

## What does rights-focused evaluation mean?

### Education and Evaluation for All

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Mercedes Ruiz (Ibero)  
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Baja California, Jalisco,  
Michoacán, Veracruz

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Nahuatl, Totonac,  
Tzotzil, Maya, Mayo  
and Yaqui infographics.





# The logbook

Gazette of the National Educational Evaluation Policy in Mexico

Year 1. No. 3 / November 2015-February 2016

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## WELCOME

The *Gazette* has been a veritable melting pot of different opinions since its first edition -No. 0- was published, and the present commemorative edition is an “open house” where all those academics, leaders and specialists in the field of education who have read -or had their articles printed- in the last four ones, have been invited to tell us which of its features they like and which they think should be changed.

### Collaborations and suggestions:

Since evaluating means travelling, learning along the way, and arriving, the *Gazette of the National Educational Evaluation Policy* might be seen as a ship whose passengers journey together on a quest for high-quality, equitable education. Please feel free to write to us with your comments on how you feel the trip has been so far and your suggestions for the rest of the journey.

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One very good thing about the *Gazette* is that it familiarizes decision-makers with the viewpoints of academics in the field of education and the experiences of educational policymakers both around the world, and also in Mexico - at the federal and, above all, the state, level, since the latter is where education mainly takes place. It would also be interesting to read comments from teachers, school principals, supervisors, parents, and, even students.

#### JAVIER TREVIÑO CANTÚ

Undersecretary of Elementary Education (Spanish acronym: SEP)

Two ways of fostering interest in the *Gazette* would be by including: (1) a section where different viewpoints on controversial issues are presented, and (2) a section where teachers, school administrators and other people involved in education could talk about their experiences and the different strategies they use, making suggestions as to how evaluation can play a positive, formative role.

#### YULAN SUN F.

Director of the *Docentemás* project at the Pontificia Universidad Católica de Chile

Rather than suggesting improvements, I'd like to list some positive features of the *Gazette* that I hope it won't allow to be lost as time goes by - i.e. the regularity with which it's published, the relevance of the topics that are discussed in it, the variety and high quality of its articles, and, above all, the fact that's it's published in several languages and different formats, the digital one being of excellent quality and very user-friendly.

#### MARGARITA POGGI

Director of IPE-UNESCO, Regional Office in Buenos Aires

The *Gazette* gives its readers food for thought that enables them to keep up to date, learn new things, and read about topics that are rarely touched on elsewhere - or, at least, not lucidly. It gives an overview of a broad range of issues that bear thinking about.

#### CARLOS MANCERA CORCUERA

Partner of the Despacho Valora consulting firm

The *Gazette* of the National Institute for the Evaluation of Education has become a very important forum for impartial points of view about pertinent aspects of the National Educational Evaluation Policy. It's strength lies in the fact that it doesn't shy away from complex issues.

#### ANDREAS SCHLEICHER

Education and Skills  
 Director for the OECD in Paris

The learning generated thru the *Gazette* ratify its purpose as a place of expression of multiple voices in and around the PNEE in three key areas: a) compliance with legal mandates, b) promotion of cooperation between various actors and c) the need for institutional management. Undoubtedly, it is a crucible of plural ideas and voices towards improvement through evaluation. Reference and lighthouse to guide the daily institutional activities, it allows us to recognize in a short document, a unified view of the PNEE, highlighting different aspects of analytical approaches, progress and challenges of evaluation and its contribution to Educational Reform. A major challenge will be to make visible the relationship between educational evaluation, quality and equity.

