education programs, which itself implies recognition of a body of specific cultural rights and opens the way for these rights to be included as curricular content.

Closely associated with the matter of indigenous rights, a number of countries, most notably Brazil, Guatemala and Mexico, have been developing legislation and creating public institutions to promote the fight against discrimination. At the same time, a still-nascent process has begun to recognize the rights of Afro-descendant communities in such countries as Brazil, Colombia, Ecuador, Honduras and Costa Rica.

Finally, as was stated in Section I of this report, the Protocol of San Salvador entered into effect upon deposit of the 12th ratification, launching a process of continuous monitoring to ensure that the countries abide by its terms. Several governments have taken the initiative for this process, as have bodies of the inter-American system entrusted with political oversight and human rights protection.

Constitutional provisions

One way to determine whether the countries have recognized HRE is to probe the national constitutions for wording that defines the functions, characteristics and basic purposes of education. The constitutional text provides a basis on which ordinary legislation, public policies, official curricula and other programs and projects can incorporate human rights content into a wide spectrum of educational activities at different levels. It also gives common citizens the grounds to demand their rights — even sue through the courts — to have full, discrimination-free access to education, and for education to offer these qualities.

The *First HRE Report*, in its study of changes in national constitutions from 1990 to 2002, found a significant increase in the explicit or implicit inclusion of HRE principles and content in the constitutions of the 19 countries studied. Thirteen constitutional texts contained such references in 1990, less than a third of which explicitly called for an education in human rights. By 2002, the study found 15 constitutional texts expressing principles or content associated with HRE, over 50% of which made explicit mention of HRE per se.

Definitions of education as found in national constitutions

ECUADOR. Constitution, 1998

Art. 66

Education is an individual right that cannot be waived, and the irrevocable duty of the State, society and the family. It is a top priority for public investment, a requirement for national development and a guarantee of social equality. It is the responsibility of the State to define and conduct policies for achieving these purposes.

Education, built on a foundation of ethical, pluralistic, democratic, humanistic and scientific principles, shall promote respect for human rights, develop critical thinking, foster a civic spirit and equip students with skills to perform effectively at work and in production; it shall stimulate creativity and the full development of the personality and special abilities of each individual; it shall promote intercultural coexistence, solidarity and peace.

Education shall prepare citizens to work and to produce knowledge. At all levels of the educational system, students will be provided with extra-curricular activities to stimulate the practice and production of crafts, trades and industries.

The State shall guarantee education for people with disabilities.

EL SALVADOR. Constitution, 2000

Art. 55

Education shall serve the following purposes: to achieve the integrated development of the personality in its spiritual, moral and social dimensions; to contribute toward building a democratic society that is more prosperous, just and humane; to instill respect for human rights and fulfillment of concomitant duties; to counter every manifestation of intolerance and hatred; to convey an understanding of national conditions and lead students to identify with the values of Salvadorean nationality; and to foster unity among the peoples of Central America.

implicit mentions of HRE in the texts of national constitutions. Simultaneously, the drafters of these texts have adopted richer language to describe the concept of education, both its basic meaning and its individual and social purposes. More and more, the tendency is to define education in multidimensional terms, expanding on the purposes of education and introducing more mutually complementary topics of study. In general, current constitutional texts: (i) discuss education with greater breadth and frequency than pre-1990 texts, and (ii) establish a variety of purposes and features for education, both complementary and cumulative. As an example, a formula that brings together courses on civics + democracy + ethics/values + rights may draw

Later reforms were introduced after 2002, and of these, only Chile and Mexico made changes involving education in general. The most significant development for HRE was an addition to the Mexican constitution to increase schooling for indigenous populations and encourage bilingual and intercultural education (article 2 of the 2001 reform). Constitutional reforms in Chile lengthen the period of compulsory education, as described above.⁶

In conclusion, the past few decades have seen an increase in both explicit and implicit mentions of HRE in the texts of national constitutions. Simultaneously, the drafters of these texts have adopted richer language to describe the concept of education, both its basic meaning and its individual and social purposes. More and more, the tendency is to define education in multidimensional terms, expanding on the purposes of education and introducing more mutually complementary topics of study. In general, current constitutional texts: (i) discuss education with greater breadth and frequency than pre-1990 texts, and (ii) establish a variety of purposes and features for education, both complementary and cumulative. As an example, a formula that brings together courses on civics + democracy + ethics/values + rights may draw on some combination of all these concepts.

Of particular note is the fact that some constitutions have explicitly added references to the rights of indigenous peoples to have a special educational system based on their mother tongue. This right was first introduced as a constitutional mandate in the 1980s, and its frequency doubled over the next 10 years. It

Factors considered in analyzing texts on education in constitutions and laws

Education on civics and/or national affairs:

The legal text states that the purpose of education is to impart the country's political system (constitution, branches of government, legislation and institutions) and/or the basis or principles of nationality. Articles and provisions on education do not specify that such a political system is necessarily a democracy.

Democratic education or education for citizenship:

The legal text states that the purpose of education is to teach students about the democratic system and/or prepare them to live in democracy or exercise democratic citizenship.

Moral or values education:

The legal text states that the purpose of education is moral, ethical and/or values training, including explicit references to tolerance, peace, justice, equality, solidarity, etc.

Human rights education:

The legal text explicitly states that the purpose of education is to teach students about human rights and/or respect for human rights.

⁶ Two processes of constitutional change are currently underway, in Bolivia and Ecuador, while Venezuela is considering partial reform. The results will show whether this new dynamic — associated with reconfiguring national jurisdiction and joining forces at the regional level — will bring changes in HRE.

has gathered strength alongside a move to recognize particular languages and cultural values, accept the specific identity of indigenous peoples, protect and foster their traditional forms of organization and, more recently in a few countries, grant other specific rights involving land, justice or political participation. Constitutional references to bilingual, intercultural education serve as a significant indicator of a trend to ensure not only HRE, but education for the exercise of rights specific to these peoples. Unfortunately, the same has not occurred for Afro-descendant communities. In some respects these groups share situations and social aspirations similar to those of indigenous peoples, but the region is only just beginning to recognize them in its constitutions and laws. Recently these communities have been gaining visibility as they express their demands more forcefully and with the spreading influence of the agreements from the *World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance* (Durban, 2001).

Table 5
References to human rights education in national constitutions

Content	Argentina	Bolivia	Brazil	Chile	Colombia	Costa Rica	Dom. Rep.	Ecuador	El Salvador	Guatemala	Haiti	Mexico	Nicaragua	Panama	Paraguay	Peru	Suriname	Uruguay	Venezuela
Civics	-	-	-	-	V	-	-	V	V	-	V	-	-	V	V	V	-	V	-
Education for democracy and/or citizenship	V	-	V	-	V	-	-	V	V	-	-	V	V	V	V	-	V		V
Moral education and/or values education	-	-	V	-	V	-	-	V	V	-	V	V	V	V	V	V	V	V	V
Human rights education	-	-	-	-	V	-	-	V	V	V	-	V	-	-	V	V	-	-	V

General Laws on Education

General laws on education in the countries covered by this report followed the same trend as national constitutions. From 1990 through 2002, these laws registered a significant increase in the incorporation of HRE principles and content. In nearly all instances, the references are very explicit. The trend marks continuous growth of a movement that began in past decades as part of the so-called *education reform process*. Some countries tackled education reform as early as the 1970s. Others joined the trend in the 1980s, but most undertook these changes starting in 1990, continuing into the early years of the 2000s.

It was in the setting of these education reform processes that the laws in the countries of the region began adding references to HRE principles and content — the same principles and content that had been appearing in formal international agreements known as human rights instruments since the postwar years.

The following table shows that the broad outlines of HRE are now present in the education laws of nearly all countries covered by the study. The texts do not all use the same terminology, nor do they develop the same concepts with similar depth, but all the education laws recognize that *education is a fundamental human right that should extend to the entire population on an*

Table 6
Inclusion of HRE principles, objectives
or content in education laws

Country	1990	2002 -07
Argentina	--	••
Bolivia	•	••
Brazil	•	•
Chile	••	••
Colombia	n/a	••
Costa Rica	••	••
Dominican Rep.	--	••
Ecuador	••	••
El Salvador	••	••
Guatemala	••	••
Haiti	n/a	n/a
Mexico	••	••
Nicaragua	••	••
Panama	•	••
Paraguay	n/a	••
Peru	••	••
Suriname	n/a	n/a
Uruguay	••	••
Venezuela	•	•

Notes:

-- No reference

• Implicit inclusion: HRE principles and/or content are cited, without explicitly mentioning rights education.

•• Explicit inclusion: HRE principles and/or content are cited, making direct, explicit reference to rights education.

n/a No data available

equal footing and under equal opportunity, without discrimination. They state that the education system should be built on *values of tolerance, justice, peace, equality and solidarity*, and they include *knowledge of human rights and the principles of democracy as course content in formal educational programs.*

Researchers studied the texts and found that all the education laws made reference to HRE. Some cite HRE expressly, while others use different words that still embody the concepts and values of human rights. Many of the references to HRE can be found in the chapter on *principles or purposes of education* or in the section on *objectives of education*. The goal of imparting rights education is presented together with other related goals, such as educating for life in democracy or citizen development. Such references are of a general nature and tend to be included in a listing of various associated principles and objectives. In this sense, education laws resemble the texts that describe HRE in national constitutions.

Education laws also introduce rights education in more specific sections, as for example when setting objectives for each grade level or describing the rights of students. These recurring references to HRE principles, objectives and content in other chapters of the education law appear to confirm that so far, the States have

taken a positive view of the importance of including human rights in the educational process.

Wording is not always as explicit as it could be. Some countries do not directly say “educate about rights,” but instead use other similar concepts (educate about values, coexistence or social peace, citizenship training, etc.). While it is undeniable that these concepts fit into the scope of HRE, they lack the force of direct, clear reference to the notion of human rights.

In short, most of today’s national education laws establish such principles as *freedom from discrimination, valuing and defending ethnic and cultural diversity* in a country and *participation by all stakeholders in the educational process in developing policies and making decisions on*

Examples: express references to HRE in education laws on the books in 2007

ARGENTINA. National Education Act. 2006 Art. 30 Secondary education of all kinds and under all formats serves the purpose of preparing adolescents and young people for the full exercise of citizenship, employment and continued studies. Its objectives are: a) To develop an ethical foundation equipping students to live as subjects aware of their rights and duties, who practice pluralism, cooperation and solidarity, respect human rights, reject all forms of discrimination, prepare for the exercise of democratic citizenship and conserve natural and cultural heritage.
PERU, Education Act, 2003 Art. 6 Education in ethics and civics is compulsory in all educational programs. It prepares students to honor their personal, family and patriotic obligations and to exercise their citizen rights and duties. Instruction concerning the Constitution and human rights is mandatory in all institutions of the Peruvian educational system, whether civilian, police or military. Courses are taught in Spanish and in other official languages.
PARAGUAY, General Education Act, 1998 Art. 76 General basic education shall pursue the following objectives: ... (f) develop aptitudes and promote values that will permit students to respect human rights and the environment and participate actively in seeking the common good.

education. These principles are of fairly recent vintage and are expressed with differing degrees of detail in the various laws. Many texts assert the general principle; some develop it in greater depth, set operating guidelines and create specific programs or institutions for carrying it out.

