

# COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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Argentina

Joint submission:

**Defensoría Edmundo Rice**



**Fundación Marista para la Solidaridad Internacional**



**Edmund Rice International**



### **Coalition of organizations:**

1. **Defensoría Edmundo Rice** is a non-governmental organization established in 2018 with a presence in Argentina, Bolivia, Peru and Uruguay. Its main tasks are the protection and promotion of human rights and eco-justice through education and participation at the national and international levels in mechanisms for the protection of human rights. DER is part of the Edmund Rice International network of organizations.
2. **Marist Foundation for International Solidarity (FMSI)** is an international organization promoted by the Marist Brothers, present in 80 countries. FMSI has more than 10 years of experience working in the field of international solidarity, advocating for children's rights in the world, especially in the field of education. It works at the international level, participating in the UN human rights mechanisms in collaboration with other organizations with similar interests. Since 2011, it has been accredited by ECOSOC.
3. **Edmund Rice International (ERI)** is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

4. Defensoría Edmundo Rice, FMSI and Edmund Rice International coalition have prepared this report through the implementation of various methodological instruments that ensure that the information collected has the highest degree of veracity possible.
5. Thus in addition to interviews with professionals working directly with children and adolescents, including managers, psychologists, tutors and teachers from various public and private schools in the City of Buenos Aires, a questionnaire with open questions was distributed to more than 150 children, between 13 and 17 years of age, who are currently attending school and adolescents and young people who have had to abandon their studies for a variety of reasons.
6. These interviews and questionnaires aimed at obtaining data on the current state of education in the City of Buenos Aires, specifically on the barriers that children must overcome in access, remaining in school, participation and conclusion of their secondary studies taking as a base the state plan "Educational Goals 2021".
7. Through its Minister of Education Argentina committed in 2008,<sup>1</sup> to promote the project: "Metas Educativas 2021: la educación que queremos para la generación de los Bicentenarios"<sup>2</sup> with other Latin-American countries within the framework of the Bicentenary of Independence. The main objective of this agreed educational agenda for the countries of the region was "to improve quality and equity in education in order to tackle poverty and inequality, thus promoting social inclusion." To make effective the achievement of this agreement, eleven goals were established to be realized through different programs and plans that each state should reach by 2021.
8. These goals expand the right to education at all levels of compulsory schooling, emphasising in a special way the universalisation of the 4-year of initial

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<sup>1</sup> Juan Carlos Tedesco. By Cristina Fernández de Kirchner presidency.

<sup>2</sup> *Metas Educativas 2021: la educación que queremos para la generación de los Bicentenarios. Documento final.* San Salvador, may 2008. Page 151 ss

education and the access, permanency and effective promotion in the secondary level as way to higher education. Whilst the importance of all goals is recognised, this report will focus on the one referring to secondary education, which is the fourth general goal: "Universalize primary and secondary basic education, and expand access to upper secondary education", with its specific goal 8: "To ensure the schooling of all children in primary education and in basic secondary education in satisfactory conditions".

9. Also, it is important to note that in the Universal Periodic Review of 2017<sup>3</sup>, Argentina received specific recommendations concerning the right to education, which were accepted and a commitment made to implement<sup>4</sup>.
10. Having initiated the aforementioned interviews with the professionals and principals of the schools used for sampling, this coalition notes some relevant indicators to analyse the effectiveness of the right to education at the secondary level: the scholastic failure, manifested in the repetition of secondary school students and the dropout, of pupils within the "obligatory" system of the secondary level and a pedagogical inability manifested in the containment and accompaniment of the school trajectories of many young people. The professionals that were interviewed also noted the scarce, or nil investment on the part of the state in infrastructure (building improvement, heating, computer equipment, etc.); in the initial and ongoing teacher training according to the educational needs of the young people of today and in the recognition of the teaching function, with decent wages. Another relevant indicator highlighted the mismatch of the school curriculum which has little or no relevance and motivation for the students.
11. In Argentina, since 2006 with Law 26,206 (Ley de Educación Nacional), secondary education is mandatory, and must be guaranteed by the State for everybody. In Buenos Aires City there are a little more than 229 thousand students enrolled in the secondary system distributed across 493 schools, under both private and state management. (our system is unique, and

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<sup>3</sup> 6 of November of 2017. Human Rights Council. 28° Period session. [www.upr-info.org](http://www.upr-info.org)