#### FRANCISCO MIRANDA LÓPEZ

Head of the Educational Policy and Regulations Unit, INEE

## IN OUR OWN HAND

## Educational evaluation as a tool for promoting observance of the right to education

*In today's Mexico, there can be no doubt that education is now a human right that is not vouchsafed or granted by the State to certain people, but rather possessed by every person merely by dint of their being human. States -and in our case the Mexican State- are responsible for protecting this right.*

2014 INEE Report: The Right to a High Quality Education

MEMBERS OF THE BOARD OF GOVERNORS OF THE NATIONAL INSTITUTE FOR THE EVALUATION OF EDUCATION

To what extent does the Mexican State vouchsafe the right of all its citizens to a high-quality education? The education-related rights and obligations that we should focus on are the ones set forth in the General Education Law and the Mexican Constitution – i.e. the rights to universal education, to the achievement of maximal learning outcomes by all students, and to equal opportunity regarding entry to, and continuance in, the national education system, and the obligation of parents to ensure that their children are enrolled in compulsory education. However, a set of regulations does not suffice either to ensure the observance of the aforesaid right or to transform the educational status quo in Mexico, unless the said regulations are enforced in the places where education is provided and managed, and, specifically, in the schools, in order to make the latter true environments for learning and absolute respect for all human rights.

How much progress is being made in this direction, and what still needs to be done to achieve the above aims? While elementary education is becoming available in more and more parts of Mexico, and 94% of all children and youths between 6 and 14 years of age attend school, much still needs to be done to ensure that education is rele-



vant and of high quality. Over a million children and youths are not in school<sup>1</sup> and 6% of all 15-year-old males, and 8% of all females of the same age, are illiterate (INEGI, 2010).<sup>2</sup>

Mexico, which has more indigenous people and migrants than any other country in America and the second biggest education system on the continent, has been the most recent country to implement educational reform, *vis-à-vis* which we need to ask ourselves what we need to build or strengthen so as to make good on the constitutional right to universal high-quality education, how evaluation helps to achieve this, and how we can evaluate with a rights focus.

The aforesaid issues are discussed in depth, and from a wide variety of viewpoints, in this edition of the Gazette, where we publish the views and opinions of the representatives of five NGO's, the ministers of education of five of our country's states, the Mexican human-rights ombudsman, and the Chairwoman of the Mexican Senate Human Rights Committee, as well as those of specialists from our own country and from Costa Rica and Argentina, representatives of Save the Children and UNICEF in Mexico, a former UNESCO rapporteur, the Ministry of Education's General Director of Indigenous Education, and several INEE officials.

In this third edition of the *National Educational Evaluation Policy Gazette*, published one year after the first one, we acknowledge that -due to the different areas it covers, and the need to give it a rights focus, moving from words to deeds- evaluation is a task marked by high levels of technical, political and ethical complexity.

We need to find a way to achieve the said rights focus in a way that harmonizes with the day-to-day running of our education and evaluation systems. In this edition of the *Gazette*, we set out to examine the task facing us from different angles, in order to get an idea of the difficulties we must overcome. Hence, being aware that the debate on this topic needs to be broad-ranging, multi-disciplinary and respectful of different viewpoints, we ask our readers to give us their opinions as to what the Mexican government, civil society and parents respectively need to do to vouchsafe the right to education, what steps need to be taken by both the National Educational Evaluation Policy and government education policy in general so as to gradually achieve this aim, and how evaluation can help in the endeavor.

In the INEE, everything we do is aimed at vouchsafing the universal right to a high-quality, equitable education. This is the vision that has guided all of us throughout the past year in our job of coordinating the National Educational Evaluation System (Spanish acronym: SNEE). We have supported the processes for creating the Professional Teaching Service (Spanish acronym: SPD), set in motion the National Plan for the Evaluation of Learning Outcomes (Spanish acronym: PLANEA) at the start of the school year 2015-2016, carried out the first "Free and Informed Consultation of Indigenous Peoples and Communities about Educational Evaluation", and, in 2015, issued the INEE's first four guidelines aimed at improving the initial training of elementary-level teachers.

However, this is just the beginning of a journey that cannot, and should not, be put off any longer. We invite you all to join us in reflecting together on what evaluation can do to help ensure universal access to high-quality education as a right. €

<sup>1</sup> *Panorama Educativo de México*. Indicadores del Sistema Educativo Nacional. 2014 Educación básica y media superior. INEE, 2015. <http://goo.gl/HoUxYQ>

<sup>2</sup> Censo Nacional de Población y Vivienda 2010. Instituto Nacional de Estadística, Geografía e Informática 2010. <http://goo.gl/DxP6N9>

## After one year of publication

### Explore, learn and reach...

#### How to explain the *Gazette* journey?

**One** main objective: fostering the dialogue of the National Educational Evaluation Policy.

**4** editions each quarter in paper, digital and PDF formats.

**3** languages: Spanish, English and Portuguese.

**4** separate topic areas in each edition: (i) How to build a National Educational Evaluation Policy?, (ii) What we know about, and what we need to change in, Teaching, Teacher Performance and Training?, (iii) What and how to evaluate in the Context of the Educational Reform?, and (iv) What does rights-focused evaluation mean?