Table 7
Guiding principles of HRE in national education laws on the books in 2007

Guiding principles in education laws	Argentina	Bolivia	Brazil	Colombia	Costa Rica	Chile	Dom. Rep.	Ecuador	El Salvador	Guatemala	Haiti	Mexico	Nicaragua	Panama	Paraguay	Peru	Suriname	Uruguay	Venezuela
Civics	•	•	•	•	•	•	-	•	•	•	n/a	•	•	•	•	•	n/a	•	•
Teaching for democracy and/or citizenship	•	•	•	•	•	•	•	•	•	•	n/a	•	•	•	•	•	n/a	•	•
Moral and/or values education	•	•	•	•	•	•	•	•	•	•	n/a	•	•	•	•	•	n/a	•	•
Human rights education	•	•	-	•	•	•	•	•	•	•	n/a	•	•	•	•	•	n/a	•	-
Bilingual and/or intercultural	•	•	•	•	•	-	-	-	-	•	n/a	•	•	•	•	•	n/a	-	-
Freedom from discrimination	•	•	•	-	-	-	•	•	-	•	n/a	•	•	•	•	•	n/a	•	•
Gender equity	•	•	-	•	-	-	•	-	-	-	n/a	•	•	-	•	•	n/a	-	-
Participation by teachers	•	•	•	•	•	-	-	•	-	•	n/a	-	•	•	•	•	n/a	-	-
Participation by parents	•	•	-	•	•	•	•	-	•	•	n/a	•	•	•	•	•	n/a	-	•
Participation by students	•	•	-	•	•	-	-	-	•	•	n/a	•	•	•	•	•	n/a	-	-
Participation by civil society	•	•	•	-	•	-	•	•	-	-	n/a	•	•	•	•	•	n/a	-	•
Respect for the environment	•	•	-	•	•	-	•	-	•	•	n/a	•	•	•	•	-	n/a	-	•

HRE in other provisions of the national legal system

This indicator tells whether legal provisions other than education laws make reference to human rights education in the countries' legislation. The presence of such references points to a commitment to provide human rights education or training to social and political stakeholders outside the scope of the regular educational system, thus widening the spectrum of beneficiaries.

This study of a selection of non-education laws looked for two basic features. (i) Some laws create the obligation to provide human rights education to certain groups of public officials who, because of their contact with citizens, could exert considerable influence in shaping views on human rights; examples could include members of the security forces, judges or electoral officials. (ii) Another group of provisions could raise human rights issues regarding particular members of society, such as women, children or indigenous people, or regarding specific critical issues — such as domestic violence and equal opportunity. Such provisions would address the need to learn (or un-learn) concepts about the exercise and protection of rights.

Researchers asked collaborators in each country to analyze relevant laws in the field of human rights and identify texts making explicit reference to education or training of civil servants

Laws examined	Country	N° of laws examined	N° of laws addressing HRE
Ombudsman law	Argentina	24	6
Law on police academies	Bolivia	9	6
Law on military academies	Brazil	8	2
Law on judicial academies	Chile	8	8
Law on the women's bureau	Colombia	10	9
Law on domestic violence and/or violence against women	Costa Rica	7	7
Law on equal opportunity or real equality	Dominican Rep.	8	2
Law on children, Children's Code, or equivalent	Ecuador	16	10
Law on electoral organizations or bureaus	El Salvador	3	3
Law on political parties	Guatemala	15	10
Indigenous law	Mexico	26	14
	Nicaragua	18	8
	Panama	11	3
	Paraguay	11	8
	Peru	7	4
	Uruguay	11	7
	Venezuela	11	7
	Total	203	111

or other human rights stakeholders, such as those shown in the attached table. As a result, a total of 203 laws came under scrutiny in 17 countries, and 111 were found to make express reference to promoting, educating or training in human rights.⁷

The *First Report* found growth in HRE laws during the 1990s. The greatest frequency of explicit references to HRE was found in laws creating ombudsman offices. Frequent references to the objective of educating in human rights also appeared in laws creating women's bureaus, addressing problems of domestic violence and promoting equal opportunity between men and women.

During the 1990s, at least seven countries adopted new legislation on children to replace old-

er juvenile codes, adding concepts and commitments taken from the *Convention on the Rights of the Child* (1989).

From 1990 to 2002, laws on the organization of the armed forces and police services, particularly those creating professional training academies or programs, made no explicit reference to HRE. Of the total examined, only three laws on the armed forces and five on police asserted as a fundamental principle the *respect for international treaties and/or human rights standards*.

This new study found that the first seven years of the current century witnessed the enactment of new laws on children and adolescents, migrants, domestic violence, and several on equal opportunity and indigenous affairs. In most cases, the trend of incorporating concepts of HRE continued.

Researchers examined all such laws enacted from 2000 to 2007. Not all contained references to the principles or content of HRE, the only exceptions being those indicated in boldface in Table 8. This suggests that, despite the presence of laws on vulnerable groups and on matters associated with human rights, specific laws do not always adopt the rights perspective or address rights education. Provisions of this kind offer a potential framework that has not yet been fully seized by the countries to promote and guarantee public policies on HRE.

Table 8 is followed by a text box giving examples of references to HRE in laws on children and juveniles. These explicit references underscore the importance of educating in rights for the full exercise of citizenship, thus asserting the indissoluble link between human rights and democracy.

⁷ This number includes executive orders and other provisions that are not properly laws enacted by the country's legislative branch.

Table 8
Laws enacted between 2000 and 2007

Argentina
<p>National executive order 1969/2001. Basic structure of career programs for staff of the National Gendarmerie Border and Highway Police</p> <p>Comprehensive protection of the rights of children and adolescents, September 2005</p> <p>National electoral code, 1291/2006</p> <p>Title 26.215 – Law for financing political parties, 2006</p> <p>Title 25.875 – Prison Ombudsman, January 2004</p> <p>Title 25.871 – Migration law, January 2004</p>
Bolivia
<p>1999 electoral code with amendments based on Title 2802, August 23, 2004</p> <p>Children's Code, 1999, amended in 2001</p> <p>Law on political parties, 1999, amended in 2001</p> <p>Citizen groups and indigenous peoples, 2004</p> <p>Implementing regulations on Title 2026, Children's Code, 2004</p> <p>Implementing regulations on administration and operation of educational units at the preschool, elementary and secondary levels, 2001</p>
Brazil
<p>National plan for human rights education, 2003</p> <p>Violence against women, 2003</p>
Chile
<p>Domestic violence, 2005</p> <p>Childcare system through the SENAME network of collaborators, 2005</p>
Colombia
<p>Law on children and adolescents, 2006</p> <p>Implementing regulations on the participation of women, 2000</p>
Dominican Republic
<p>Equal opportunity or equality, 2001</p> <p>Order to create a gender equity and development office, OEGD, in every Cabinet Secretariat, 2001</p> <p>Illegal trafficking of migrants and trade in persons, 2003</p> <p>Law for children or Children's Code, 2003</p>
Ecuador
<p>Implementing regulations on the law against violence against women and the family, 2004</p> <p>Basic law on elections, 2000</p> <p>Code on Children and Adolescents, 2003</p> <p>Education for democracy, 2006</p> <p>Law on youth, 2001</p> <p>Charter for national defense forces, 2007</p> <p>Charter for public institutions of indigenous peoples of Ecuador, self-defined as nationalities of ancestral roots, 2007</p>
El Salvador
<p>Implementing regulations to the charter on the national civilian police of El Salvador, 2002</p> <p>Law against domestic violence, 1996, amended in September 2004</p>
Guatemala
<p>General Law to fight Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome (AIDS) and to promote, protect and defend human rights as regards HIV/AIDS, Title 27-2000</p> <p>Urban and rural development councils, 2002</p> <p>Law for anti-discrimination education, 2002</p> <p>Law for the integrated protection of children and adolescents, 2003</p>
Mexico
<p>Military education act for the Mexican Army and Mexican Air Force, 2005</p> <p>Rights of the elderly, 2002</p> <p>National Women's Bureau, 2001</p> <p>Federal act to promote activities by civil society organizations, 2004</p> <p>Federal act on transparency and access to public government information, 2002</p> <p>Federal act to prevent and eliminate discrimination, 2003</p> <p>Access by women to a life free of violence, 2007</p> <p>People with disabilities, 2005</p> <p>Language rights of indigenous peoples, 2003</p> <p>General health act (1984), amended in 2005</p> <p>Equality between women and men, 2006</p> <p>Minimum standards for social rehabilitation of prisoners, 1971, amended in 2004</p>

Nicaragua	General health act, 2002 Implementing regulations on the charter for the office of the Public Prosecutor, 2001 Charter for the office of the Prosecutor General, 2001 Career path in the judiciary, 2005 General law on sports, physical education and recreation, 2005 Law to promote the comprehensive development of young people, 2001
Panama	Law creating the National Secretariat on Disabilities, 2007 Uniform Code of ethics for civil servants, 2004 Electoral code, amended in 2006
Paraguay	Law creating the Children's Code, 2001 Charter law for indigenous communities, 1981, amended in 2003 Truth and Justice Commission, 2003
Peru	Charter of the National Police, 2002 Law on political parties, Title 28094, 2003
Uruguay	Domestic Violence Act, 2002 Ombudsman Act, 2003 Law to create a Parliamentary commissioner of prisons, 2003 Human Rights Day, 2003 Law against racism and xenophobia, 2004 Children's Code, 2004 Human Rights Office, 2005 National Women's Bureau, 2005 Right to refuge, 2007 Equal rights and opportunities between men and women, 2007
Venezuela	Ombudsman Act, 2004 Charter of the electoral branch, 2002 Law to delimit and guarantee habitat and lands of indigenous peoples, 2001 Charter on indigenous peoples and communities, 2005 Charter on refugees or asylum-seekers, 2001 Charter on the right of women to a life free of violence, 2006
Note: Laws set in boldface contain HRE principles, objectives and/or content. Laws appearing in lighter type do not contain HRE principles, objectives and/or content.	

Provisions for HRE in laws on children and adolescents	
BOLIVIA. Children's Code (1999, amended in 2001)	
Art. 112.- (Education) Children and adolescents have the right to an education that will allow them to develop their personality in the fullest sense, prepare them for the exercise of citizenship and equip them with skills for work, ensuring them:	
1. Equal conditions for entering and remaining in school;	
2. The right to be respected by their teachers;	
3. The right to challenge performance assessments;	
4. The right to create and take part in student organizations;	
5. Equal access to scholarship opportunities;	
6. The right to participate actively in their school councils, as representatives or as constituents;	
7. The right to physical safety inside the school.	
COLOMBIA. Law on Children and Adolescents No. 1098, 2006	
Article 41.- Obligations of the State. The State is the institutional structure responsible for the comprehensive development of children and adolescents. In carrying out its duties at the national, department, district and municipal levels, it must:	
(...)	
9. Educate children, adolescents and families to instill a culture of respect for human dignity, recognition of the rights of others, democratic coexistence, human values and peaceful resolution of conflicts.	
ECUADOR. Title 100 in the Official State Registry No. 737, 2003.	
Article 38.- Objectives of educational programs.- Elementary and secondary education shall provide the knowledge, values and attitudes essential for:	
(...)	
— Promoting and practicing peace, respect for human rights and fundamental freedoms, non-discrimination, tolerance, valuing diversity, participation, dialogue, autonomy and cooperation;	
c. Exercising, defending, promoting and disseminating the rights of children and adolescents;	
Preparing students to exercise responsible citizenship in a society of freedom, democracy and solidarity.	

The first HRE report found that 11 of the 19 countries had special laws on indigenous peoples. All these laws were enacted or amended in the past 30 years, and all but four predated the adoption of ILO Convention 169 (1989) and recent constitutional reforms on this subject. Altogether, the States had 17 special laws, one regional statute of autonomy and one peace agreement with binding effect. The current follow-up study found that only Mexico had enacted a general law on language rights for indigenous peoples, dated 2003. Bolivia enacted a *Law on citizen groups and indigenous peoples* in 2004, and Venezuela adopted a *Charter on indigenous peoples and communities* in 2005. Only one law was found on rights education for Afro-Latin communities.

