

Amelia Molina, Adriana Estrada & José Luis Andrade

## Human Rights Policies: A Comparative Analysis of Mexico – Costa Rica

### Abstract

Part of the process of broader research is presented, in which it is necessary to establish a context of comparison between two Latin American nations. They implement educational policies related to human rights and training for social coexistence. It is assumed that the role of international organizations strongly influences the definition of such policies. For this, a comparative analysis is presented between what these organizations dictate and how they are retaken or redefined from two countries: Mexico and Costa Rica. For the analysis, the classic comparative methodology of Bereday (1968) is used. The description is presented based on primary, national and international sources, on the guidelines and policies of educational systems. Human Rights are considered as thematic axis. The interpretation phase is based on the construction of meaning that each country gives to its educational policies. This, considering the recommendations or guidelines of supranational organizations. Finally, the juxtaposition and comparison phases are developed, where the recurrences presented by the Mexican and Costa Rican educational policy documents are identified, considering the supranational guidelines, in order to build hypotheses or inquiry questions. In general, it is concluded that the policies of the countries studied are mediated by supranational organizations and, in turn, in their construction process they go through structural links (Torres, 2004), where each one re-produces its policies based on its sociocultural contexts.

Keywords: educational policy, comparative education, citizenship education, Latin America, supranational organizations

### Introduction

The right of people to education is decreed in different international documents, among them, the Universal Declaration of Human Rights (UDHR), considered the main promoter that sets the tone for subsequent declarations. There are various positions and guidelines that disrupt the work of each of the nations that subscribe them. Therefore, it is important, for this work, to focus on the revision of documents that contain the legal recommendations and guidelines that guide educational policies in the field of human rights and citizenship training. In this sense, the paper is developed through four sections. The first takes the UDHR as a guideline to identify the right to education. The second identifies how some supranational organizations retake the UDHR and also give importance to other aspects. The third analyzes the legislative-educational approaches of two countries studied. The fourth presents an exercise in the identification of convergences in relation to educational policies regarding human rights and citizenship. The work concludes by presenting hypotheses and questions that will guide the development of subsequent educational research.

## Universal Declaration of Human Rights (UDHR)

The UDHR is a document developed by the General Assembly of the United Nations (UN), where through 30 articles, the basic human rights of humanity are expressed, proclaiming, as a common ideal:

*[...] That all peoples and nations must strive, so that both individuals and institutions, (...) promote, through teaching and education, respect for these rights and freedoms, and ensure, by progressive measures of national and international character, its universal and effective recognition and application, both among the peoples of the Member States and among those of the territories placed under their jurisdiction (UN, 1948, p. 2).*

It is important to recover the emphasis that the UN General Assembly places on education and teaching as a means to promote the exercise of human rights. In particular, Article 26 recognizes education as a human right, which must be free and compulsory, at least at the elementary level. By recognizing this Article, the school becomes a privileged space for training in human rights, so it is necessary to analyze the role it is playing in the forms of relationship between its actors. Therefore it is necessary to ask: what is happening within it, in the normative, ethical and social spheres? How do relationship forms promote or not the exercise of rights? Recognize that the school offers not only knowledge, allows the analysis of its social dimension, the ethical-legal bases that it transmits and how the uses and customs of its context are recognized.

It is also recognized that analyzing de-contextualized practices detracts from the practice itself, so reviewing some national-legislative documents, which establish norms and standards that concern the right to education, helps in understanding them. These references allow the identification of the legal obligations of the States, their policies and the specific programs that help to guarantee this right. Although several axes of discourse analysis could be defined, in this case, attention is focused on those who define the conditions to improve coexistence, training in values and the promotion and development of moral autonomy. The guidelines of supranational organizations are analyzed and then the educational policies of each of the countries studied.

## Education and human rights from international organizations

After the Second World War, international organizations position themselves in the global debate on economic and social policies. Regarding education, the recommendations of organizations such as UNESCO, OECD, UNICEF, World Bank (WB), and in Latin America, the Inter-American Development Bank (IDB) and the Economic Commission for Latin America (ECLAC), exercise marked influences on the development and implementation of policies of the countries of the region (Miranda, 2016; Canan, 2017).

In the literature review, there seems to be consensus on the power and influence of the great powers and their economic interests that, aligned with the neoliberal model, adjust policies to generate transformations that are not necessarily in favor of the rights of the most vulnerable states and the individuals that inhabit them, but designed to strengthen the interests of the new world capitalism (Canan, 2017; Cárdenas, 2015; Miranda, 2016). It is a fact that in the educational field, the topic of

international agencies allows articulation of the debate on the internationalization of educational trends (Maldonado, 2000), so that its review and analysis becomes essential to understand the changes implemented in educational systems in recent decades.