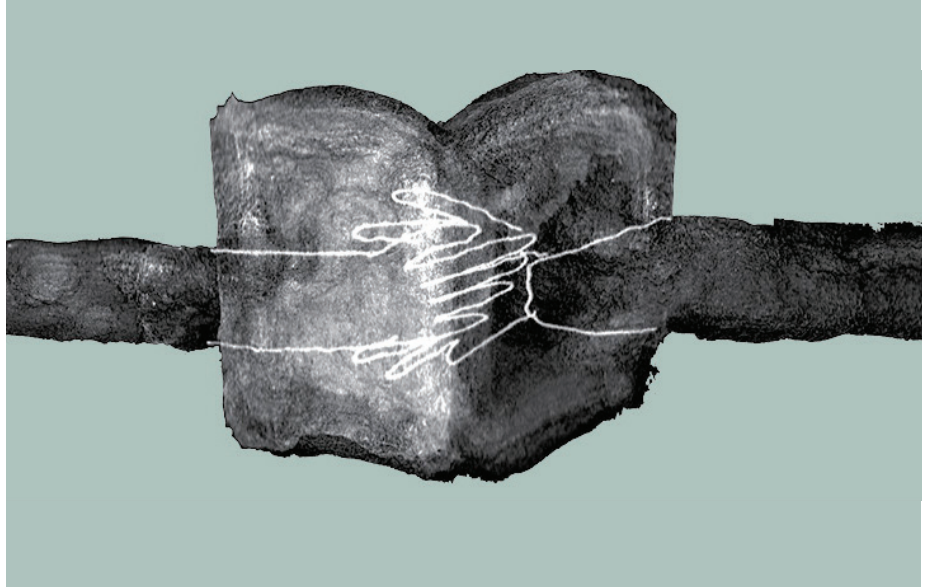
**8,000** copies distributed in **22** countries: Mexico, Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Honduras, Panama, Paraguay, Peru, Puerto Rico, The Dominican Republic, Uruguay, Venezuela, Canada, the U.S.A., Germany, Spain and France.

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**24** opinion articles translated into the **7** indigenous languages of Isthmus Mixe, Oaxaca-coast Mixtec, Sonoran and Chihuahuan Mayo, Sierra de Chihuahua Tarahumara, Maya, Náhuatl and Zapotec.

**10** Mexican authors who are specialists in evaluation and leaders in the field of education, aimed at the members of the National Educational Evaluation System, and ministers of education and education authorities **21** countries.

**37** interviews with Mexican and international decision-makers in different areas of education.



**3** book reviews dealing with different historical aspects of education: *A History of Education in Mexico*, *Primary-school Evaluation* and *The Sorcerers' Rebellion* (original Spanish title: "*La rebelión de los brujos*").

**4** topic areas dealing with ABCD of the education system: A: Education; B: Bardach and the eight-fold path to analyzing public policy; C: Key concepts of educational evaluation; and D: Rights. Considerations for educational evaluation.

**4** thought-provoking words by Eduardo Galeano, Gabriel García Márquez, Umberto Eco and Clarice Lispector.

**4** dossiers giving an education overview: *Strategies for Supervising and Observing the 2104 Competitive Examinations for Entry to, and Continuance and Promotion within, the Professional Teaching Service*; *Evaluation and Teacher Performance: Contextualized Comprehensive Evaluation*, and *Four approaches to evaluation*.

**26** book reviews, **19** reports on developments in the academic world, and **4** films recommended for those wishing to know more about educational evaluation.