Provisions for HRE in laws for the protection of Afro-Latin communities

COLOMBIA Title 70, 1993: Black Communities

Article 34.- Education for black communities must take into account the environment, production process and entire social and cultural life of these communities. School curriculum must guarantee and display respect for and promotion of their economic, natural, cultural and social heritage, their artistic values, forms of expression and religious beliefs. The curricula must derive from the culture of black communities as a basis for developing activities and helping individuals and the group to build whatever skills they need to perform successfully in their social environment.

Stipulations on institutions and their employees contain numerous references to requirements for staff training and overall development. With the exception of provisions specifically for ombudsman institutions, these laws do not reflect significant concern for training civil servants in human rights issues.

The following examples were taken from recently enacted laws. They underscore the power of education in a field which is critically important for human rights: training for security forces. They also reveal tremendous progress if the language used in these regulatory provisions is compared to expressions that were all too common in the past.

Provisions for HRE in laws on military and police training

MEXICO. Military Education for the Mexican Army and Mexican Air Force, 2005

Article 5.- The objectives of military education are:

V. To instill values of justice, respect for the law and equality of individuals before the law, and to promote knowledge of and respect for human rights.

PERU. Charter of the national police, 2002

Article 22.1.- The Department of Police Instruction and Doctrine is the institution responsible for planning, directing, organizing, coordinating, overseeing and evaluating police training systems in the areas of instruction, specialization, development and scientific investigation, which should be imparted as a comprehensive whole. 22.2.- This Department is responsible for designing, developing, consolidating and disseminating police doctrine based on upholding the Constitution, respect for human rights, and providing effective, efficient services to the community. It shall be under the orders of an active General Officer of the National Police of Peru.

EL SALVADOR. Implementing regulations to the Charter on the National Civilian Police of El Salvador, 2002

Article 13.- The primary duty of the Inspector General shall be to monitor and oversee this institution's services and guarantee respect for human rights, ensuring that these rights are upheld in all police procedures or services. In order to build up their observation and monitoring missions, the following units shall rely on the services of the Inspector General: Disciplinary Investigation, Internal Affairs, Oversight and Human Rights.

26.- Oversight of the National Civilian Police. h.- To ensure respect for human dignity through the protection and promotion of human rights in the exercise of police duties.

Researchers focused special attention on studying electoral and political party legislation, armed with the provisions of the *Inter-American Democratic Charter* and the conviction that

democracy is inseparable from the rule of human rights. These two interwoven bodies of law should clearly establish the preeminence of human rights principles in political party doctrine and in the shaping of party platforms and programs, and at the same time, demand that institutions responsible for organizing elections do their part to train citizens for life in democracy.

Another indicator gauged whether lower-level administrative regulations were in place to address human rights education, training or promotion. Such regulations, of lesser hierarchy

Provisions for HRE in electoral and/or political party laws

ECUADOR Basic law on elections, 2000

The Tribunal Supremo de Elecciones and provincial electoral authorities shall offer training programs for voters concerning responsible suffrage, citizen participation with a gender perspective, cultural and ethnic differences and the legitimate right to vote; the purpose shall be to promote equitable participation by men and women in the exercise of political rights, particularly the right to vote. Public information campaigns shall pursue similar goals.

PERU Political Parties, Title 28094, 2003

Article 2.- Purposes and objectives of political parties: (...) (—) Preserve peace, freedom and the effective exercise of human rights established in Peruvian legislation and international treaties upheld by the State; (...) (e) Contribute to political education and participation by the population, for the purpose of building a civic and democratic culture that will equip citizens to assume public functions.

than an actual law, can be found in executive orders, ministry rulings or other instruments of public administration. They reveal the degree to which laws are being enforced, regulate different aspects of HRE, and may target or benefit different sectors of society.

Considerable information was collected. Although it cannot be considered a comprehensive study of all rulings and orders in the countries over the past seven years, it did unearth highly revealing information. Even though the responses received have certain limitations, there is a clearly visible trend in favor of using such instruments as rulings, orders and guidelines to regulate the practical details of HRE. This, in turn, serves as a useful indicator of progressive implementation of existing laws. Regulatory instruments of this kind primarily address such

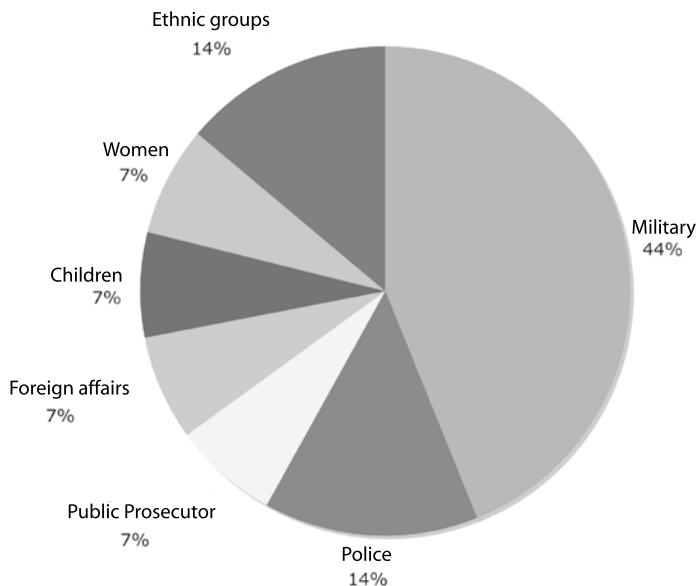
matters as defense, ethnic groups, women and children, health, foreign affairs and police.

From 2000 through 2007, several countries added human rights material to their military training programs. They also began instruction on certain ethnic issues, including express content on Afro-descendant populations. The following figure shows percentages of material introduced.

Topics involving the military and the police appear over represented, but this can be attributed to the focus of the research. The emphasis was on finding and examining these particular sources, often

Figure 1

HRE in executive orders and rulings



omitted from any analysis because of the historical record of security institutions and their attitude toward human rights in this hemisphere. It is also a response to efforts being made over the past decade to incorporate the human rights perspective into the training and professional practice of security forces. Below are several examples of these new statutory provisions.

Examples from the military

COLOMBIA

Standing Order 800-04, 2003. Plan for incorporating international human rights law and international law applicable in armed conflict for military forces

Purpose: Set standards and give instructions for the preparation and implementation of a Standing Plan for the Incorporation of International Human Rights Law and International Law Applicable in Armed Conflict for military forces. The Armed Forces of Colombia are strengthening material on HR and ILAC in their manuals on operational doctrine and in military training for officers and troops, based on a practical methodology and an operational military approach of gradually introducing the content as a cross-cutting theme in the curriculum.

PARAGUAY

General Order No. 2374, December 2002

The Commander in Chief of the Armed Forces of Paraguay

ORDERS:

1. To approve the "Program for Teaching Human Rights and International Humanitarian Law" presented by the Armed Forces Office for Liaison with National and International Humanitarian Organizations, to be adopted for use with the Armed Forces.

Examples from the police

NICARAGUA

Agreement A/068/02 of the National Public Prosecutor, creating Human Rights Protection Units in the different substantive sections of the Office of the Public Prosecutor, and setting guidelines for the practice of human rights inspections 6/08/2002.

PERU No. 445-2006-DIRGEN PNP/EMG 2006

That Article 22, subparagraph 22.1 of Title 27238, Charter of the National Police of Peru, states that the Department of Police Instruction and Doctrine is the institution responsible for planning, directing, organizing, coordinating, monitoring and evaluating the system of police instruction for purposes of training, teaching, specialization, continuing education and scientific investigation, and that this instruction should be comprehensive.

HRE in educational documents and national plans

The *Fourth HRE Report: Developments in National Planning* offered an in-depth review of progress made through 2005 to incorporate HRE into educational planning in the 19 countries covered by the report. This year's research provides a useful update to that information.

Research for the 2005 report produced direct data on HRE planning processes in nine countries. In six of these countries, information came from the preparation of national HRE plans (Brazil, Colombia, Dominican Republic, Ecuador, El Salvador and Mexico). In three more, it came from national human rights plans (Bolivia, Venezuela and Peru), and the two remaining studies (Costa Rica and Paraguay) drew on other plans containing material relevant to the subject of human rights (values education). For Costa Rica, Nicaragua and Panama, researchers

obtained information from national education plans, and for Argentina, Chile, Guatemala and Uruguay, they received reports on the recent creation of government offices responsible for human rights concerns, identifying some type of objective or mandate to promote human rights education. Results from that year's report can be seen in Table 9.

Table 9 Universe of research according to information available																				
National Plans	Argentina	Bolivia	Brasil	Colombia	Costa Rica	Chile	Dom. Rep.	Ecuador	El Salvador	Guatemala	Haiti	Mexico	Nicaragua	Panama	Paraguay	Peru	Suriname	Uruguay	Venezuela	Total
Human rights education			•	•			•	•	• ^[1]		n/a	•					n/a			6
Human rights		•	•					•			n/a	•				•	n/a		• ^[2]	6
Education ^[3]		• ^[6]	•		•		• ^[4]		•	•	n/a	•	•				n/a			8
Other national plans ^[5]					•			•			n/a			•	••	•	n/a		•	7
Other initiatives	•					•				•	n/a						n/a	•		4
[1] and [2] These plans were still unfinished at the time of the study; [3] Taken into account regardless of whether they address HRE; [4] “Plan Estratégico de desarrollo de la educación dominicana 2003/2012”; [5] Values Education and Education for All; [6] “Estrategia de la Educación Boliviana 2004/2015.” n/a: documentation unavailable for this country.																				

Research for this newest report identified nine more documents in addition to those studied for 2005. This body of documentary evidence reveals the States' political will to incorporate varying degrees of human rights principles, objectives and content into the national educational system (as can be seen in Table 10).

Institutional development of HRE: specialized government offices and programs

This indicator requires data on current status and progress made to create offices, institutions, sections or bureaus responsible for human rights training or promotion within the government, especially in ministries and other public entities.

The research was designed not only to shed light on whether the States had created public entities to offer direct human rights training and promotion. It also looked for other entities involved in allied, converging issues, such as gender equity and ethnic diversity

Table 11 lists all government entities that were identified, organized by the particular ministry to which they report. It is very clear that such entities are spreading and growing steadily, in all spheres of the central government. This pattern of institutional development of HRE is not new. It first appeared during the 1990s and was quite visible in measurements taken for earlier versions of the *HRE Report*. Researchers were intrigued, however, to see clear evidence that growth has continued, with similar or even greater force, and that the countries appear to be correcting the fragmentation that the report noted as a limitation five years ago. This impression of

greater inter-institutional integration may be associated with progress the countries have been making since the mid-1990s to develop national human rights plans.

