



Campaña
Latinoamericana
**por el Derecho
a la Educación**

New Approaches to the Human Right to Higher Education: Reflections and Proposals from Latin America and the Caribbean

Education is a **human right that is exercised throughout life**; it therefore includes early childhood, technical, vocational, professional and university education for all people, at any stage of their lives.

Article 26 of the **Universal Declaration of Human Rights** establishes the **right to higher education**: "higher education shall be equally accessible to all on the basis of merit". Also the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, in Article 13, establishes the **obligations of States** to ensure progressive, universal and free access to higher education for all, which must be provided without any conditions. Other relevant international law instruments are: the **Convention on the Elimination of All Forms of Discrimination against Women** (1979), which in Article 10 establishes equal access to education for women and the elimination of stereotyped roles that legitimise gender-based violence in the educational process; the **Convention on the Rights of the Child** (1989), which states in article 32 that the right to education is necessary because it protects against economic and labour exploitation, which can hinder the child's educational process, and in article 28 stresses that higher education must be accessible to all; and the **Convention on the Rights of Persons with Disabilities** (2006) which, in article 24, requires that the educational process be inclusive for all and at all levels.

According to UNESCO's Institute for Statistics, the gross enrolment rate in Latin America and the Caribbean (percentage of the enrolled population in relation to the total population of the recommended age group) increased considerably between 2000 and 2018, **from 23% to 52%**. However, the World Bank identifies that **only half of students aged 25-29 who are enrolled in school complete their education**. There are a number of reasons for this, many of them linked to the failure of states to meet their human rights obligations (World Bank; Latin America and the Caribbean: Tertiary Education; 2021).

The fulfilment of the right to education, at any stage, is based on the fulfilment of four dimensions of the right: the **availability** of educational provision in all parts of the territories; the **accessibility** of all persons, without any form of discrimination, to education and school institutions; the **acceptability** of the educational content provided; and the **adaptability** of education to the context in which the subjects of rights are included. When they fail to meet any of these dimensions, States are concretely violating the right.

Latin America and the Caribbean have a long history discussing the right to higher education. More than a hundred years ago, when in September 1918, Argentine students occupied the faculties of Medicine, Law and Engineering of the **University of Cordoba**, **secularism and the democratisation of university education** were raised.

In opposition to the millenary European university model, of autocratic and religious tradition, which had been created in 1088 at the University of Bologna, Latin American students demanded that the

University of Cordoba disassociate itself from the Jesuit priests, who had founded it in 1613. And they demanded also: **participation of the subjects of the educational communities** in university administrative management; **university autonomy**; **academic freedom**; **social assistance mechanisms** for students; and bringing universities **closer to the needs of the people**, through the development of university extension initiatives **and knowledge that contribute to socio-economic justice**. More recently, to these demands have been added the fulfilment of socio-environmental justice, the realisation of human rights and good living. Likewise, a **critical production of knowledge, plural and diverse**, which even recognises the knowledge and cosmovisions of the original indigenous peoples, Afro-descendants and other historically excluded groups.

This political, emancipatory and liberating movement of Argentinean students quickly spread across the continent, leading to the establishment of student federations and inspiring university reforms in different countries around the world. At a time when there is a rush for the inclusion of students in higher education systems, but leaving aside the fundamental principles for social transformation, it seems **urgent to recover these powerful messages from our region**, reiterating that students in our region continue to be victims of persecution and criminalisation processes for the simple fact of collectively fighting for the fulfilment of their rights.

Democratisation of Higher Education does not mean an accelerated growth in enrolment rates, or in the number of educational institutions, or an expansion in the diversification of degrees and careers, as we observe in our region. Democratisation with inclusion means creating mechanisms to **reverse the tendencies of reproduction of asymmetrical power relations, exacerbation of inequalities and discrimination** in education systems, generating more egalitarian societies.

The **growth in the supply of higher education has not been duly accompanied by adequate funding** to guarantee equal enjoyment of the right to higher education. On the contrary, there was a tendency for **public institutions** to become precarious and for private provision to grow. Due to a lack of state regulation, this led to the multiplication of internationalised and elite schools for the rich and low-quality universities for poor students, who make great efforts to pay for higher education - thinking that this will allow them to have better living conditions - and who end up not getting decent jobs because of the low quality of the education they receive.

We are concerned about the processes of **financing and privatisation of higher education** (today 53.2% of university students are in private universities). Higher education is now presented as a commodity traded on the stock market, an interesting business, which homogenises and standardises knowledge and ways of thinking, and produces citizens useful to the deepening of neoliberal models. We are also concerned about the hyper-concentration of private education in the hands of a few, often foreign, institutions.

In this context, **recovering the content of the right to higher education** seems fundamental to us:

- Higher education **available** to all means that **free public** higher education institutions must be adequately funded and **present in different parts of the territory, with qualified teachers working under decent working conditions**.
- It means that, where necessary, the state should provide higher education at a distance, but **in a complementary way to face-to-face education**, and guaranteeing the conditions for all learners to study - which implies **universal access to the internet and to accessible technological devices** and platforms, preferably open source and adopting free software. During the pandemic, the **teaching-learning processes** were assumed by families, students and teachers, who had to buy connection equipment, pay for internet access and platforms; but it is the states that must assume the costs of digital transformation, without privatisation.