**18** Mexican states/entities, discussing local educational developments: Baja California, Sonora, the State of Mexico, Quintana Roo, Yucatán, Chihuahua, Guanajuato, Veracruz, Aguascalientes, Mexico City, Sinaloa, Durango, Tlaxcala, San Luis Potosí, Puebla, Michoacán, Chiapas and Jalisco.

**17** international specialists, who provide a global view of education, from France, Spain, Chile, Argentina, Brazil, Costa Rica and some African countries.

**32** photographs, **3** photographers and **24** historical and statistical databases that portray education in Mexico: Children and Evaluation in Mexico; Then and Now. Teachers, Schools and Educational Resources; 45 Years of Educational Evaluation in Mexico; and They talk about their rights.

**3** infographics showing ways of teaching and actions taken regarding education: *Strategies for Supervising and Observing the 2104 Competitive Examinations for Entry to, and Continuance and Promotion within, the Professional Teaching Service*. *Historical Trends in Teacher Training, Observance of the Right to Education, and Educational Evaluation, in Mexico*.

1 infographic about the right to education of Mexico's indigenous population, translated into English and the 6 indigenous languages of Náhuatl, Totonac, Tzotzil, Maya, Mayo and Yaqui.

143 unpublished illustrations by 10 artists: Luis Pombo, Abril Castillo, Enrique Torralba, Lucía Cristerna, Fabricio Vanden Broeck, Juanjo Güitrón, Richard Zela, León

Braojos, Natalia Gurovich and Alejandro Magallanes.

The *Gazette of the National Educational Evaluation Policy in Mexico* is a forum for reflection about educational evaluation that links two continents and hundreds of specialists via the National Institute for the Evaluation of Education (Spanish acronym: INEE): [www.inee.edu.mx](http://www.inee.edu.mx). €

## VOICES FROM THE CONFERENCE

### Reality versus the right: evaluating and educating without discrimination

“We are looking at two phases – the old situation where the Constitution didn't explicitly recognize human rights, and the new one where it contains a chapter on human rights and their safeguarding, with a totally different focus, based on the Reform,” says our interviewee, **Angélica de la Peña**, chairperson of the Mexican Senate's Human Rights Committee, asserting that “rights-focused educational evaluation is possible if we have the political will to achieve it”.

“Safeguarding human rights means acknowledging that everyone automatically has the said rights by mere dint of being a person,” explains the senator, going into detail about the work done by the said Committee, the obstacles facing it, and the outlook for the future:

“One of the main tasks we took on was the implementation of the structural reform that was published in the Official Federal-Government Gazette on June 10<sup>th</sup>, 2011, amending eleven articles of the Mexican Constitution<sup>1</sup> as part of a human-rights package covering topics such as the government's safeguarding of human rights, violations of the said rights, support for the victims of such violation, and the treatment afforded to for-

eigners. It took us almost three years to reach a consensus enabling us to pass these laws, and one of the obstacles we faced, above all at the institutional level, was the fact that we were looking at two phases – the old situation where the Constitution didn't explicitly recognize human rights, and the new one where there has been a basic amendment to the first chapter of Section One of our Constitution, which is now referred to as the chapter on human rights and their safeguarding”.

Though the said amendment constitutes progress -e.g. it no longer refers to holders of rights, but rather to obligors and obligees, and stresses the ‘priority’ interests of the child, the senator explains that structural change is neither easy nor automatic:

“There still hasn't been any real impact on the autonomous human-rights authorities in the different states, and this obliges us to take a series of steps to bring the federal and local secondary legal frameworks into line with each other in order to enforce the new provisions”.

On the specific topic of education as a human right, the lawmaker tells us that “Article 3 of the Constitution obliges the State to provide places where children of both sexes can exercise their right to education, which must be imparted by suitable, properly trained teachers”. After stressing that education is a basic right and must be non-religious, free and universal, De la Peña, an ex federal congresswoman, talks about the context of the said right:

“We have to be aware that education is aimed at children of different ages whose cognitive development depends on the input they get. Education is a basic part of their development, and they also have a right to good health, adequate nutrition, and love”.