Table 10
Education documents with HRE content in effect from 2000 to 2007

País	Education plans and documents
Argentina	Plan nacional de los derechos del niño (2001) - Educación en democracia balance y perspectivas (2003) - Por una educación de calidad para todos (2003-2007) - Núcleos de aprendizajes prioritarios (NAP) (2004)
Bolivia	Plan Nacional de Acción para la Promoción y Protección de los Derechos Humanos a mediano y largo plazo - Estrategia de la Educación Boliviana 2004/2015 - Estrategia nacional de derechos humanos - Plan de acción de derechos humanos 2006-2010
Brazil	Plano Nacional de Educação em Direitos Humanos (2006) - Programa Nacional de Direitos Humanos PNDH II - Plano Nacional de Educação 2000/2010
Colombia	Plan Nacional de Educación, Respeto y Práctica de los Derechos Humanos (in progress) - Plan decenal de educación 1996-2005 - La revolución educativa: Plan sectorial 2002-2006 - Plan nacional de acción en derechos humanos
Costa Rica	Plan Nacional de Educación 2002/2006 - Programa Nacional de Formación en Valores 2003 - Plan de acción de la educación para todos 2003-2015 - Plan nacional para la atención y prevención de la violencia intrafamiliar - Política educativa hacia el siglo XXI Programa nacional de formación en valores 2002-2006 - Cross-cutting themes in Costa Rican curriculum 2004
Chile	Objetivos fundamentales y contenidos mínimos - Objetivos fundamentales transversales - Programa de educación intercultural bilingüe - Política de convivencia escolar 2002 - Plan de educación en sexualidad y afectividad 2005 - Progress maps on learning 2007
Dominican Republic	Hacia un Plan nacional de educación en derechos humanos 2004/2008 (preparation incomplete) - Plan estratégico de desarrollo de la educación dominicana 2003/2012 - Plan de desarrollo de la educación dominicana - Plan nacional de derechos humanos - Plan nacional de equidad de género - Foro presidencia por la excelencia de la educación. 2004/2005
Ecuador	Plan de Educación para los Derechos Humanos 2003/2006 - Plan Nacional de Educación para Todos - Plan nacional para la educación de la sexualidad y el amor 2000 - Currículo para la práctica de valores en la educación básica 2002 - Plan decenal de educación 2006 - National campaign for civil education 2006
El Salvador	Plan Nacional de Educación en Derechos Humanos de El Salvador (draft document), March, 2000 (unfinished) - Plan Nacional de Educación 2005/2021
Guatemala	Política Nacional de Educación en Derechos Humanos de COPREDEH (draft) - Plan Nacional de Educación 2004/2007 - New basic curriculum for national use 2005
Mexico	Programa de Educación en Derechos Humanos (April, 2005) - Programa Nacional de Derechos Humanos - Programa Nacional de Educación 2001/2006 - Programa de educación 2000-2006 - Programa nacional de fortalecimiento de la educación especial y la integración educativa - Programa nacional para el desarrollo de los pueblos indígenas 2000-2006
Nicaragua	Plan Nacional de Educación 2001/2015 - Curricular framework 2000 - Education policies 2000 - Curricular framework for elementary and secondary education 2007 - Education policies 2007
Panama	Plan Nacional de Educación para Todos 2004/2005 - Plan decenal de modernización de la educación panameña 1997/2006 - Agenda educativa 2000/2004 - Plan estratégico 2005/2009 - Plan de acción nacional de educación para todos 2005/2015
Paraguay	Plan educacional ñanduti - Programa de educación para todos - Plan nacional de educación inicial 2002-2011 - Plan estratégico de la educación media proyecto de reforma joven (2002-2004) - Plan nacional de educación en valores (2003) - Programa de educación básica bilingüe de jóvenes y adultos del Paraguay
Peru	Plan nacional de derechos humanos - Plan nacional de educación para todos 2005/2015 - Programa nacional de emergencia educativa 2004 - Proyecto educativo nacional al 2021 - Plan estratégico sectorial multianual 2007/2011 sector educación 2007
Uruguay	Information from the Human Rights Department of the Ministry of Education - Presupuesto quinquenal de la Administración nacional de educación pública (ANEP) 2005
Venezuela	Plan Nacional de Derechos Humanos (unfinished) - Plan Nacional de Educación para Todos (document prepared by the technical group of the Plan, Caracas 2003)

Table 11 – Departments of cabinet ministries working for human rights and related issues

Ministry	Section
Education	<p><i>Human rights:</i> Office for the Rights of Children and Adolescents (Costa Rica, 2003) – Human Rights Department of the Ministry of Education and Culture (Uruguay, 2005) – Nacional Coordinator for Human Rights Education (Panama)</p> <p><i>Related issues:</i> Department of Indigenous Education (Costa Rica, 1994) – Gender Equity Office (Costa Rica, 2006) – General Directorate of Intercultural Bilingual Education (Guatemala) – Unit for the coordination of Special Programs for Indigenous Areas (Panama) – Bureau of Women's Affairs (Panama) – Honorary Commission against Racism, Xenophobia and any form of Discrimination (Uruguay, 2004) – Sub-Director of Populations (Colombia, 2006)</p>
Internal Affairs or Government	<p><i>Human rights:</i> National Human Rights Commission (Peru, 1992) – Department for the Promotion and Protection of Human Rights, now the Department for Public Protection (Paraguay, 1996 and 2003, respectively) – National Department of Human Rights (Ecuador, 2000) – Ministerial Human Rights Department (Colombia, 2003) – Government Policy Commission on Human Rights (Mexico) – General Directorate of Human Rights (Venezuela)</p> <p><i>Related issues:</i> Department of Ethnic Affairs (Colombia, 2005) – Nacional Directorate of Indigenous Policy (Panama)</p>
Justice	Secretariat of Human Rights (Argentina) – General Directorate of Human Rights (Paraguay, 1990) – National Human Rights Council (Peru, 1999)
Foreign Affairs	Department of Human Rights (Argentina) – Department of Human Rights and International Humanitarian Law (Colombia, 2004) – Department of Human Rights (Chile, 2001) – General Directorate of Human Rights and Democracy (Mexico) – Office of the State Agent for Human Rights before the Inter-American and International Systems (Venezuela) – Commission for the National Human Rights Plan (Ecuador)
President or Vice President	<p><i>Human rights:</i> National Commission on Human Rights Education (Brazil) – Council for the Defense of Adolescent Rights (Brazil) – Special Secretariat for Human Rights (Brazil) – President's Program for Promotion, Respect and Guarantee of Human Rights and Application of IHL (Colombia, 2003)</p> <p><i>Related issues:</i> National Institute against Discrimination, Xenophobia and Racism (Argentina, 1995) – Special Secretariat for Policies to Promote Racial Equality (Brazil, 2003) – President's Commission for the Prevention and Elimination of All Forms of Racial Discrimination and other Distinctions in the Bolivarian Educational System (Venezuela, 2005) – Special Secretariat on Policies for Women (Brazil) – President's Council on Equity for Women (Colombia, 1995, reformed 2003)</p>
Defense	Section on Human Rights and International Humanitarian Law (Ecuador, 2000) – Department of Legal Affairs, Human Rights and International Humanitarian Law (Paraguay, 2000) – Department of Human Rights and International Affairs (Colombia, 2003) – Military Institute for Human Rights and International Humanitarian Law (Dominican Republic, 2005) – Division of Civil Affairs and Human Rights (Peru)
Other sections	Secretariat for identity and cultural diversity, Ministry of Culture (Brazil) – Directorate of gender and environment of the Ministry of Environment and Energy (Costa Rica, 1999) – Gender equity unit of the Ministry of Labor and Social Security (Costa Rica, 2000) – Directorate of citizenship and women's rights, Ministry of Women (Peru) – Commissioners for women, children and adolescents. National Police. Ministry of Security (Nicaragua) – National council on children and adolescents, Ministry of Social Development (Panama) – National Women's Bureau (Costa Rica, 1998) – National women's service (Chile, 2004) – National children's service (Chile, 2001) – CONADI (Chile) – National Environmental Commission (Chile, 1999) – Women's Secretariat (Paraguay, 1992) – Department of human rights, Office of the Prosecutor General (Paraguay, 1996) – National Children's Secretariat (Paraguay, 2001) – Secretariat of State for Women (Dominican Republic, 1999) – Human rights department of the National Administration of Public Education, ANEP (Uruguay, 2006) – Human rights education commission, ANEP (Uruguay, 2006) – Commission for the promotion of healthy coexistence, exercise of citizenship and prevention of violence in the framework of a culture of respect for human rights, ANEP (Uruguay, 2006) – National Women's Bureau Venezuela)
Note: The name of each entity is followed by the year it was founded, if available.	

Table 12 – Main activities or functions of human rights units in cabinet ministries

Activities or functions	Cabinet Ministries					
	Education	Security or Internal Affairs	Justice	Foreign Affairs	President or Vice President	Defense
Education or training	X	X	X	X		X
Receiving and processing grievances		X	X	X	X	X
Policy design	X	X	X			X
Technical assistance		X	X	X	X	X
Promotion	X	X	X	X	X	X
Research design		X		X	X	X
Historical reparation		X	X			

Another significant question is what activities these offices conduct. The first indicator as to their functions is simply their organizational placement — which cabinet minister they report to. Even that information does not reveal whether they are responsible for educating and training, receiving grievances, designing public policy, lending technical assistance to other government institutions, or something else. Table 12 lists these primary areas of activity, not including tasks assigned to other parallel offices (such as women or ethnic groups).

The table shows only the general trend, as not all human rights entities discharge these same duties. While most of the offices are involved to some extent in human rights training or education, the most active in this area are human rights units of the ministries of defense, followed by ministries of foreign affairs, which teach these subjects in their diplomatic academies.

Significantly, only three countries have human rights offices in the ministries of education. It could be stated, in theory, that the existence of a specialized office or department to lead and coordinate all human rights concerns at the ministry level in a field so critical as education would be an essential development to facilitate coordination, planning and implementation of actions in this field. Lack of such an entity could be seen as a significant flaw.

Clearly, our countries need to adopt integrated, comprehensive strategies for human rights and rights education. This can happen only if units and departments specialized in this field have a mandate to coordinate their activities with those of other government institutions and civil society organizations. The result would be greater success in achieving broad national objectives. In reality, the statutory provisions consulted for this report do not appear to take this stance. In only two cases were agencies required to work jointly with some other institution.

Information consulted for the study also revealed a valuable trend toward creating government HRE programs. The States develop mandates to create specialized departments for human rights and other comparable areas, and specialized programs emerge naturally as the new units work to meet their established objectives.

Researchers for this report specifically identified at least two programs specialized in promoting HRE. One is located in the Ministry of Education of Panama, and the other reports directly to the President of the Republic of Colombia. Their main objectives are summarized in the following table.

Mandate of human rights offices to work in coordination with other government and nongovernmental entities

COLOMBIA: Human Rights Department Ministry of Security and Justice	
9. Working in conjunction with the President's Program to Promote, Respect and Guarantee Human Rights, and abiding by the terms of International Humanitarian law, develop coordination of activities with national and international nongovernmental organizations to achieve greater effectiveness in the protection of human rights within the Human Rights Information System.	
PARAGUAY: Department of Public Protection, Ministry of Defense	
Art. 2.- The Department for the Promotion and Protection of Human Rights shall coordinate its activities with allied organizations and institutions, both governmental and nongovernmental, whether domestic or international	

Specialized programs that promote HRE

PANAMA: Human Rights Education Program Ministry of Education	
Objective: to promote human rights learning and practice in the educational system in the framework of the Ministry's Strategic Plan.	
COLOMBIA: Project for a Culture of Human Rights President of the Republic	
Objective: To promote institutional and social practices that will contribute to the exercise of and respect for human rights and foster a renewed sense of human rights in word and in social practice.	

The research also identified other specialized programs that offer education and outreach on ethnic diversity and gender equity. They serve a number of goals such as designing educational policies with native peoples, developing materials in indigenous languages and providing more opportunities for access to high-quality education. They promote the development of curriculum slots that promote an appreciation for diversity, tolerance and respect for differences, and encourage all means of educating without discrimination. These programs are listed below.

