



Education policy in Latin America from a human rights perspective **Política educativa en Latinoamérica desde una perspectiva de los derechos humanos**

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ABSTRACT

The analysis of education policy in Latin America from a human rights perspective is important in the context of international and regional normative frameworks that enshrine the right to education as a fundamental pillar for the integral development of individuals. The aim of this article is to analyse education policy in Latin America from a human rights perspective. It focused on a population of 25 scientific articles. Education policy in Latin America requires the adoption of a multidimensional approach that integrates the protection of fundamental rights with the promotion of equity and inclusion in education, which must be anchored in a solid normative structure and educational management practices that are not only reactive but also proactive in the face of contemporary challenges, such as structural inequality and emerging crises.

Descriptors: human rights; education policy; right to education (Source: UNESCO Thesaurus).

RESUMEN

El análisis de la política educativa en Latinoamérica, desde una perspectiva de derechos humanos, reviste una importancia importante en el contexto de los marcos normativos internacionales y regionales que consagran el derecho a la educación como un pilar fundamental para el desarrollo integral de las personas. El objetivo de este artículo es analizar la política educativa en Latinoamérica desde una perspectiva de los derechos humanos. Se centró en una población de 25 artículos científicos. La política educativa en Latinoamérica exige la adopción de un enfoque multidimensional que integre la protección de derechos fundamentales con la promoción de la equidad y la inclusión en la educación, el cual debe estar anclado en una sólida estructura normativa y en prácticas de gestión educativa que no solo sean reactivas, sino también proactivas frente a los desafíos contemporáneos, como la desigualdad estructural y las crisis emergentes.

Descriptor: derechos humanos; política educacional; derecho a la educación. (Fuente: Tesoro UNESCO).

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Research articles section



INTRODUCTION

The analysis of education policy in Latin America from a human rights perspective is important in the context of international and regional normative frameworks that enshrine the right to education as a fundamental pillar for the integral development of individuals and societies. The region, characterised by its cultural, social and economic diversity, faces significant challenges in implementing education policies that truly comply with the standards established by international human rights treaties, such as the American Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights (Aldana-Zavala & Isea-Argüelles, 2024).

Despite the efforts made, education policy in Latin America is at a crossroads: on the one hand, there is progress in formalising rights in legal texts and adopting inclusive policies; on the other hand, deep gaps in educational equity persist, aggravated by factors such as socio-economic inequality, ethnic and gender discrimination, and lack of access to quality educational resources (Monar-Matamoros et al., 2022; Irrazabal-Bohórquez et al., 2023). These disparities not only violate the right to education, but also perpetuate social exclusion and limit development opportunities, in contravention of the principles of equality and non-discrimination that underlie the human rights framework.

This research delves into this complexity, exploring how education policies in the region have been conceptualised and implemented, and to what extent they have succeeded in promoting and protecting the human rights of students, especially those belonging to vulnerable groups. A critical review of the existing literature reveals that, although there is a growing recognition of the need to integrate a human rights approach into education policies, the translation of this recognition into effective and equitable practices is still a pending challenge (Bravo-Valenzuela & Herrera-Fernández, 2020; Castellanos-Ramírez & Carrasco, 2022).

In particular, the COVID-19 pandemic has highlighted the structural weaknesses of education systems in Latin America, exacerbating existing inequalities and



highlighting the urgency of developing resilient education policies that can guarantee the right to education in times of crisis (Ortiz-Portocarrero et al., 2023; Villagómez & Llanos-Erazo, 2020). This conjuncture raises fundamental questions about the capacity of education policies to adapt to adverse contexts without sacrificing the principles of equity and educational quality.

The aim of this article is to analyse education policy in Latin America from a human rights perspective.

METHOD

The current research was carried out using a descriptive documentary methodology, based on a bibliographic design that allowed for an analysis of education policy in Latin America from a human rights perspective. The research focused on a population of 25 articles selected for their relevance and theoretical contribution to the field of education law (Table 1). These articles were extracted from specialised academic journals and recognised databases, guaranteeing the quality and relevance of the sources.

Table 1. Documentary population.