Senator De la Peña explains that the Committee she heads has a broad working brief that covers connected issues such as appointing the members of the advisory board of the National Human Rights Commission and responding to the proposals, requests and demands of specialists.

She asserts that the Senate's efforts *vis-à-vis* rights-focused education need to be holistic:

“We did our part by drafting and passing the Law Governing the INEE and the amendment to the General Education Law. Of course, the bases for these secondary laws were the constitutional reform in the area of

education, which, in my opinion, has been one of our country's most important structural reforms. Was what we did enough, or do we need to perfect it? I believe that it's the job of the Union Congress and the Human Rights Commission to make sure that the authorities do their part of the work well. In that regard, we're always ready to make any necessary corrections to, or extensions of, the laws stemming from the Educational Reform. We shouldn't forget that it's up to us to ensure compliance with children's rights, which they can't enforce themselves, this being the responsibility of those of us who wield power and make decisions".

When asked how Mexico is doing, compared with the rest of the world, in its efforts to safeguard the right to education, she responds: "The country is facing so many difficult situations. We're evaluating all our teachers, which is something Finland doesn't need to do, since it's being evaluated as a State; that's how big the difference is". Getting down to specifics, she says: "We're not doing well in the international evaluation; we got bad results in reading, in mathematics, in general. We're not fully complying with the right to education, and another big problem is that many of our children are not in the education system – something that should only occur during states of emergency and reflects the social inequality in our country".

Going into more detail about the social situation and its different aspects, the senator voices some of the worries of the Senate Education Committee:

"Among the problems are bullying, pregnant teenagers -who are also prime victims of discrimination-, children who don't have any clases, and the failure to adequately ensure compliance with the right to education of our indigenous peoples. With regard to this last issue, the only way we can ensure that these cultures survive is via education. It's highly regrettable that the languages of many of them are dying out. There are many other similar problems that aren't being properly tackled, and we have to raise awareness about them, because they're all grounded in discrimination. It isn't that children in indigenous communities have to learn English to the detriment of their own culture. It's the task of education to safeguard their identity in order to provide optimal conditions in which each child can achieve his/her goals in life".

"I wish to stress again that the challenges we face in Mexico are very big. There are a

lot of schools with broken windows and wrecked bathrooms without any paper, and a lot of other cases where schools are still asking parents for a so-called 'voluntary donation', with all that that implies for a mother or father who says 'I refuse' or 'I can't'. It's hard to understand how such basic problems can continue to hamper us in our endeavor to tackle the great challenge of raising the quality of our education system. We're forced to conclude that education in Mexico still leaves much to be desired".

Asked about the part played by the LNEE in the endeavor to implement rights-oriented evaluation, De la Peña replies:

"I think that the INEE has done a phenomenal job. I believe we were right in deciding that its board should consist of five members with impeccable track records, and we know that these people are making a great effort. I think that the INEE got off on the right foot, because we have a group of academically solid experts who are going to ensure that we achieve our aims and work the miracles that our country needs in order to make its education system a high-quality one. The INEE will help us -indeed, is already helping us, though there's still a long way to go- to achieve this transformation of the system, providing the Ministry of Public Education (Spanish acronym: SEP) with the support it needs in order to move forward".

Talking about the role to be played by the SEP in achieving rights-focused evaluation, the senator explains:

"The SEP has the great responsibility of complying with the human right to education by eliminating discrimination, and, although it might seem that the issue of human rights doesn't have much to do with the restructuring of education per se, I believe that it's precisely by emphasizing human rights that we'll change the education system in order to produce a different type of citizen. We shouldn't forget that education is what produces good citizens, and unfortunately, as far as I can see, I don't see an emphasis on human rights in the curricula of any of our schools – either at the primary level, or at the lower-secondary level, or at the upper-secondary level. That's our first challenge".

"We have to teach our children to respect, protect and promote human rights. Education can't produce a different type of person if it doesn't adopt this new human-rights focus. That's how we can do away with

discrimination and achieve an education based on sound principles and standards, where, rather than imposing whatever they see fit on their students, teachers teach in accordance with set standards aimed at inculcating respect for human rights and one's fellows, peace, patriotism, honor and democratic values. This includes private education, which I believe also needs to be reformed so that it complies with the principles set forth in Article 3 of the Constitution. We need decent structures and infrastructures, as well as properly trained, professional, updated teachers who know their subject matter".