Promotional and educational programs on ethnic diversity

National program for bilingual intercultural education, Ministry of Education (Argentina)
Curriculum guidelines for the Course on Afro-Colombian Studies, Ministry of Education (Colombia)

Promotional and educational programs on gender equity

Program on Gender and Diversity in the Schools, Ministry of Education (Brazil)
National Program on Gender Equity, National Women's Bureau (Nicaragua)
National Program on Equal Opportunity and Results for Women in Education, Women's Secretariat, Ministry of Education (Paraguay)
Comprehensive Gender Action Plan 2006-2010 (Suriname)

A new research domain

Student government: a place to learn and practice rights

Legislation on student government

The first indicator for this domain is the existence of a student government program in education laws or provisions, whether experimental or established. Student government is a particular means of organizing the student body, characterized by the qualities outlined above in Section II. In order to identify it as accurately as possible, researchers recorded all forms of student organization set forth in official statutory provisions governing primary and secondary education in the countries of the region in 1990, 2000 and 2007 (see Table 13). Each type of organization was then analyzed, and the different defining characteristics were compared and placed on a summary table to reflect changes occurring over time (see Table 14).

This complete record of clearly identified types of student organizations clearly reveals how dynamic the development of a legal corpus has been over the past two decades. Since 1990, many and highly diverse changes have been made in laws, regulations, orders and ministerial guidelines in the 17 countries from which data were taken.

The purpose of this report is not to engage in an in-depth analysis of the types of changes that have occurred. Nevertheless, the fact that they have been so numerous and have taken place over a relatively brief period, by comparison with the usual slow pace of educational change, combined with the consistency of findings throughout the region, suggests a profound transformation in society's perceptions of this subject. It would appear that the educational system is moving to understand this transformation and adapt to it gradually. The content of regulatory changes seems to confirm this. Each individual change alters the prior state of affairs in the national educational system, moving toward slightly greater recognition of student participation in school life (whether making it more explicit, more organic, or more decisive). Seen as a whole,

Table 13
Student organizations established in national educational systems,
by name and statutory origin

Country	1990	2000	2007
Argentina	<p>Student associations (secondary). Ministerial rulings 315 and 729, MECyT, 1984.</p>	<p>Student centers, associations, clubs or other community organizations Federal Education Act, Art. 42 and 43, 1993. Urges schools to create “opportunities for reflection and active participation” and peer organizations (classroom, class or school councils) “Basic guidelines for the development of standards of coexistence in schools,” Ruling 62/97, Federal Education Council, August 1997.</p>	<p>Student centers, associations, clubs or other community organizations National Education Act 20.206, Art. 126, 2006. Student Centers and Youth Activity Centers (CAJ) with participation on School Management Boards. Lines of action: Strengthening institutional leadership and processes of change in the proposed school program for the third cycle of elementary school and Polymodal education,” National Directorate of Curriculum Management and Teacher Training. MECyT, 2005. National School Mediation Program (inter-peer mediation). National Education Act 26.206 and ministry program, 2006. School Living Program (participation in participatory development of disciplinary rules in the school). National Education Act 26.206 and ministry program, 2006.</p>
Bolivia	<p>Student organizations (secondary) Bolivian Code of Education, Art. 260 and 261, Ministry of Education and Fine Arts, 1955.</p>	<p>Student organizations and associations (secondary and above). Law 1565 of the Education Reform, Art. 6, 1994 and Regulations on grass-roots organizations, Decree law 23.049, Art. 23 and 46, 1995.</p>	<p>Student organizations and associations Law 1565 of the Education Reform, Art. 6, 1994; Regulations on grass-roots organizations, Decree law 23.049, Art. 23 and 46, 1995. Curriculum design for primary education, Ministry of Education, March 2003, and Implementing Regulations of Law 2026 of the Children’s Code, D.S. 27.443, Art. 44, 2004.</p>
Brazil	<p>Student organizations: Student Union (secondary schools) Law 7398, November 1985 and Law 8069 – Children’s Code, Art. 53, sub-p. IV, July 1990. School Council (teachers, staff, parents, students) Supplementary Law 444, December, 1985</p>	<p>Student Union: Councils for each Class and Series Law 7398, November 1995; Law 8069 – Children’s Code, Art. 53, sub-p. IV, July 1990 and Law 9394, December 1996</p>	
Chile	<p>Student centers (middle schools) Regulations on Student Centers, Decree 524, Ministry of Public Education, 1990.</p>		<p>Student centers (middle schools and upper division elementary) Regulations on Student Centers, Decree 524, Ministry of Public Education, 1990, amended in Decree 50, Ministry of Education, June 21, 2006.</p>
Colombia	n/a	<p>Student liaisons and School Government (includes all levels of the educational community) Constitution, Art. 41 and 68, 1991; Education Act 115, Art. 93, 94, 142 ff., February 1994; Decree 1860 regulating Title 115, Art. 18, 1994.</p>	<p>School Government (includes all levels of the educational community) Constitution, Art. 41 and 68, 1991; Education Act 115, Art. 93, 94, 142 ff., February 1994; Decree 1860 regulating Title 115, Art. 18, 1994, and Judgment C-866/2001 of the Constitutional Court on “Constitutional review of sections of articles 87 and 93 of Title 115, 1994”</p>
Costa Rica	<p>Student Community “Regulations for the Student Community,” Executive Order 4800-E, 1975. Student Government Executive Order 14.268, 1983; Executive Order 16638-MEP, 1985</p>	<p>Student Government Executive Order 22092-MEP, March 26, 1993 (Official Gazette April 28, 1993)</p>	<p>Student Government “Regulations for the Student Community,” Executive Order 30.329-MEP (Official Gazette April 25, 2002) and “Student Electoral Code,” Executive Order 30.225-MEP (Official Gazette March 27, 2002).</p>

Table 13
Student organizations established in national educational systems,
by name and statutory origin

Dominican Republic	n/a	School clubs Order 5, Art. IV and V, 1991. School cooperatives N/a on originating provisions and date. Student Council, Class Councils and Working Committees. Department Order 5, Art. 7, 1997.	
Ecuador	No references found.	No references found.	Student governments Ministerial Agreement 4822, December 2002. Student, cultural, sports, labor and community associations Code on Children and Adolescents, Code, Ch. V: Rights of participation Art. 63, 2003.
El Salvador	School boards of directors (to manage schools; include student participation) n/a on originating regulatory provisions.	School boards of directors and student councils General Education Act, Art. 67 and 90, 1996; General Guidelines for the Ten-year Plan, 1995-2005, and document "School Board of Directors," MINED, 1996. Grade-level or student government. Methodological guides for civics education, 1996.	School boards of directors and student councils General Education Act, Art. 67 and 90, 1996, and National Education Program 2021, Progress Report 2005-2007. Certain setbacks were found in promoting grade-level or student governments in plans and programs for 2000-2007.
Guatemala	No references found.	School government (Experimental pilot project for 16 schools in Guatemala City) Project "Our school government," General Directorate, Metropolitan District, Ministry of Education, 1994-95.	School government (in all schools of the country and at all levels) Ministerial Agreement 1745, December 2000.
Mexico	No references found.	General reference: "... mechanisms for democratic participation [shall be provided] in all school activities " Law for protection of the rights of children, 2000.	
Nicaragua	n/a	Student government Ministerial Ruling May 18, 1992 (secondary schools) and General Regulations for Primary and Secondary Education, December 1993 (extended to primary).	Student government Law on Participation in Education, No. 413, Art. 5, 2002 and Regulations on the Law for Participation in Education, Presidential Order 46, Art. 6, 34 and 35, 2002.
Panama	n/a	Student government Basic Education Project MEDUCA-World Bank, Sub-component on Multi-grade Teacher Training for a New School in the 21st Century, Unit 2, Stage I: 1997-2000.	Student government Basic Education Project MEDUCA-World Bank. Sub-component on Educational Materials for the ENEA Program, Stage II: 2001-2008.
Paraguay	General reference to freedom of expression and association for children Law 57/90, approving and ratifying the Convention on the Rights of the Child, 1990.	Student organizations (primary and secondary schools) General Education Act 1264, Art. 127 and 128, 1998.	Student organizations (primary and secondary schools) General Education Act 1264, Art. 127 and 128, 1998. Program: Active School – School Government Ministry of Education and Culture, UNICEF, 2001.
Perú	Committee of participants R.D. 1711-87-ED, 1987	School Districts Agreement Ministry of Education-Rádda Bamen, R.M. 652-99-ED, 1999	School Districts Education Act 28.044 Art. 53, and Deputy Ministerial Ruling 0019, ED, 2007. School ombudsman for children (DESNAS) Order 002, VMGP/DITOE, 2006.

Table 13
Student organizations established in national educational systems,
by name and statutory origin

Uruguay	No record.	No record.	<p>General reference to freedom of association and assembly.</p> <p>“Student Rules for Secondary Education,” Ruling No. 2, Record No. 47 of the Central Administrative Board of ANEP, 2005.</p> <p>This point is on the discussion agenda for a new education act.</p>
Venezuela	<p>Educational community (teachers, parents, students)</p> <p>Student organization (7th grade, and academic and vocational secondary schools)</p> <p>Basic Education Act, Art. 73 ff., 1980; Implementing Regulations of the Education Act, Art. 172 ff., and Ruling 751, Art. 37 ff., November 10, 1986.</p>		<p>Educational community (teachers, parents, students)</p> <p>Student organization (7th grade, and academic and vocational secondary schools)</p> <p>Basic Education Act, Art. 73 ff., 1980; Implementing Regulations of the Education Act, Art. 172 ff., and Ruling 751, Art. 37 ff., November 10, 1986.</p> <p>Project on Bolivarian High Schools and the National Liaison Council: Bolivarian Student Organization (secondary education)</p> <p>n/a on originating provisions, approx. November 2005.</p>

these changes in formal education in our region tend to embody the substantive transformation of the legal and social perspective of childhood engendered by the *International Convention on the Rights of the Child*. In the words of Emilio García Méndez, the change marks a progression “from minors to citizens.”⁸

The turning point in the process of regulatory change involving student participation seems to have occurred somewhere between 1990 and the years immediately following. It was in 1990 that most of the countries in our study ratified the Convention (see Table 4, Column 1), and in September of that year, the Convention received the minimum required number of ratifications to become internationally binding. Its influence on the States began to be felt at that time.

According to available information, in 1990 only eight countries legislated or regulated some form of student organization; all of them were limited to secondary schools and, depending on the jurisdiction of the ministries of education, tertiary institutions. Most of these provisions for student organizations had been in existence for only a short time, having arisen from legal changes in the late 1980s. The two striking exceptions were Bolivia, which had established them as early as 1955, and Costa Rica, in 1975.

Over 70% of the provisions make only generic reference to student organizations, with little regulatory development. The texts simply mention them, without offering greater detail on their purposes, functions or opportunities for participation. They could be rated as “pre-Convention organizations” because they do not reflect the spirit or innovative principles that the Convention espouses when it recognizes the rights of children to associate, to express themselves and to be heard in all matters concerning them. The two exceptions, organizations recognized by the educational systems of Brazil and Costa Rica, hold out express potential for participation in decision-making bodies of the school.

⁸ Emilio García Méndez, “De menores a ciudadanos: política social para la infancia bajo la doctrina de protección integral,” *Revista Espacios*. San Jose, Costa Rica. No. 10, 1997.

The Convention quickly made itself felt in the region. During the 1990s, nearly all the countries undertook successive processes of regulatory change. The transformations continued to appear after the new century began, with ever-greater frequency and depth. By 2000, 16 countries had recognized diverse forms of student organization, and of these, at least six stipulated a clearly defined organizational framework, offered possibilities for participation in decision-making and extended coverage throughout the schools of the system. In most cases, the new structures clearly qualified as true “student government.” Indeed, over half the countries have adopted specific rubrics including “student government, unions or councils,” replacing the more generic terms typical of the past, such as “student associations, centers, clubs and organizations.”