<sup>4</sup> 107.114;107.116;107.117:[https://www.upr-info.org/sites/default/files/document/argentina/session\\_28\\_-\\_november\\_2017/a\\_hrc\\_37\\_5\\_s.pdf](https://www.upr-info.org/sites/default/files/document/argentina/session_28_-_november_2017/a_hrc_37_5_s.pdf)

education can be provided by the state, private or social groups) Since 2011 more than a thousand students per year join the school system in Buenos Aires City.<sup>5</sup>

12. The efforts of the State should not rest solely on the expansion of coverage itself, but also on the creation of educational conditions that guarantee access, allows children and youth to effectively complete their education or guarantee employment. For a child, of any age, to successfully complete the expected educational trajectory an acceptable level of well-being in his or her family is necessary. In accordance with the International Covenant on Economic, Social and Cultural Rights, the State "must grant the family the widest possible protection and assistance, especially for its constitution and while it is responsible for the care and education of the children under its responsibility".<sup>6</sup>
13. The state is acting in a contradictory manner when proclaiming the right of children to complete their education when it does not have any retention or promotion policies. So it is the same State that expels them from the system. The state also talks about inclusive education but by including every child without the necessary resources allocated to education the opportunity to have a better quality education is lost.
14. There is data available to explain the incapacity of the State to guarantee the right to secondary education. In 2016 there were more than 300 thousand students who finished their primary school and did not attend secondary school<sup>7</sup>. The reasons can be many and varied: the need to work to contribute to a fragile and precarious family economy; not having close access to the school or having to travel long hours to attend; not having the necessary materials (tools, books, etc.); little or no access to information technologies; lack of motivation of the curricula content; teachers with a lack of training and ability to work with the needs of the teenagers and the way they understand the

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<sup>5</sup> Relevamientos Anuales Dirección de Información y Estadística Educativa - Dirección Nacional de Planeamiento de Políticas Educativas - Secretaría de Innovación y Calidad Educativa - Ministerio de Educación de la Nación (disponible en <http://portales.educacion.gov.ar/diniece/2016/08/24/bases-de-datos-por-escuela-con-id/>)

<sup>6</sup> Artículo 10 Pacto Internacional de derechos económicos, sociales y culturales.

<sup>7</sup> Dirección de Información y Estadística. Relevamiento Anual 2016.

world, themselves, etc.-, the methodology used for evaluation, and the level of communication teachers have with the students.

15. Of the 150 questionnaires given to adolescents between 13 and 17 years of age, 75% agreed that one of the reasons for not accessing education was the socio-economic situation of families,.15% of young people reported that some neighbourhood schools have been closed and that children living in the surrounding neighbourhoods do not have the same access opportunities. 5% of the total interviewees spoke of the lack of motivation and interest of the students in attending school, since the contents, in their words, "are useless". Finally, 5% of those surveyed considered homelessness as a barrier to their education, abandoned by their families and are abandoned by the State.
16. Regarding the barriers to completing studies, this coalition has observed in the questionnaires that many adolescents refer to family and personal problems that they face during their schooling which have a direct impact on their performance and motivation for learning. Also the lack of a life plan is noted, the product of multiple variables, with the precariousness of schools and poverty in families a key factor.
17. Abandonment and repetition tend to maintain the intergenerational transmission of poverty, perpetuating the reproduction of inequality, with merit and personal effort as the only way to complete secondary education.
18. State policies, such as "Argentina Enseña y Aprende. Plan Nacional de Acción 2016-2021 ", seem to ignore or deny, the economic and family context from which the student arrives at school. Personal effort and merit can be demanded when the student has their basic needs met and their rights are not violated, otherwise it increases frustration at seeing that they cannot achieve the objectives that are proposed to them.
19. The lack of involvement of the national state in the conduct of the educational policy of the country; the privatization and commercialization of education and the systematic reduction of resources destined to finance education<sup>8</sup>, have a critical effect on the education system, particularly the public-school sector.

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<sup>8</sup> Other way to understand the loss of budgetary hierarchy of education is through its participation in the total budget: 7.4% in 2015; 7.8% in 2016 and 6.8% in 2017

20. To support this report, this coalition has chosen four indicators that will allow visualisation of the educational reality in Argentina presented in the previous paragraphs in a more statistical way: the rates of repetition, of promotion, the intra-annual abandonment and level of public spending on education.