REFERENCE	MAIN THEME	METHOD	INDEXED DATABASE
Aldana-Zavala, J. J., & Isea-Argüelles, J. J. (2024)	Education and human rights in the migrant population	Documentary analysis	Latindex
Aldana-Zavala, J. J., Isea-Argüelles, J. J., Rodríguez-Partidas, N. J., & Estupiñán-Ricardo, J. (2023)	Inclusion and curriculum development in inclusive education	Qualitative analysis	DOAJ
Bravo-Valenzuela, P. A., & Herrera-Fernández, V. M. (2020)	Education policy and the meanings of teaching in Chile	Case study	SciELO
Calics-Salcedo, L. P. (2023)	Educational public policies in Colombia	Theoretical review	Latindex
Camacho-Calvo, S. (2023)	Influence of global education policies in Costa Rica	Comparative analysis	Scopus



Castellanos-Ramírez, J. C., & Carrasco, S. A. N. (2022)	Challenges of higher education in Mexico	Public policy analysis	Redalyc
Cedillo-Preciado, S. P., & Rivadeneira-Rodríguez, E. M. (2020)	Citizen participation in education management	Qualitative research	DOAJ
Espino-Martínez, E. L., Gamboa Purihuaman, S. C., & Murillo Soriano, J. R. (2024)	Policies and social responsibility in Peru	Case study	Scopus
Flores-Crespo, P. (2011)	Analysis of education policy in Mexico	Critical review	Redalyc
Gil-Osuna, B. (2024)	Right to education in times of crisis	Theoretical study	Latindex
Grinberg, S., & Giovine, R. (2020)	Education policies and territories	Qualitative research	Latindex
Irrazabal-Bohórquez, A. T., Esteves-Fajardo, Z. I., Chenet-Zuta, M. E., & Melgar-Ojeda, K. A. (2023)	Inclusive education from the Ecuadorian episteme	Qualitative analysis	DOAJ
Llanos-Chuquipa, E. N. (2023)	Citizen participation in public education	Qualitative research	DOAJ
Molina-Hernández, L. V. (2024)	Educational innovation and collective knowledge construction	Documentary review	Latindex
Monar-Matamoros, N. M., Monar-Matamoros, W. J., García-Bautista, S. S., & Calderón-Proañó, R. S. (2022)	Public policies in education and human rights	Critical review	DOAJ
Nin, M. C., & Lorda, M. A. (2019)	Memory and human rights education	Qualitative analysis	Latindex
Ortiz-Portocarrero, A., Egúsqiza-Loayza, R., & Iguíñiz-Echeverría, M. (2023)	Education policies in Peru during the pandemic	Public policy analysis	DOAJ
Paz-Maldonado, E. J. (2018)	Impact of education policies on communities	Qualitative research	Scopus
Pita-Torres, B. A. (2020)	Education management and public policy	Critical analysis	Redalyc



Puertas, J. M., & Ortiz Jiménez, L. (2021)	Post-pandemic education policies	Comparative analysis	Latindex
Ramírez-Silván, C., & Aquino Zúñiga, S. P. (2019).	Influence of international organisations on teacher professionalisation in Mexico	Critical review	REDIECH
Ríos-Cabrera, P., & Ruiz-Bolívar, C. (2020)	Educational innovation in Latin America	Theoretical review	Scopus
Torres-Bernal, R. G., Mejía-Campó, N., & Huayta-Franco, Y. J. (2024)	Challenges of public education policies in Latin America	Systematic review	Latindex
Toscanini-Segale, M., Aguilar-Guzmán, A., & García-Sánchez, R. (2016).	Diagnosis of public policies in higher education in Ecuador	Public policy analysis	Scielo
Villagómez R., M. S., & Llanos-Erazo, D. (2020)	Education policy and curriculum in the 2020 health emergency	Public policy analysis	Redalyc

Source: Own elaboration.

The analytical method was used to break down and critically examine the educational policies described in the selected articles, with the aim of identifying patterns, trends and challenges in the implementation of human rights in the field of education, using the technique of legal analysis of documents, which allowed for a rigorous interpretation of the normative frameworks and educational practices observed in the different Latin American contexts.

A literature review was conducted to contextualise the study. The articles were then read and coded, identifying the main categories of analysis: i) human rights and education, ii) inclusion and diversity in education, iii) innovation and educational management, iv) educational policies in crisis contexts, v) citizen participation in education, vi) challenges in higher education, vii) challenges in higher education, viii) education and historical memory, ix) evaluation of educational policies.

ANALYSIS OF THE RESULTS

Based on the literature review, the findings of the research are presented:

Table 2. Education policies in Latin America.