In this regard, the Convention on the Rights of the Child (UNICEF, 1989) mentions: that the right of the child to education must be exercised progressively and under equal opportunities. In its Article 29, it establishes that education must: “Develop the personality, aptitudes and mental and physical capacity of the child to the maximum of his possibilities”. In the same Article, training in values is included, which states: “to promote the values enshrined in the Universal Declaration of Human Rights, equality between people, respect for diversity, tolerance and non-discrimination, the promotion of peace and the common good” (UNICEF, 1989, p. 23).

On the other hand, Article 13 establishes the right of children to freedom of expression, which implies that “every child has the right to seek, receive and disseminate information and ideas of all kinds, provided that this does not go into undermine the rights of others” (UNICEF, 1989, p. 14), which, according to Landeros and Chávez (2015), is related to participation, and guarantees that the voice of children is heard to make decisions that affect them. From these Articles, it is considered that, in addition to developing in a transversal way the potential of children in the spheres: social, cognitive, academic and emotional, among others, it is very important to educate for coexistence. What it implies, help them to develop as moral subjects tending towards autonomy; prepare them for life, so that they are able to build and exercise their status as human beings in a responsible and supportive way, have institutions capable of forming citizens committed to building a more just and equitable society.

Since the last decade of the 20<sup>th</sup> century, the relationship between education and human rights began to occupy a relevant place in several countries of the region, including Mexico and Costa Rica. In this sense, Molina (2017) places three moments related to UNESCO’s declarations: 1) The World Declaration of Education for All (Jomtien, 1990) whose commitments gave rise to the second moment; 2) World Education Forum (Dakar, 2000); and 3) The Framework for Action for the Development of Sustainable Education 2030 (Incheon, 2015).

Through these declarations, challenges and goals are established that each country must achieve by generating the conditions to achieve them. With regard to training in values, the Framework for Action for the Development of Sustainable Education 2030, states as a general objective: “Guarantee quality inclusive and equitable education and promote lifelong learning opportunities for all” (UNESCO, 2015, p. 20) and in accordance with goal 4.7 it is due to:

*[...] Ensure that all students acquire the theoretical and practical knowledge necessary to promote sustainable development, among other things through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and nonviolence, world citizenship and the valuation of cultural diversity and the contribution of culture to sustainable development (UNESCO, 2015, p. 48).*

In the region -Latin America and the Caribbean- assemblies have been held so that governments commit to generate the conditions for the development of the

objectives proposed in each Declaration. Examples are: The Declaration of Lima (2014) and that of Buenos Aires (2017). Both reaffirm the general objective, set by UNESCO: to ensure an inclusive and equitable quality education throughout life for all; ratify education as a fundamental right, pillar for the achievement of other rights, an indispensable condition for peace, responsible citizenship and the fulfillment of other sustainable development goals, such as: “end of poverty, zero hunger, health and well-being, gender equality...” (UNESCO, 2015).

In particular, the Declaration of Buenos Aires reflects the commitment of States to education, considering multiculturalism and multilingualism, essential to contextualize national and local realities, as characteristic factors for the construction of more inclusive societies (UNESCO, 2015). Thus, the States must generate the means to guarantee access and educational opportunities for the various sectors of the population, ensuring that schools operate with quality conditions and promote fair treatment for all their members. The challenge in the region is great, as each country has great cultural diversity and huge economic and social gaps.

Regarding the school space, from a human rights approach, it will be necessary to rethink the relationships between the different actors in it, encouraging participation, equity and solidarity, which are essential for students to develop an ethical commitment to justice, autonomy with moral sense and critical sense (UNICEF, 2006).

### **National legislation on education and human rights**

Each of the countries defines the training objectives that guide their educational systems. They establish laws, define operating criteria and determine the conditions for carrying out the agreements established in the Declarations. In the case at hand, an analytical description is made of the aims of education, emphasizing the type of citizen that one wishes to train in the countries of interest: Mexico and Costa Rica.

#### *The case of Mexico*

In Mexico, the State has the constitutional commitment to ensure that the right of students to receive a quality education with equity at the mandatory levels, which include basic level (initial, preschool, primary and secondary education) and the middle level higher. Initial education is part of the basic one since May 2019.

Article 3, paragraph 4 of the Political Constitution of the United Mexican States (CPEUM, 2019) remarks that education will be based on unrestricted respect for the dignity of people, the focus will be on human rights and ‘substantive equality’, it will promote respect for rights, freedoms and culture of peace. It will promote honesty, values and the continuous improvement of the teaching-learning process. Specifically in the same article in section II, subsections *a* & *c*, promulgate that the criteria that will guide education are:

- a) It will be democratic, considering democracy not only as a legal structure and a political regime, but as a system of life, based on the constant economic, social and cultural improvement of the people (CPEUM, 2019).*
- c) It will contribute to the best human coexistence, in order to strengthen the appreciation and respect for nature, cultural diversity, the dignity of the person, the integrity of the families, the conviction of the general interest of society, the ideals of*

*fraternity and equal rights of all, avoiding the privileges of races, religion, groups, sexes or individuals* (CPEUM, 2019).