Talking about the people involved in the aforesaid process, the responsibilities they need to assume, and the channels of communication among them, De la Peña mentions NGO's and asserts that right-oriented evaluation "...is possible; it's a matter of political will":

"Government organizations have to listen to the proposals of the NGO's, because, in a democratic system, they both share responsibility. The prerequisite for dialogue is compliance with the Constitution. If some NGO's say 'Hey, our schools can't be so run-down, because that's a violation of the Constitution', the authorities have to listen and work with them".

The senator believes that we still have along way to go to build a participative democracy: "...but we have to build it as we go and not be held back by the inertia causing our country' social fabric to fray so badly. Indeed, education plays a key role in building -and rebuilding- the said social fabric".

Finally, De la Peña points out that, in the aforesaid context: "We need to be aware of all the problems that the INEE is tackling and solving every day and act accordingly. One of the academic professions that we need to value more in our country, given its great importance and the challenges its members have to face every day, is the teaching profession. If we don't ensure that our teachers are up to the task of complying with our children's right to education, then our country won't change". €

Interview: Mary Carmen Reyes López

1 CPEUM's articles 1, 3, 11, 15, 18, 29, 33, 89, 97, 102 and 105



## VOICES FROM THE CONFERENCE

## Evaluating compliance with the human right to education

“As a matter of priority, the autonomous institutions charged with evaluating the education system and protecting human rights need to work together to design the strategic benchmarks pertaining to the exercise and safeguarding of the right to education,” asserts the author, who reflects on what the State needs to do to in order to measure compliance with the said right.

LUIS RAÚL GONZÁLEZ PÉREZ<sup>1</sup>  
Chairman of the Mexican Human Rights  
Commission (Spanish acronym: CNDH)  
[lr Gonzalez@cndh.org.mx](mailto:lr Gonzalez@cndh.org.mx)

### What needs to be evaluated in accordance with a human-rights approach?

Without doubt, Mexico is in the middle of a lively public debate, involving many different opinions, about something that will define its future as a society – i.e. education. The said debate embraces educational infrastructure, teachers, curricula, syllabi, course contents, the quality of teaching, the direction that education must take, and other related topics, outstanding among which is educational evaluation.

With regard to the latter, should we evaluate human resources and teaching materials, the effectiveness of teaching strategies, the efficacy of curricula and syllabi, student achievement, or enrollment levels?

All of the above things should be evaluated, being just as relevant, for example, as the ability of the Mexican public and private sectors, and its social organizations, to jointly satisfy the demand for education of all our country's children and youths of both sexes.

The key thing here –without neglecting all the other different challenges that need to be addressed- is the very real need to evaluate compliance with a right.