DOCUMENTARY CATEGORY	REFERENCE	ABSTRACT
Human rights and education	Aldana-Zavala, J. J., & Isea-Argüelles, J. J. (2024)	It analyses how education can be a vehicle for the protection of human rights in the migrant population.
	Monar-Matamoras, N. M., Monar-Matamoras, W. J., García-Bautista, S. S., & Calderón-Proañó, R. S. (2022)	Examines public policies focused on the integration of human rights within the educational framework.
	Nin, M. C., & Lorda, M. A. (2019)	It studies how education policies promote education in historical memory and human rights.
	Ramírez-Silván, C., & Aquino Zúñiga, S. P. (2019).	It explores the influence of international bodies on teacher professionalisation within the education system.
Inclusion and diversity in education	Aldana-Zavala, J. J., Isea-Argüelles, J. J., Rodríguez-Partidas, N. J., & Estupiñán-Ricardo, J. (2023)	Discusses the need for an inclusive curriculum that responds to the needs of quality education for migrants.
	Irrazabal-Bohórquez, A. T., Esteves-Fajardo, Z. I., Chenet-Zuta, M. E., & Melgar-Ojeda, K. A. (2023)	It addresses educational inclusion from an Ecuadorian perspective, analysing its integration into teaching practice.
Innovation and educational management	Ríos-Cabrera, P., & Ruiz-Bolívar, C. (2020)	It proposes guidelines for the formulation of public policies to promote educational innovation in Latin America.
	Molina-Hernández, L. V. (2024)	It explores the relationship between educational innovation and collaborative spaces for the re-signification of knowledge.
	Pita-Torres, B. A. (2020)	Analyses educational management in the process of formulating and implementing educational policies.
	Grinberg, S., & Giovine, R. (2020)	It investigates the relationship between education policies and the territories in which they are implemented, highlighting inequalities.



	Torres-Bernal, R. G., Mejía-Campó, N., & Huayta-Franco, Y. J. (2024)	It offers a systematic review of the problems and challenges of public education policies in Latin America.
Education policies in crisis contexts	Ortiz-Portocarrero, A., Egúsqiza-Loayza, R., & Iguíñiz-Echeverría, M. (2023)	It studies the impact of the COVID-19 pandemic on Peruvian education policies and their adaptation to the challenges imposed.
	Villagómez R., M. S., & Llanos-Erazo, D. (2020)	Examines how the 2020 health emergency influenced the formulation of education and curriculum policies.
	Gil-Osuna, B. (2024)	It analyses the right to education in times of crisis, focusing on the policy and educational responses needed.
Citizen participation in education	Cedillo-Preciado, S. P., & Rivadeneira-Rodríguez, E. M. (2020)	Discusses the role of citizenship in the management and development of education policy.
	Llanos-Chuquipa, E. N. (2023)	It addresses the importance of citizen participation in the construction and monitoring of education policies.
	Espino-Martínez, E. L., Gamboa Purihuan, S. C., & Murillo Soriano, J. R. (2024)	It studies how education policies in Peru relate to social responsibility within the education system.
Challenges and challenges in higher education	Castellanos-Ramírez, J. C., & Carrasco, S. A. N. (2022)	Analyses the challenges in higher education coverage in Mexico during the presidential administration 2018-2024.
	Toscanini-Segale, M., Aguilar-Guzmán, A., & García-Sánchez, R. (2016).	It offers a diagnosis of public policies on higher education in Ecuador, evaluating their effectiveness.
Public policies and their social impact	Paz-Maldonado, E. J. (2018)	It examines the impact of education policies on communities, highlighting the social and economic effects.
	Camacho-Calvo, S. (2023)	It studies the influence of global education policies on national processes, with a specific case in Costa Rica.
Education and historical memory	Bravo-Valenzuela, P. A., & Herrera-Fernández, V. M. (2020)	Analyses the meaning of the teachers regarding the PACE Programme in Chile and its



			influence on memory and human rights.
		Puertas, J. M., & Ortiz Jiménez, L. (2021)	Evaluates education policies implemented after the pandemic, with a focus on historical memory in education.
Evaluation policies	of education	Flores-Crespo, P. (2011)	It presents a critical analysis of the evaluation of educational policies in Mexico, proposing new methodological approaches.
		Calics-Salcedo, L. P. (2023)	Reflects on public education policies in Colombia and their theoretical basis, highlighting the need for constant revision.

Source: Own elaboration.

Table 2 presents the documentary categories derived from the documentary analysis of the 25 scientific articles used in the current research, which are described below:

Human rights and education

Analysis of education policy in Latin America from a human rights perspective reveals a significant trend towards the integration of fundamental rights into education systems in the region. Studies by (Aldana-Zavala & Isea-Argüelles, 2024), as well as (Monar-Matamoros et al. 2022), highlight the importance of education as a means to protect and promote human rights, especially in vulnerable populations, such as migrants. On the other hand, (Nin & Lorda, 2019) stress the need for education that promotes historical memory and human rights, reinforcing the idea that the education system should be a space for the construction of critical citizenship that is aware of its history.