- Being **accessible** to all means that **all barriers** to access to this right must be **overcome**. Thus, higher education must be **free and cannot adopt exclusionary processes for university entry**, which tend to exclude historically marginalised groups. On the other hand, where free public higher education is already guaranteed, it is imperative **not to go backwards**, precisely because free education must be progressively achieved for everyone. Nor can there be **barriers in terms of infrastructure** or of any other nature, which prevent people with different disabilities or ethnic minorities, migrants and other groups from accessing higher education.
- Higher education has served for centuries to train dominant social groups of the population. There is an urgent need to extend it to historically excluded sectors and with an intercultural and intersectional perspective. Create and expand **affirmative action** policies to guarantee access and **intersectoral policies** in order to guarantee the permanence of these groups in education.
- Higher education should be a **common good**, an **investment** that society makes **collectively, to generate social and environmental justice**. It is an enabling instrument for the realisation of other rights. In this sense, we are **concerned about the offensive of corporate capital**, often foreign, which seeks to enable the business sector to obtain short and fast degrees and also to **influence the spaces of global governance and decision-making on educational policies**, in a non-transparent and undemocratic manner. We are also concerned about the **processes of privatisation and commercialisation** of education, which amplify inequalities and segregation in the systems. Here, states have a fundamental role to play in **regulating private provision and avoiding the indebtedness of students** and their families, so as not to continue to carry over the shortcomings of basic education.
- To be **acceptable** means that the content of higher education must place **human dignity, critical thinking, the transformation of societies**, the realisation of all human rights, peace and democratic coexistence at the centre of its political-pedagogical project. In this sense, face-to-face education is fundamental to fulfil the right to an education that teaches **how to live, how to live together, how to share and how to collectively create** a society of social justice.
- Being **acceptable** means **breaking with the logic of single, standardised, hegemonic thinking** that maintains the *status quo*; it means accepting and valuing diversity, including in evaluation processes, which should follow formative and not solely economic criteria.
- It means **responding to the expectations of the subjects of rights** and of the different actors in the educational communities, who must **participate in the management of universities and in the definition of educational policies**. It also means guaranteeing the conditions for everyone to be able to study and follow the life path that they want to follow.
- Being **acceptable** means ensuring an environment **free of violence**, intimidation, harassment, bullying, threats and other assaults against women, LGBTQI+ persons or any other group, by reason of their participation in the academic community or the exercise of activities. Also, free of violence against institutions, laboratories and university libraries.
- It has taken six centuries for women to gain access to universities. We must now ensure that **gender stereotypes and patriarchal culture are broken**, so that women can remain in the fields of their choice, including STEM (Science, Mathematics, Engineering and Technology) where they are still under-represented, and that they can complete their chosen courses and participate in decision-making.

- On the other hand, **humanist studies, philosophy, art, music and sport must be revalued** because they allow us to understand historical, political and social processes and to propose alternatives for the development of societies.
- To be **acceptable** is to recognise that university higher education must be committed to **teaching, research and university extension**. And to guarantee **university autonomy and academic freedom**, fundamental elements for consolidating democracy, pluralism of ideas, scientific progress and the good life.
- Being **adaptable** means that education should be **flexible** to respond to the context of each learner, enabling him or her to stay in school and complete his or her studies, even in emergency contexts.
- Democratisation of higher education implies that **actors who had their rights violated** earlier in their lives **will be in universities and other higher education institutions**, and that schools must therefore adapt to adequately accommodate this new group, providing **social and emotional assistance** where necessary, and adopting a culture of collaboration, rather than a culture of competition, meritocracy and individualism.
- Considering the indivisibility and inseparability of human rights, it will also be necessary to adopt **intersectoral and intersectional policies** to prevent possible new violations of rights, whether in face-to-face or distance education, and to avoid the drop-out that mostly happens in the first years of education.

Finally, in order to guarantee university and non-university higher education as a human right, it is essential to ensure the **conditions for the fulfilment of this right**. It is urgent to guarantee **good conditions for teachers**, including **good salaries, working infrastructure and academic freedom**. It is time to **decolonise and depatriarchalise** the construction of knowledge, to incorporate the knowledge and worldviews of indigenous peoples, Afro-descendants, migrants, ethnic minorities, LGBTQI+ communities and other historically excluded groups. It is time to **ensure academic freedom** to protect the diversity of methods, themes and sources of research in accordance with the internal practices and rules of each discipline.

It is imperative to ensure **adequate public funding for public and state higher education** that guarantees access and retention for students, without resorting to loan-based "solutions" that, in the long and medium term, reduce the resources available for education due to the debt service that must be paid by states, students and their families individually. To this purpose, it is essential to adopt **mechanisms for tax justice** and to control tax evasion and avoidance in order to make more resources available for education.

It is also urgent to guarantee the **presence, territoriality**, and conditions for **student and teacher organisation**, as well as the **participation** of educational communities in the definition of policies, adopting **transparent and democratic governance**, based on the interests of the university community in open and permanent dialogue with society. Thus, university governing and **co-governing bodies** should broadcast live their meetings and decision-making dynamics to make way for models of direct and open democracy.

Higher education is a right; it is not a commodity! It is imperative that all states assume it as their primary responsibility, fulfil their obligations, and make every effort to make it a reality for all!