### **School repetition**

21. Repetition occurs when a student does not satisfactorily pass a school year and because of that is forced to repeat the course again. In Argentina, according to the NGO *Argentinos por la Educación*<sup>9</sup>, repetition rates in primary school are relatively low and in 2016 represented 2.2% of all students throughout the country.

22. However, the repetition rates in secondary school, are more worrisome. The percentage of repetition among high school students nationwide was 10.1% in 2016, which means that one out of every ten students who attend secondary school, (without discriminating between private and public management), must repeat their school year.

23. If figures for private and public schools are separated it can be seen that in 2016 the repetition rate in public schools was 12.5% while in private schools, it was 3.7%. The gap is considerable and it is a concern that public management institutions have such high levels of repetition since it is those establishments that have the greater number of students.

24. Responsibility for education is delegated by the national state and each province is autonomous in terms of financing and developing education in its territory, but always in accordance to the national education law 26,206 enacted in 2006. This law in article 11, paragraph 1 states that the quality of education and opportunities and possibilities provided should be consistent without regional imbalances or social inequities.

25. Deeper analysis of repetition rates at the national level through observation of the provincial indices reveals that, at least in secondary school, equality in

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<sup>9</sup> Argentinos por la Educación, recover form <http://argentinosporlaeducacion.org/>

educational outcomes is not fully guaranteed. In 2016, La Rioja was the province with the lowest repetition rate in the country at 3.3% whilst at the other extreme the province of Santa Cruz has an 18.9% repetition rate. Thus almost two students out of ten repeat the year because they do not meet the minimum requirements.

26. The wide difference between the provinces makes it necessary to ask whether the national state enforces the education law and if so, how can it find ways to alleviate the unequal situation among provinces. Finally, and more importantly, it should be noted that one of the consequences related to school repetition is school drop-out and for that reason the problem of repetition is very important.

### **Effective Promotion Rates**

27. Since the last reform of the education law in 2006, secondary education became compulsory for all students in the country. This was a very important advance towards full enjoyment of the human right to a quality education.
28. Whilst the aforementioned law makes primary and secondary education compulsory, in reality it is often not the case. The effective promotion rate (E.P.R) according to the National Institute of Statistics and Census of Argentina (INDEC) is the percentage of students enrolled in a grade or year level, who enrol as new students in the next grade / year in the following school year.
29. The E.P.R. indexes for primary schools, according to Argentinos por la Educación, overall, was 97.3% in 2016 which is a very high number. However, in the case of secondary schools the number drops almost twenty points to 78%. It is understandable that there are differences between these rates since the primary school enjoys its obligatory character for much longer than the secondary school, however it must be noted that it takes a lot of work to achieve the full enjoyment of the right to education.
30. If the indicators from the different provinces are examined more closely a differences in the numbers can be seen. The district with the highest effective

promotion rate is again La Rioja with 85.1% and the district with the lowest percentage of E.P.R. is Santa Cruz with almost 67.6%.

31. Both in the case of the repetition rate and in the case of effective promotion, the demonstrates the disparity that exists in the indicators of the educational quality of different provinces.
32. It is not the intention of this report to demonize the management of the provinces but rather to emphasize that the indexes referring to education are very different among the districts, and that this disparity impacts on access to education or educational quality of girls, boys and adolescents.

### **Intra-annual abandonment**

33. The intra-annual dropout rate is the percentage of students who leave their educational establishment without requesting a transfer to another school. Taking statistics from all over the country and including both private and public schools, according to the Argentinos por la Educación platform between 2011 and 2016 the percentage of the intra-annual drop-out rate declined, indicating that there are fewer and fewer students leaving the school. We commend the efforts of the Argentine state to ensure the completion of studies by their students.
34. However, again if a detailed study of the performance of the provinces is made, great inequalities among the districts are again revealed, resulting in disparate rates of access and educational quality. This difference in the performance of the provinces is particularly the case with secondary schools.
35. The districts with the lowest intra-annual dropout rates in secondary school are Chubut and Tierra del Fuego with 1% of students leaving school. On the other hand, those with the highest percentage are Misiones and Santa Fe with 5.5% and 5.3% respectively.
36. What does this mean? The analysis of provincial statistics proves the inequalities that exist in the Argentine educational system. The figures in this section differ five-fold from each other, and the consequences of these differences have a direct impact on the education of adolescent children.