However, (Ramírez-Silván & Aquino Zúñiga, 2019) argue that although there is formal recognition of these rights in education policies, their effective implementation is often hampered by the influence of international bodies and a lack of adequate resources. This suggests that while there is progress in mainstreaming human rights in education, significant challenges remain for their full realisation in everyday educational practice.



Inclusion and diversity in education

Inclusion and diversity are crucial issues in Latin American education policy, with a growing focus on creating curricula that respond to the needs of all students, regardless of their origin or socio-economic status. In this vein, (Aldana-Zavala et al. 2023) highlight the importance of developing inclusive curricula that enable quality education for migrant populations, which is essential in a region characterised by significant migratory movements.

Likewise, (Irrazabal-Bohórquez et al. 2023) address inclusion from an Ecuadorian perspective, highlighting the need to adapt education policies to address the cultural and social diversity present in the region. This research suggests that, although notable efforts have been made to promote inclusion, more robust policies adapted to local realities are still required to ensure that all students have access to equitable and quality education.

Innovation and educational management

In the field of educational innovation and management, there is an effort to modernise and adapt education systems to contemporary demands. In this area, (Ríos-Cabrera & Ruiz-Bolívar, 2020) propose guidelines for the formulation of policies that foster educational innovation, a crucial aspect for responding to current challenges, such as globalisation and new technologies.

In addition, (Molina-Hernández, 2024) and (Pita-Torres, 2020) agree that educational management should focus on the creation of collaborative learning spaces that allow the re-signification of knowledge, adapting it to the needs of the context. However, (Grinberg & Giovine, 2020) warn that the implementation of innovative policies must consider territorial inequalities, which can exacerbate educational gaps instead of closing them. Thus, innovation in education policy must be contextualised and equitable, ensuring that all students benefit from these transformations.



Education policies in crisis contexts

The impact of crises such as the COVID-19 pandemic on education policies in the region has been profound (Ortiz-Portocarrero et al. 2023) and (Villagómez & Llanos-Erazo, 2020) examine how education policies had to adapt quickly to new realities, with measures such as distance education and curriculum flexibilisation. While these policies allowed for educational continuity, they also revealed profound inequalities in access to education, exacerbated by the lack of technological infrastructure and teacher preparation.

Consequently, (Gil-Osuna, 2024) emphasises the importance of guaranteeing the right to education even in times of crisis, noting that education policies must be resilient and able to adapt to emergency situations without sacrificing educational quality. This analysis highlights the need for education policies in Latin America not only to respond to crises in a reactive manner, but also to develop preventive and adaptive strategies that strengthen the education system as a whole.

Citizen participation in education

Citizen participation is an essential component in the formulation and management of education policies, according to (Cedillo-Preciado & Rivadeneira-Rodríguez, 2020). The inclusion of the community's voice in educational decision-making ensures that policies respond to the real needs of the population and promotes greater social commitment to education. In addition, (Llanos-Chuquipa, 2023) and (Espino-Martínez et al. 2024) suggest that greater citizen participation could improve the implementation of education policies by strengthening transparency and accountability. However, these studies also caution that citizen participation must be structured and effective, avoiding superficiality and ensuring that it actually influences policy decisions.

Challenges and challenges in higher education

In the field of higher education, (Castellanos-Ramírez & Carrasco, 2022) identify significant challenges, such as educational coverage, which remains limited in many areas of Latin America. Despite efforts to expand access to higher education,

economic and social barriers persist that prevent large sectors of the population from accessing this level of education. Consequently, (Toscanini-Segale et al. 2016) highlight the need for a more precise diagnosis of education policies to identify areas that require greater attention, such as equity in access and the quality of education offered. These studies suggest that education policy in higher education should focus on removing structural barriers that perpetuate inequality and ensuring that all students have equal opportunities for academic success.

Public policies and their social impact

The impact of education policies on society is a recurrent theme in the literature reviewed (Paz-Maldonado, 2018) and (Camacho-Calvo, 2023) stress that education policies not only affect the education system, but also have significant implications for the social and economic development of communities. This research indicates that education policies should be designed not only to improve educational outcomes, but also to contribute to the comprehensive development of society.

Education and historical memory

The analysis of education in relation to historical memory, as observed in the works of (Bravo-Valenzuela & Herrera-Fernández, 2020) and (Puertas & Ortiz Jiménez, 2021), highlights the importance of integrating historical memory into the educational curriculum. This integration is seen as fundamental for the construction of an informed citizenry committed to the defence of human rights. However, these studies also point out that, despite the efforts made, historical memory education still faces significant challenges, such as political and social resistance, which limit its effective implementation.