By 2000, other countries had begun to recognize more or less well-developed student organizations with at least some participation in decision-making. For the most part, though, these were pilot experiments of a limited nature (Guatemala and Panama), or mere suggestions proffered by national authorities to educational establishments, which were free to implement them or not according to their own best judgment (Argentina). The latter case, reflecting the principle of educational decentralization and the autonomous nature of schools, is not amenable to adopting student participation as a national state policy, but rather as a suggestion to the schools.

Major conceptual progress was also made during this period. The concept of the “educational community” came into use, embracing all stakeholders in the process of education — teachers, school authorities and administration, parents, students and alumni — along with their representative organizations. Even so, official stipulations did not always define clearly what these organizations were or how they should be involved in education.

By 2007, of the same 16 countries that at the beginning of the decade had recognized different types of student organizations, at least nine now explicitly ordered “student government” nationwide. Other observable changes in regulatory provisions also merit special notice, as they mark undeniable progress:

- explicit recognition of student participation in *making educational decisions*, such as developing school programs and choosing extracurricular activities (Argentina);
- adding student representatives to other school organizations made up of a broader group of stakeholders — the educational community — and even holding decision-making functions (*School management boards* in Argentina and *Institutional School Government* in Colombia);
- creation of more opportunities for recognized student participation, albeit with varying types of objectives and membership, to address current problems of student life such as exclusion, discrimination, conflicts inside and among the different levels of education, and domestic, school and community violence (*National School Mediation Program* and *School Living Program* in Argentina; *Student liaisons* in Colombia and *School ombudsman for children* in Peru), and
- ensuring true gender representation in student government by requiring at least 40% female representation in electoral positions (*Regulations for the student community* in Costa Rica).

Although these examples have not spread throughout the region, they are considered significant for the purposes of this report because they demonstrate the degree to which educational systems have embraced the notion of children as full rights holders (especially of the right to

Table 14
Recognition of student organizations
in national education laws

Country	Date of ratification CRC* Month/year	Through 1990		Through 2000		Through 2007	
		Student organization	Date of law/s	Student organization	Date of law/s	Student organization	Date of law/s
Argentina	12/90	√	1984	√	1993 - 97	√√	2006
Bolivia	6/90	√	1955	√	1995	√√	1994-95-03-04
Brazil	10/90	√√	1985-90	√√	1996	√√	1996
Chile	8/90	√	1990	√	1990	√√	1990-2006
Colombia	1/91	sd	Sd	√√	1991-94	√√	1991-94-01
Costa Rica	8/90	√√	1975-85	√√	1993	√√	2002
Dom. Rep.	6/91	--	--	√√	1991-99	√√	1999
Ecuador	3/90	sd	Sd	√	1998	√	2002-2003
El Salvador	7/90	√	Sd	√√	1996	√	2005-07
Guatemala	6/90	---	--	√	1994	√√	2000
Haiti	6/95	sd	Sd	Sd	sd	Sd	sd
Mexico	9/90	----	----	√	2000	√	2000
Nicaragua	10/90	sd	Sd	√√	1992-93	√√	2002
Panama	12/90	sd	Sd	√	1997	√	2001
Paraguay	9/90	---	---	√	1998	√√	1998-2001
Peru	9/90	√	1987	√	1999	√√	2003-06-07
Suriname	3/93	sd	Sd	Sd	sd	Sd	sd
Uruguay	11/90	---	---	---	---	---	---
Venezuela	9/90	√	1980-86	√	1980-86	√√	2005

(*) UN Convention on the Rights of the Child (1989)

Notes:

-- No explicit type of student organization was identified.

√ Legal guidelines recognize a generic or incipient form of student organization.

√√ Legal guidelines recognize one or more specific, more fully developed forms of student organization.

n/a No data available.

participation). More and more, schools have begun to design innovative educational policies for real-life exercise of this principle in primary and secondary schools. Furthermore, these new educational policies in the schools unquestionably open the way to other opportunities holding great potential for human rights education, both for students and for other members of the educational community. If education authorities in the countries understand the full implications, they will actively foster such programs. Good examples will continue to multiply as they spread throughout other countries of the region.

In short, data provided with the use of this indicator since 1990 show steady, clearly defined, unwavering progress toward (i) recognizing the right of students to participate in school life; (ii) setting up peer groups of student representatives at various levels in the school (classroom, grade level and institution-wide); (iii) introducing more opportunities for student deliberation and decision-making in the schools, and (iv) coordinating interactions between student representatives and representatives of other sectors of the educational community. Even though the countries are transforming their regulatory provisions in this area, albeit at differing rates and introducing their own peculiar variations, they demonstrate overall shared progress, all of which suggests that they will continue to advance in the same direction in coming years.

Student government, human rights and democracy

A second indicator under this new domain was to determine whether, in justifying the creation or change of student government programs, educational regulatory provisions made mention of HRE principles or content.

Available information proved to be abundant but quite variable from one country to another. Some countries have extensive, detailed provisions, while others have only the sparest of guidelines. Some lack justification altogether, merely giving the orders and leaving the specifics to lower levels, based on principles of school autonomy (as in Brazil). The only undeniable conclusion is that the overall response to this indicator is clearly affirmative, and especially emphatic in more recent legal texts.

As part of a very clear trend, more and more directives now invoke HRE principles when expanding and deepening their justifications and explanations for student government. The 1990 laws did mention HRE, but generally limited to a few phrases about strengthening general democratic values and practices. By 2000, texts had become more lengthy and specific, emphasizing participation by children and the learning of rights and duties. Provisions in effect in 2007 offer much more detailed justifications: they delve into the underlying principles and content of human rights and democracy; they uphold these principles in explicit compliance with national or international legislation (*Constitution, General Education Act* and human rights instruments); they explain the necessary attributes of student government and specifically enumerate its educational objectives.

Justification and grounds for student organizations: Regulations in effect in 1990

BOLIVIA.- Bolivian Code of Education (1955)

Chapter XXXIII, Students:

Art.260.- Students shall have the following rights:

10) To enjoy all the merits of school life, organization and environment, as training for the full exercise of citizenship.

(11) To form their own student organizations.

Art. 261.- Students in secondary schools and vocational training facilities may elect two delegates to the Faculty Councils.

COSTA RICA – Executive Order No. 14268 (1983)

Article 55:

f) To strengthen the basis of democratic, social, , cultural, artistic, athletic and recreational values in close association with the departments or counselors responsible for these fields...

Of the three broad components of HRE content — *knowledge, values and attitudes and skills* — the explicit basis of justification found in the regulations at these three different points in time focus most on *values and attitudes*, especially participation, dignity, responsibility, pluralism, equality and freedom from discrimination, solidarity, justice, peace, coexistence and cooperation, dialogue and respect. References to human rights skills are considerably more common in texts that had gone into effect by 2007. This could be reflecting the influence of the new trend known as “skills education,” currently spreading through Latin America, that encourages educational authorities and experts to express learning objectives in terms of action skills that students should develop. Very little reference is made, however, to content involving *knowledge* or *information* related directly to human rights and democracy, quite possibly because this type of content is reserved for the explicit curriculum.

In short, it is encouraging to find that over the past two decades, student government has become much more widely recognized. More than ever before, the justification for student government is now articulated more explicitly and forcefully on the basis of principles and content of human rights and democracy.

Institutional development: who is responsible at the national and local levels

Transforming rights into reality requires, as a critical, necessary step, that they be formally recognized, just as any initiative for social transformation must be legislated if it is to prosper. This alone, however, is never enough, especially in the complex field of formal education. National education authorities may well order some change in the system, but much needs to be done before these changes begin to take concrete shape in the local settings where teaching and learning take place every day: in the schools.

How did the educational systems in this region anticipate closing this gap in the case of student government? To answer this question, researchers examined the institutional resources that ministries of education created to help the schools implement legally mandated student organizations. In constructing these indicators, they took into account two types of resources, both of them indispensable: personnel resources, at both the national level (authorities in the ministries) and the local level (authorities in each school), and financial resources.

At the national level, they inquired whether the ministries of education had some concrete mechanism available within the organizational structure (a section, unit or office) explicitly responsible for implementing and developing the student government program, whether in the central offices of the ministry or in local branch offices.

Information obtained for this indicator, as for the following two indicators, was uneven over the course of the reference period (1990-2007). The most complete and specific information from each country and for the countries as a group was the most current. For both 1990 and 2000, information was harder to find, inconsistent and approximate. The difference in quantity and quality of information collected may reflect the same types of difficulties already encountered in earlier years by this report, when seeking access to administrative records from past years. Unquestionably, it also reflects the changing degree of interest and institutional formality that the topic of student participation has gained in today's educational systems.

The results show that of the 16 countries that currently have more- or less-developed student government programs, as found in discussion of the first indicator, at least 12 have assigned the function of organizing, promoting and supporting student government to a particular entity within the educational system. These entities can be found at different administrative levels of the system, covering different geographical jurisdictions from one case to another. In eight countries, it is a nationwide entity.⁹ In one country, each of the different geographical divisions (departments) has its own.¹⁰ In three countries, it is a local entity inside each school.¹¹ In the other four countries, available information did not clearly respond to this indicator.¹²

9 Argentina, Costa Rica, Chile, Ecuador, Panama, Peru, Dominican Republic and Venezuela. In Argentina, the responsibility is currently shared by the Federal Council of Education (national level) and provincial jurisdictions for specific programs.

10 Nicaragua.

11 Brazil, Colombia and Guatemala.

12 Bolivia, El Salvador, Paraguay and Mexico. In Bolivia, researchers found information on an experience with student government as a local initiative in the Department of Santa Cruz, but it has not spread to the rest of the country.

Justification and grounds for student organizations: Regulations in effect in 2002

GUATEMALA.- Ministerial Agreement No.1745 – Ministry of Education (2000)

Whereas:

It is necessary to develop citizens with a critical awareness of Guatemalan reality and its particular historical process so that, internalizing it, they can participate effectively and responsibly in finding economic, social, political, human and just solutions;

Education should train and lead students to do their part to strengthen true democracy through the citizen exercise of electing and being elected, participating actively in discussing and solving local problems, (...)

Agrees

Art. 1. Establishment. School Governments are hereby created in all public schools, starting with preschool and including primary and secondary education.

Art. 2. Objectives of School Government:

(a) Contribute to civic and democratic training of students.

(—) Promote participation and shared life in democracy.

(c) Contribute to developing and strengthening self-esteem and leadership.

(d) Foster the exercise of rights and duties.

(e) Promote self-management.

(f) Develop in students the practice of a discipline based on aware, internalized attitudes, rather than external pressure. (...)

(i) Strengthen gender equality and self-learning.

(j) Promote solidarity.

COSTA RICA - Regulations for the Student Community. Ministerial Order No. 30329-MEP (2002)

Whereas:

2. In keeping with article 2 of the Charter of Education, it is the purpose of education in Costa Rica to develop citizens who love their country, understand their duties, rights and fundamental freedoms, and hold a deep sense of responsibility and respect for human dignity.

3. In keeping with article 13 of the International Covenant on Economic, Social and Cultural Rights, enacted under Title 4229 on December 11, 1966, education should be oriented toward the full development of the human personality and a sense of human dignity, and should strengthen respect for human rights and fundamental freedoms. Moreover, education should train all individuals to play an effective role in a free society and encourage understanding, tolerance and friendship among nations and among all racial, ethnic or religious groups.

4. The student community, made up of all students in the schools, built on real-life experience with democratic principles, is an effective means of achieving these goals and attaining authentic democratic life in the schools.

5. The student community should incorporate and practice the purposes and values of democracy and encourage democratic training for future citizens...

Art. 2.

Foster respect for human dignity, honoring the duties and rights of students as individuals and active members of a democratic community...