## Public Expenditure on Education

37. According to the Law on Educational Financing (Ley de Financiamiento Educativo 26,075), Article N ° 3, Argentina must designate 6% of GDP to education. This was valid between 2006-2010, and the Law of National Education, in Article N ° 9, says that, once this amount is reached, it cannot be reduced. This can be seen as an effort that Argentina is making to reach this goal. Since 2004, Argentina has begun to raise public expenditure on education reaching 5.8% of GDP in 2016, according to data released by the World Bank<sup>10</sup>.
38. Whilst the average expenditure per secondary student, has undergone a constant increase since 2011, reaching an average of forty-one thousand pesos -per student, per year- in 2016; if the corresponding inflation correction is made, it is seen that this expense flattened and even showed a decrease in the last year in which data was available.
39. Academic literature agrees that public education, in Argentina, is losing students, while private schools are increasing their enrolment. Although, part of the public expenditure on education is destined to finance part of the privately managed schools (as subsidies to teaching salaries), this movement is cost-effective to educational financing. The expenditure made by private schools per student is less than the expense if that student were in public school. This should have an impact on financing public education, since resources are being optimized with migration from one sector to another. According to a report made by CIPPEC<sup>11</sup> presented in February 2018, between 2003-2015 the percentage of resources destined to the private sector fell 1.4 points at the national level,. In addition, the evolution of expenditure per student of the private sector as a percentage of expenditure per student of the state sector fell 14.3 points in the same period. More families are choosing private schools, and in percentage terms the state is transferring less money. So, it can be concluded that with the same resources transferred to the private

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<sup>10</sup> World Bank, recover from <http://datos.bancomundial.org>

<sup>11</sup> Rivas, A, Dborkin, D (2018), ¿Qué cambió en el financiamiento educativo en argentina?, CIPPEC, recuperado de: [https://www.cippec.org/wp-content/uploads/2018/02/DT-162-EDU-Financiamiento-educativo\\_2018-01-VF-2.pdf](https://www.cippec.org/wp-content/uploads/2018/02/DT-162-EDU-Financiamiento-educativo_2018-01-VF-2.pdf)

sector, the same or greater number of students can be absorbed by them. This frees the public sector from facing an expense that it would be unable to afford.

40. According to the same CIPPEC report in Argentina, 90% of resources allocated to education, is spent on teacher salaries -including transfers to the private sector- and there is little to cover building expenses or address educational policies. Although the migration to private schools is cost-effective in terms of educational financing, this does not seem to have an impact on the educational quality of students in the public sector, especially in the most unprotected sectors. Although, more investment does not mean more quality<sup>12</sup>, it can be said that there is an inefficiency in providing more resources to schools. Even though, more money is spent on education, it does not have any impact on the results of standardized quality tests, that are showing no improvement.

Similarly with the internal efficiency indicators mentioned above.

41. On the other hand, the disparity between the provinces shows a great inequality in expense per student and, also, in educational expenditure that each one makes. For example, the four provinces that invest the most per student are: Tierra del Fuego, Santa Cruz, Neuquén and La Pampa, all have an expenditure of more than \$ 50,000 pesos per student, while Misiones, Corrientes, Salta and Santiago del Estero spend less than half, \$ 25,000 pesos. In this sense, if spending on education as a percentage of public spending is examined the disparity between provinces can be seen. For example, Buenos Aires, which spends the average amount of the country per student, earmarks 36.1% of its public spending for education. Tierra del Fuego, which invests the most, is ranked number 10, with 29.3% of public expenditure; Salta, ranked number 9, with 29.4%, is one of the provinces that least invests per student. There is no law in which stipulates a minimum, in terms of spending per student, to ensure a quality education. This decision is delegated entirely to each of the provinces.

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<sup>12</sup> Narodowski, M, (2018), El colapso de la Educación, Buenos Aires, Argentina, Paidós.

42. There are two programs through which the national government helps the provinces with teacher salaries - National Teacher Incentive Fund and Wage Compensation Fund – but the allocation criteria are not transparent. While this was regularized in 2017 to be more efficient (the money went directly to teachers who were below the minimum wage of a province), the lack of objective and transparent criteria puts equity at risk. The receiving provinces are the ones with the lowest teacher salaries, but they are not the ones that have the least fiscal resources or make the most educational effort, such as La Rioja, Formosa and San Juan. This discretionary budget remains entirely at disposal of the executive power, that can depend on political decisions, unrelated to the improvement of the system.