Education policy in Latin America from a human rights perspective

Education policy in Latin America, from a human rights perspective, should be understood as a dynamic process that seeks to guarantee not only universal access to education, but also its quality and equity, in a context characterised by profound socio-economic and cultural inequalities.

First, it is essential to recognise that education is a fundamental human right, intrinsically linked to the dignity of the person and to the realisation of other rights. Article 26 of the American Convention on Human Rights recognises the right to education as part of economic, social and cultural rights, and obliges states to take progressive measures towards its full realisation. This normative framework has been interpreted and applied in various national contexts, albeit with varying degrees of success and commitment by Latin American states (Aldana-Zavala & Isea-Argüelles, 2024; Monar-Matamoros et al., 2022).

From this perspective, education policy should be seen not only as an instrument for the transmission of knowledge, but also as a means for the promotion of social justice and equality. This implies a commitment to the inclusion of historically marginalised groups, such as indigenous populations, Afro-descendants, and people in situations of human mobility, who have been subject to systematic exclusion in traditional education systems (Aldana-Zavala et al., 2023; Irrazabal-Bohórquez et al., 2023). The construction of a curriculum that reflects respect for the cultural and linguistic diversity of the region is, therefore, an unavoidable imperative.

Education policy analysis in Latin America must also address the issue of educational innovation and management as key elements for the realisation of the right to education. In this sense, the ability of education systems to adapt to contemporary challenges, such as globalisation and digitalisation, is crucial. However, this adaptation must be done in a way that does not exacerbate existing inequalities, but rather contributes to their reduction (Ríos-Cabrera & Ruiz-Bolívar, 2020; Molina-Hernández, 2024). Educational management, therefore, should not only focus on administrative efficiency, but also on the creation of pedagogical spaces that foster democratic participation and critical thinking, essential aspects for the development of an active citizenship committed to human rights.

It is also crucial to consider how education policies respond to crisis contexts, such as the COVID-19 pandemic, which has revealed and amplified structural inequalities in the region (Ortiz-Portocarrero et al., 2023; Villagómez & Llanos-Erazo, 2020).



Responses to this crisis have demonstrated the need for resilient education policies capable of guaranteeing the continuity of the right to education in emergency situations, and these policies need to be based on principles of equity, ensuring that all students, regardless of their socio-economic situation, have access to the necessary resources to continue their education in times of crisis (Gil-Osuna, 2024).

Citizen participation emerges as another fundamental pillar in the analysis of education policy from a human rights perspective. The active inclusion of the community in the formulation and monitoring of education policies is essential to ensure that they reflect the needs and aspirations of the population. However, this participation must be structured and effective, avoiding falling into superficial practices that do not really influence policy decisions (Cedillo-Preciado & Rivadeneira-Rodríguez, 2020; Llanos-Chuquipa, 2023). Citizen participation not only strengthens the legitimacy of education policies, but also promotes accountability and transparency in their implementation.

In the area of higher education, education policy must address the challenges related to coverage and quality. Although significant efforts have been made to expand access to higher education in the region, economic and social barriers persist that prevent large sectors of the population from accessing this level of education (Castellanos-Ramírez & Carrasco, 2022; Toscanini-Segale et al., 2016). Overcoming these barriers requires an education policy that not only focuses on increasing coverage, but also guarantees the quality of the education offered, ensuring that all students have the same opportunities for academic success.

Finally, it is necessary to reflect on the social impact of education policies in the region. These policies not only have direct implications for the education system, but also influence the social and economic development of communities. Education, as a human right, should be an engine of social transformation, capable of breaking cycles of poverty and exclusion (Paz-Maldonado, 2018; Camacho-Calvo, 2023). Therefore, the integration of historical memory into educational curricula is essential for the construction of an informed citizenry committed to the defence of human



rights (Bravo-Valenzuela & Herrera-Fernández, 2020; Puertas & Ortiz Jiménez, 2021).

CONCLUSIONS

Education policy in Latin America, assessed from a legal perspective centred on human rights, requires the adoption of a multidimensional approach that integrates the protection of fundamental rights with the promotion of equity and inclusion in education, which must be anchored in a solid normative structure and educational management practices that are not only reactive but also proactive in the face of contemporary challenges, such as structural inequality and emerging crises. The resilience of the education system, articulated with a legal framework that guarantees the effective participation of citizens, is essential to consolidate an educational model that not only complies with international human rights obligations, but also enhances the formation of a critical, informed and socially responsible citizenry.

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