Provide students with active practice of democratic life so they can learn to value it as a way of life and a political system...

Encourage students to participate in making decisions about learning processes, seeking equal educational opportunity based on gender equity and a better quality of life for individuals and the community.

Art. 3.

a. Contribute to strengthening democratic processes in the schools to engender a climate of freedom where justice, equal opportunity, gender equality, responsibility, participation, human solidarity and peace can be exercised.

— . Promote the values of free suffrage, respect for human dignity, equality before the law, freedom of expression and other fundamental rights that characterize our democratic system.

c. Promote democratic relationships of equality, mutual respect, tolerance, and constant dialogue between the student population and teachers.

d. Ensure that learning opportunities take place in a framework of respect for individual and cultural differences among students...

ECUADOR – Ministerial Agreement No. 4822 – Ministry of Education and Culture (2002)

Create "Student Governments" within the basic formal educational system, as structures that will allow young people to exercise their rights, express their opinions, offer their proposals and settle their conflicts by creating a new form of civic and educational organization, based on active participation by all students, the exercise of which will educate them as citizens.

Student governments are conceived as a place where young people can participate; they contribute to civic education for children in the exercise of their citizenship and of their rights and responsibilities.

Student government activities call for dialogue, mediation and reconciliation to settle conflicts and disagreements, both among children and between children and adults. They therefore serve as an opportunity for continuous learning about democracy.

When the student government program is run by the national ministry of education, it is generally assigned to a section that holds a number of other parallel responsibilities as well. These are units or sections within divisions or departments generally associated with issues of student life and student welfare, communal or community services and projects, extracurricular activities and crosscutting issues.

Researchers also observed structures at the local level and found that generally the ministries of education adopted a particular regulation or general guideline assigning specific responsibility for implementing student government strategies and activities in each school. The

results show that to date, 11 of the 16 countries that recognize some form of student government have now defined this point in quite specific detail, generally as part of the laws, regulations or ministerial provisions by which recognition was first granted.¹³ In the remaining countries, either data were not available, or it proved impossible to isolate specific information that would shed light on this indicator.

In the 11 educational systems that assign local responsibilities for promoting student government in the schools, two trends clearly emerged: legislative centralization vs. decentralization. Some systems preferred to establish highly detailed national-level provisions, assigning responsibilities and describing specific tasks, procedures, requirements, timetables and other conditions to be upheld in performing this function, with greater or lesser degrees of flexibility (such as Costa Rica and Chile). By contrast, other systems left it up to each school to develop its own regulations or procedural manuals (such as Brazil and Colombia).

In most cases, the school principal is responsible for promoting the organization of student government. A team of teachers is assigned to support the program, selected according to (i) disciplinary specialty (civics or social sciences), (ii) positions held (guidance counselors or educational advisors), or (iii) an internal selection process. In some cases this team of teachers may receive assistance from parents or community members.

Costa Rica has a different sort of model, where the students themselves are responsible for implementing student government through a *Student Board of Elections* whose duties are outlined in a highly detailed *Student Electoral Code*. This board receives support from a group of teachers, generally including social studies teachers who receive direct guidance from the *Office of Student Community Service and Student Government* in the Ministry of Public Education. Under this model, the school principal has no role in these activities.

Economic resources

A third indicator of institutional development asks whether the ministry of education has allocated some fund or specific resources for implementing student government in the schools. It was felt significant to find out if educational systems in the region had allocated financial resources to support student government experiences, or had at least made some provision for managing them. Ultimately, a financial commitment is far more compelling than fine rhetoric, as evidence of real political will.

At other levels of the educational system, it is difficult to break down the figures into measurable indications of economic support for specific HRE policy (an example is curriculum design, which is an integral whole). However, researchers felt that such a breakdown would be more feasible in the particular case of student government, which is a specific, clearly delimited extracurricular program that needs to be implemented school by school. To our chagrin, of all the information gathered for the matrix of indicators, this was the least abundant, and it was not clear whether the lack of data reflected the fact that there was no data, or that it was simply difficult to isolate. Therefore, little or nothing could be inferred.

Researchers explored this indicator in the 16 countries that currently recognize student government. In 10 they either found no data, or could identify no references responding to the

¹³ Brazil, Colombia, Costa Rica, Chile, Ecuador, Guatemala, Nicaragua, Panama, Peru, Dominican Republic and Venezuela.

indicator. (Curiously, this is the inverse of the result obtained from inquiries about human resources at the national and local levels.) High-level education authorities may have assumed that organizing student government is part of the normal work of a permanent organization, such as a school, and therefore requires no special financial resources (although they seem not to make the same assumption about human resources). This seems to contradict the fact that the guidelines contained in current regulatory provisions call for a number of actions that cost money: travel, meetings for the promotion of student government, organization and advisory assistance for implementation, training events and supplies, election campaigns and processes, and more.

The six countries that do provide financial support for student government take a variety of approaches:

- a specific line item is included in the national education budget (Chile and Nicaragua),
- economic contributions are available from other entities associated with education, such as the *Parents Association*, or the *School Board* (Costa Rica),
- the schools are expected to make their own decisions on allocating resources because they hold autonomy for formulating, adopting and implementing their “institutional educational program” (Colombia),
- resources are available from particular projects for certain activities (Panama), or
- students, parents and teachers hold self-managed fund raising activities (Panama and Dominican Republic).

Section IV

Conclusions

The right to education in national constitutions and education laws

This report assumes that the right to education is the essential condition and context by which human rights education (HRE) becomes possible. Based on this assumption, researchers examined the national constitutions of the 19 countries in the study to determine whether and how the highest law in the land defines this right, provides for State financing to implement it and makes it obligatory.

The resulting information suggests that all the constitutions in the countries of the region establish the right of citizens to receive an education, the obligation of the State to provide it as a public service and the power of the State to regulate it, although in some cases, the language used is less than explicit or precise. The constitutions in all 19 signatory States to the Protocol of San Salvador make reference to education; 16 (84.2%) call for education as an express right, while of the remaining three (15.8%), one talks about “freedom of instruction” (Dominican Republic), and two allude to education in general without visualizing it as a specific right or freedom (Costa Rica and Peru).

The second question is whether the constitutional texts stipulate a specific percentage or some other mandatory budgetary allocation to support the effective right to education. Only seven countries (less than 40%) have established such safeguards to finance public education, and two of these do so only for university education. Clearly, the mere fact that education appears in the text of the constitution does not necessarily mean that it is being applied in practice. Considering that most of the references found stem from fairly recent constitutional reforms, barely dating back to the late the 1990s, it is possible that some are still unmet goals.

All the constitutions do make education compulsory for a clearly defined number of years, ranging from six years in some countries (elementary education) to a maximum of 13 in others (preschool, elementary school and secondary school). A trend began gathering force from 2000 to 2007 to extend the length of obligatory education. Four countries have already raised it by one to four years – Argentina, Brazil, Chile and Mexico.

Compulsory education was traditionally limited to elementary school, and this continues to be true in some countries. The observed expansion in the number of years of compulsory education took one of two different forms, separately or in combination: (i) by raising the upper limit, extending it from the end of elementary school to include some or all grade levels of secondary school (Argentina and Chile), or (ii) by lowering the bottom limit to include one or more years of schooling prior to entering the elementary grades, variously known as preschool, nursery school or kindergarten (Brazil and Mexico).

The extension of compulsory education marks progress in achieving the right to education. However, it should be approached cautiously, making reservations to keep its true scope in perspective. (i) Some of the countries studied still need further legal work to clarify and regulate the simple, often unadorned proclamations of compulsory education, and to harmonize the sometimes disparate mandates still on the books that establish varying periods of compulsory education. (ii) An important question to ask is whether a parallel body of laws has developed concerning the principle of free education, because without State funding, the compulsory nature

of education can be nothing more than a statement of good intentions. (iii) Looking beyond the letter of the law, it is worth asking how much education actually costs families in each country. The real burden families must bear when they send their children to school (direct, indirect and opportunity costs) can pose a serious threat to the effective exercise of obligatory education.

Researchers also studied whether, and how, national education laws make compulsory education accessible and adaptable for all children in the country. Laws favoring access include any provisions designed to prevent the use of discriminatory criteria prohibited under article 3 of the Protocol of San Salvador to exclude any child from the educational system. This study paid particular attention to exclusions based on economic status or poverty, and any form of disability. Provisions to facilitate adaptation include measures that extend education to those who are unable to attend school (working children, incarcerated children and pregnant girls).

Most of the countries introduced partial reform of their education laws during the period from 2000 to 2007. Argentina, Nicaragua and Peru went further, undertaking comprehensive reform processes and enacting entirely new education bills. The analysis showed that all current education laws include provisions on access, although the scope of these provisions is variable. The briefest are limited to scholarship programs only, while others extend a greater diversity of measures to encourage access, more all-encompassing and better coordinated. It is the more recent comprehensive reforms that mark the most significant progress in both access and adaptation, finding ways to open the doors of education and adapt schooling to meet the needs of the most vulnerable groups. These more recent provisions explicitly and broadly incorporate the perspectives of equality and inclusion, reflecting a concern to overcome historically based situations that constrained a variety of social groups from exercising their right to education.

The right to HRE in constitutions and education laws

Since this series of studies began in 2002, the review of human rights education (HRE) has measured progress by the States to *ratify the body of treaties adopted in the framework of the universal and Inter-American systems*. Researchers have interpreted this progress as an indicator of political will by the States to recognize human rights and shoulder their international commitments.

At least 11 human rights instruments make specific reference to HRE and offer certain guidelines and proposed minimum objectives. The IIHR studies of 19 States in the inter-American region have found that the process of ratification is progressing steadily. In 1990, when only eight instruments had been adopted, 57% of the States in the region had ratified them. By 2002, 73.8% of the States had ratified the by-then 10 instruments, and by 2007, with 11 instruments signed, ratification had achieved 89% coverage. One hundred percent of the countries in the study had ratified three of these instruments: two on the rights of women and one on the rights of children.

Another indicator of interest is whether the countries *reflect the HRE provisions espoused in their constitutions when defining the functions, characteristics and basic goals of education*. The *First HRE Report* (2002) showed that from 1990 through 2002, the 19 countries studied significantly increased references to HRE principles or content in their constitutions, whether explicitly or implicitly. In 1990, 13 of the constitutions contained such references, although less than one third of these made explicit mention of human rights education. In 2002, 15 consti-

tutional texts expressed HRE-related principles or content, and a little over 50% made explicit mention. In reforms subsequent to 2002, only the constitutions in Chile and Mexico underwent reforms regarding education. Of these two, the most significant change involving HRE was an amendment of the Mexican Constitution to raise educational levels among the indigenous population and to favor bilingual and intercultural education.

Clearly, then, recent decades have seen a quantitative increase in explicit and implicit references to HRE in national constitutions. At the same time, the constitutional texts have been deepening their concept of education, enriching both its meaning and its individual and social purpose. Education is now being defined in ways that are increasingly multidimensional and including broader purposes and more content, all of it complementary.

As in the case of constitutions, from 1990 through 2002 the countries *added considerably more HRE principles and content to their national education laws*. This trend marked the continuation and expansion of a movement that had begun in prior decades with the so-called education reform processes, dating back to the late 1970s in some countries and the 1980s in others. Most countries began to move after 1990, continuing into the early years of the 2000s. As part of these education reform processes, HRE principles and content are increasingly taking their place in the national laws in our region. These are the same principles and content that had begun to evolve as international agreements in human rights instruments since the postwar years.