These criteria are found in the General Education Law (SEP, 1993), Article 8, paragraphs I and III, the first is literal and the III does not include what was amended in May 2019, which refers to: ‘respect for nature’ and includes ‘Families’, in the plural, leaving open the recognition of diversity. Also, Article 12, paragraph V, establishes that the objectives of the school management programs must include: promoting conditions that favor the participation of students, teachers and parents.

### *The case of Costa Rica*

Title VII of the Costa Rican Constitution addresses Education and Culture, which prescribes that preschool and basic general education (primary and secondary) are compulsory and free. Diversified education (equivalent to a higher average in Mexico) is not mandatory, but in the public system it is funded by the nation. Costa Rica has the Basic Education Law (No 2160), amended in June 2017, in which its Article 1 stipulates:

*Every inhabitant of the Republic has the right to education and the State has the obligation to try to offer it in the widest and most appropriate way. Therefore, students should be encouraged and encouraged to appreciate the exercise of human rights and the linguistic, multiethnic and multicultural diversity of our country* (SCIJ, 2017).

Article 2 of this Law (SCIJ, 2017), subsections *a* to *f*, addresses various aspects of the aims of education, among which are: to form citizens with a sense of responsibility and respect for human dignity, for a conciliatory democracy between individual and community interests, that preserve and expand the cultural heritage; supportive and understanding of the human condition, inclusive, aware of their duties, rights and freedoms.

## **Convergences between supranational and national speeches (Mexican and Costa Rican)**

With the approach so far, points of coincidence can be identified both from the recommendations of the international organizations and in the laws of each country studied. Such convergences appeal to characteristics of education: quality, inclusive, equitable, throughout life; but they also refer to respect for rights and freedoms, promotion of peace, responsible citizenship, among others.

To achieve a finer analysis, we group the recurrences into six axis-categories, in which related or constituent terms are integrated, such as:

1. **Human rights**, include: human dignity, quality, equitable, inclusive and equal education.
2. **Respect for freedoms**, defined by: multiculturalism, multilingualism and freedom of expression.
3. **Training**: lifelong education, progressive, full development of personality and skills.
4. **Promotion of peace**: non-violence, non-discrimination, peaceful coexistence and fraternity.
5. **Responsible citizenship**: participation, solidarity and democracy.

**6. Ethics and morality:** common good, justice – fair treatment, autonomy and values.

Since the 80s of the 20<sup>th</sup> century, the discourses produced by supranational organizations have greatly influenced the educational policies of the member countries; they begin to resemble in their legislative-educational discourses, reason, among others, for which it is possible to identify that Mexico and Costa Rica disrupt their educational systems in a similar way, in their structures and forms of operation. However, carrying out a background transformation that integrates such intentions requires a process of articulation at the macro, intermediate and micro levels. That is, at the macro level it implies a relationship between internationally legitimized sources and the transformation of State politic. At the intermediate level it refers to the transformation or redefinition of educational policy and therefore of its educational system, its organization and structural practice. At the micro level, it refers to transforming teacher training processes, revaluing this figure and its practices in schools.

Translating the claims of the ‘governing’ instances, at the school and classroom level, implies changing the practices that lead to an attitude from which democracy, values and equity are considered, as a way of life and implementation of the interactions. It implies a change of mentality, in which each individual who converges in the school space is allowed to express their ideas, initiatives, proposals, feelings and knowledge. Therefore, as a hypothesis of inquiry, we consider that the new forms of operation entail a tension between the specific forms of interaction of individuals, their educational practices and the emergence of structural changes.

## Conclusion

We can say that in Mexico and Costa Rica, the State, in general, is establishing the legal basis for respect for the human rights, that there are possibilities of participation of the actors of education and that a culture of peace may be fostered in the relations of coexistence. However, in order to carry out the comparative study in the broadest sense, one would have to ask: How do they seek to increase educational quality, inclusion and equity? How do you promote a culture of respect for diversity? Is the school a space to develop autonomous moral judgment? What role does value training play in shaping the new citizenship? How do educational policies and their implementation affect the processes of shaping a free society with autonomy for decision-making? among others.

Although there are many questions that arise from these exploratory phases of the comparative study, these constitute the basis for determining the levels and ways of approaching the object of study regarding the formation processes for a world citizenship with competences for peaceful coexistence.

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Prof. Dr. Amelia Molina García, Universidad Autónoma del Estado de Hidalgo, México

PhD Student Adriana Estrada Girón, Universidad Autónoma del Estado de Hidalgo, México

Prof. José Luis Horacio Andrade Lara, Universidad Autónoma del Estado de Hidalgo, México