Today the broad outlines of HRE can be seen in the education laws of all the countries. The texts differ in terminology and the depth to which certain concepts are developed; but without exception, the education laws recognize education as a right whose coverage should reach the entire population on an equal footing, with equal opportunity and without discrimination. They outline the essential guiding values of the educational system, emphasizing tolerance, justice, peace, equality and solidarity, and they introduce knowledge of human rights and principles of democracy as content in formal education programs. The wording does not always make fully explicit reference to “rights education,” sometimes using comparable concepts such as values education, teaching coexistence or social peace, or citizen development. Because of this alternative word choice, the expression of principles tends to be less clear and resounding than otherwise.

Researchers also examined the inclusion of *references to HRE in other laws of the national legal system*, outside the field of education. Such references reflect the State’s commitment to impart these concepts to social and political stakeholders outside the regular educational system, thus widening the spectrum of beneficiaries to include ministry staff in general, electoral and judicial officials, security forces, members of ombudsman offices, political party members, and the like. The current 2000-2007 measurement tends to confirm the trend observed in the 2002 study, that HRE principles and content are becoming increasingly common in new laws adopted over the first seven years of this century – including laws on children, migrants, domestic violence, equal opportunities, indigenous affairs, security, police affairs and foreign relations. Even though researchers combed through many volumes of laws, it should be understood that the study did not cover every law in every country, and therefore resulting data are merely indicative and not definitive.

Legislative and institutional development of HRE in other education documents, national plans, departments and specialized government programs

The goal of the study in 2005 (for the *Fourth HRE Report*) was to find data on planning processes that either specifically targeted HRE or were associated directly with it; such planning processes were found in only nine countries. In six of these countries, programs were being developed through preparation of *national HRE plans* (Brazil, Colombia, Dominican Republic, Ecuador, El Salvador and Mexico, although only Brazil had completed its plan), while in the other three, it came from the preparation of *national human rights plans* (Bolivia, Venezuela and Peru). Researchers in the other countries had to take information from different types of education plans, such as values education or the UNESCO-based “education for all” program. To a greater or lesser degree, these education plans tended to contain material on rights training, but they did not call for specific educational activities targeting HRE in line with United Nations recommendations for the *United Nations Decade for Human Rights Education* (1995-2004). Nor did they emphasize the need to combine efforts by diverse public institutions, civil society entities and academic entities in the country.

Research for the present report uncovered new documents in addition to those existing in 2005, although none constitutes planning in the strict sense. This body of documentation tends to confirm that the States have sustained and even strengthened their political will to incorporate human rights principles, objectives and content into national educational systems to some degree. It is not yet clear whether this commitment entails a comprehensive strategy for promotion and education.

Simultaneously, researchers examined whether the States had set up specific units (departments, directorates, offices, bureaus, etc.) responsible for human rights training, outreach and the like within the government, particularly in ministries and other public entities. Attention also focused on the development of other bodies responsible for analogous, overlapping issues such as promoting gender equity and raising the profile of ethnic and cultural diversity. The study concentrated mostly on the ministries of education, security or internal affairs, justice, foreign affairs, defense and the executive presidential or vice presidential offices of each country.

Results show that all spheres of the central government are achieving steady growth in the creation of such entities. This trend to create government human rights institutions is not new. It began in the 1990s and was clearly identified in measurements obtained for the *First HRE Report* (2002). The current study found two interesting developments: (i) growth has continued with similar or even greater force, and (ii) the countries appear to be overcoming one of the constraints emphasized in the study five years ago, as they have begun to improve coordination. This year’s researchers also perceived greater inter-institutional integration in the countries, possibly as a spinoff from their development (or at least public discussion) of national human rights plans that the United Nations High Commissioner for Human Rights has been promoting since the mid-1990s. Even though evidence in this direction is still inconclusive and can be found only in some of the countries studied, never in all of them, we believe it will expand in coming years.

With respect to the existence of Government HRE programs, research findings suggest that the growing move to create offices specialized in human rights and related matters will be critical. These institutions have been setting up specialized programs in fulfillment of the legal

requirements for which they were created. Although few programs were found on human rights in general, many were identified that specially target specific issues and beneficiaries. In order of frequency, the most common programs address gender equity, followed by ethnic diversity and multicultural issues, with an emphasis on indigenous peoples. At least one specific program was found on Afro-descendant populations, which was not the case five years ago.

*Student Government: an opportunity to practice and learn rights.
Adoption of legal mandates for student government*

This new research domain started with the assumption that the existence of *student government* in the school offers a practical opportunity for students to exercise and actively learn human rights and democratic principles. Researchers understood student government as an organization made up of democratically elected representatives of the student body in each school, whose purposes include seeking out and debating student opinions and proposals and conveying them to the school administration, and taking part in decisions on matters of school life that affect them. Notwithstanding organizational variants, student government is characterized by providing the student body with an opportunity for participation, representation, deliberation and decision-making in the school.

In cataloguing the forms of student organization recognized over the past two decades, researchers observed that (i) during the period from 1990-2007, the 17 countries from which data were taken introduced numerous and highly varied changes, and (ii) each change nudged the previous state of affairs in the national educational system toward slightly greater recognition of participation by children in school life – whether by making it more explicit, more organic or more decisive. Overall, these changes tend to push formal education in the region toward a substantive transformation in the legal and social perspective of childhood first introduced by the *International Convention on the Rights of the Child* (1989) and synthesized as the move “from minors to citizens.”

In 1990, only eight countries had legislated or regulated some form of student organization; all were limited to secondary schools and, depending on the jurisdiction of the ministries of education, tertiary institutions. By 2000, 16 countries had recognized diverse forms of student organization, and of these, at least six stipulated a clearly defined organizational framework, offered possibilities for participation in decision-making and extended coverage enough to qualify as true “student government.” In 2007, of these same 16 countries, nine were identified as having explicitly adopted “student government” nationwide.

In short, the tendency since 1990 has evolved clearly and unwaveringly toward (i) recognizing a right to student participation in the life of the school; (ii) creating peer groups of student representatives at different levels in the school (classroom, grade level and school-wide; (iii) developing more opportunities for student deliberation and decision-making in the school, and (iv) coordinating interaction of student spokespersons with representatives of other groups in the school community. Even though the countries are still changing their regulatory provisions in this field, moving at different rates and introducing particular variations, they are all advancing in the same direction, and we expect to see continued progress in coming years.

As time goes by, the States are clearly moving toward regulatory provisions that claim HRE principles as justification for student government. The 1990 laws made slight mention of these principles, but limited to a few brief phrases about strengthening democratic values and

practices in general. By 2000, the texts had become more extensive and more specific, emphasizing participation by children and the learning of rights and duties. Provisions that had come into effect by 2007 display much more comprehensive justification. They clearly elucidate the human rights and democracy principles and content on which the programs are based, citing them in explicit adherence to national and international legislation. They outline the merits of student government and provide a detailed listing of educational objectives being pursued.

Of the three broad components of HRE content (knowledge, values and attitudes and skills), regulatory justification focuses most on values and attitudes, especially participation, dignity, responsibility, pluralism, equality and freedom from discrimination, solidarity, justice, peace, coexistence and cooperation, dialogue and respect. References to human rights skills, scarcely mentioned in 1990 and 2000, are considerably more common in texts that had appeared on the books by 2007. This may reflect the influence of the trend known as “skills education,” currently spreading through Latin America. Very little reference is made, however, to content involving knowledge or information related directly to human rights and democracy, quite possibly because this type of content is reserved for the explicit curriculum.

Of the 16 countries that currently have more- or less-developed student government programs, at least 12 have assigned the function of organizing or promoting it to a particular entity within the educational system. These entities can be found at different administrative levels of the system. In eight countries, it is a nationwide entity (Argentina, Costa Rica, Chile, Dominican Republic, Ecuador, Panama, Peru, Venezuela). In one country (Nicaragua), each of the different geographical divisions (departments) has its own. In three countries, it is a local entity inside each school (Brazil, Colombia, Guatemala). In the other four countries, available information did not clearly respond to this indicator (Bolivia, El Salvador, Paraguay, Mexico).

Eleven educational systems assign some form of local responsibility for promoting student government in the schools, revealing two clearly distinct trends: legislative centralization vs. decentralization. Some systems have created highly detailed national-level programs, assigning clear responsibilities and describing specific tasks and procedures (Costa Rica and Chile). By contrast, other systems leave it up to each school to develop its own regulations or procedural manuals (Brazil and Colombia). In most cases, the school principal is responsible for promoting the organization of student government, together with a team of teachers, and in some cases, with support from parents or community members.

Finally, researchers were convinced that a financial commitment is far more compelling than fine rhetoric, as evidence of real political will. Accordingly, they examined whether the ministries of education had allocated financial resources to support student government experiences, or had at least made some provision for managing them. Regrettably, this was the indicator on which the least amount of information was found. Of the 16 countries that currently recognize student government, no data were found in 10, or else the researchers were unable to identify references responding to the indicator. High-level education authorities may have assumed that organizing student government is part of the normal work of a permanent organization, such as a school, and therefore requires no special financial resources. Curiously enough, they seem not to make the same assumption about human resources, which in many cases are explicitly assigned by the implementing regulations.

Section V

Recommendations

This report marks the second exercise in measuring the regulatory and institutional development of human rights education. Its findings confirm that human rights education continues to make steady gains in the signatory States of the Protocol of San Salvador.

It is clearly encouraging to find that the countries of the region continue to ratify international human rights instruments. More and more of them have articulated and strengthened their commitment to the right to education and HRE in their Constitutions, general education laws and other special laws. The States are creating government agencies and programs specialized in this field and are increasingly concerned with promoting extracurricular experiences for student participation that will allow young people to practice and learn rights in the school environment, as in the case of student government.

Nevertheless, much remains to be done to translate this current of regulatory progress into real, daily experiences that will improve the dignity, daily life and relationships of everyone involved in education. Ultimately, new laws need to develop the exercise of human rights through formal education. The countries are moving toward the goals set forth in international instruments, but the road ahead is still long.

The IIHR, drawing on its own systematic observations of progress in human rights, and based on the findings from this study, would like to offer the following recommendations to the States Parties to the Protocol of San Salvador:

- Take measures to ratify any pending international instruments so as to complete each State's adherence to minimum standards for HRE.
- Include on the legislative agenda a full discussion of the right to education; extend the term of free compulsory education; adopt principles of equality and inclusion in education; explore diverse approaches for adapting education that transcend mere program statements and take the form of concrete decisions to clearly guarantee that education is made affordable, accessible, acceptable and adaptable for all persons; pay special attention to those who are in vulnerable situations.
- Make sure that general education laws emphasize the standards outlined above; in addition, assert HRE principles, objectives and content in other provisions of the legal system; especially target civil service laws (including members of the security forces, the judicial system and other branches of State) as well as frequently overlooked specific populations in vulnerable conditions, such as people in custody, Afro-descendant populations and migrants.
- In the area of institutional development, improve coordination and joint programs among diverse public institutions and between public institutions and civil society or academic entities; have them work together to plan and implement specialized HRE programs, to prevent the kind of dispersion and duplication of effort that conspires against effective achievement of established objectives.
- For student government programs, establish guidelines and general provisions applicable nationwide (even in decentralized educational systems), to ensure that such programs are

implemented in every school in the country and to prevent the kind of inequality that could arise when conditions and settings vary substantially from one establishment to another.

- Design and implement activities for assessment and evaluation of existing student government programs, to determine whether in fact they are being carried out in the schools and whether they are meeting their underlying objectives for practicing and learning rights.
- Design and implement training activities for all stakeholders in the schools – students and teachers, administrators and parents – to ensure that student government programs meet their overall objectives for the practicing and learning of rights.
- Guarantee that human and financial resources are available, even if they are not provided for in the law, so that legally established student government programs are carried out successfully, evaluated regularly and improved on the basis of regular evaluations.

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