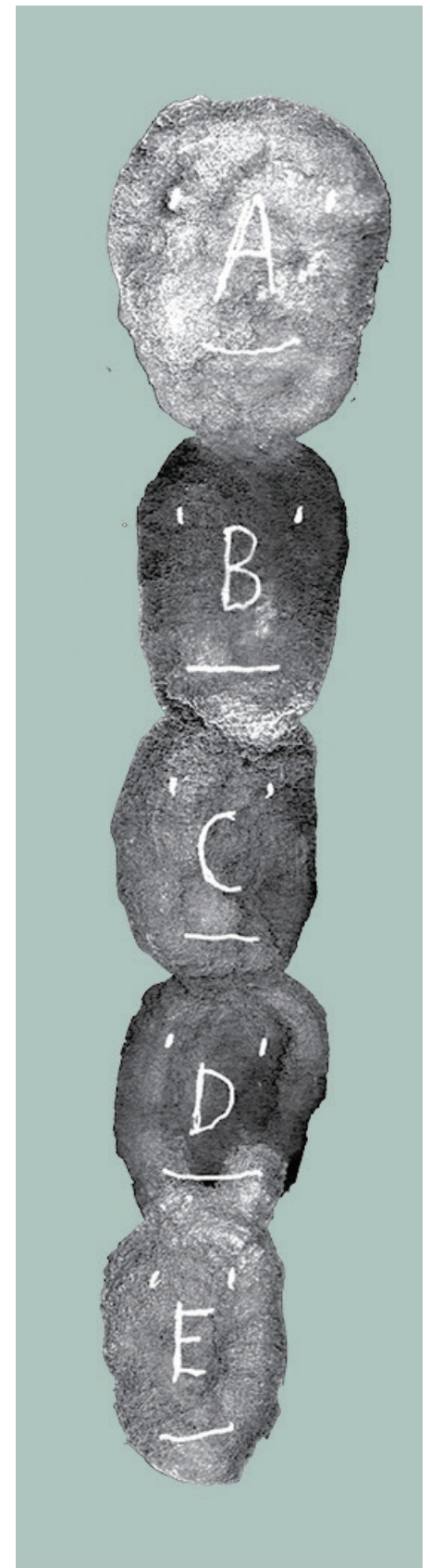
Though education is a basic universal legal right, it has been regarded as a privilege throughout most of human existence, it being noteworthy that it wasn't until the last century that the now prevalent view, reflected in both international and Mexican law, that access to education is a human right –one that opens the door to the exercise of other rights and to full personal freedom- arose.

The international legal framework in this area sprang from the 1948 Universal Declaration of Human Rights, along with the International Convention on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which, issued by the United Nations General Assembly in 1966, and ratified by Mexico in 1981, establish rights pertaining to education and stipulate the State's obligations *vis-à-vis* the protection of the said rights.

There are also various other international statutes that stipulate, or implement, rights to education, linked either to the aforementioned declarations and conventions on the said right to education, or to other rights. These include the Declaration on the Rights of the Child (1989), the Convention Against Discrimination in Education (1960), the Hamburg Declaration on Adult Learning (1997), and the Convention on the Rights of Persons with Disabilities (2006).

The aforesaid international instruments can be summarized as stipulating that:

- everybody has a right to education.
- elementary education must be free and compulsory, while technical and professional education must be generally available, with access to higher studies being fostered by the State, to which end it is intended to increase the availability of compulsory-education so as to achieve 100% coverage at the upper-secondary level by 2022.
- from a humanistic standpoint, elementary education should seek to: (a) maximally develop the child's personality,



1 With the cooperation of the CNDH's General Department of Planning and Analysis.

skills and mental and physical abilities; (b) imbue the child with respect for human rights, basic freedoms and the principles enshrined in the United Nations Charter, along with respect for his/her parents, native language and country of birth, as well as for cultures that differ from its own, (c) prepare the child to live a responsible life in a free society, doing so in a spirit of understanding, peace, tolerance, gender equality, and friendship among all peoples, ethnic, national and indigenous groups; and (d) inculcate respect for the natural environment.

- parents have the right to choose the type of education that they want their children to have.
- the State must not impose any religious faith on students.
- children must be given an education that fosters their general cultural development and enables them to develop their skills, judgement and sense of moral and social responsibility on a basis of equal opportunity so as to become useful members of society.
- children of both sexes are entitled to fully enjoy games and other recreational activities, which should be educational, with government authorities and society in general being charged with promoting the exercise of this right.
- children of both sexes with physical or mental disabilities have a right to special care and education suited to their condition.
- the State must endeavor to take steps to promote regular attendance at school and reduce student drop-out rates.
- the State must ensure that discipline in school is compatible with the child's human dignity.
- the State must put an end to all racial, religious or cultural discrimination in education.
- the State is the main entity responsible for complying with the right to education, especially that of vulnerable populations, regardless of people's educational level and age.
- the State, jointly with the private sector, is obliged to fund education and formulate public policy that ensures compliance with the right to education on a basis of equal opportunity, and to seek to improve the working conditions of teachers.

It bears mentioning that the binding agreements mandating respect for the right to education form part of the Mexican Constitution (Spanish acronym: CPEUM), and that, since the said agreements comprise guidelines regarding compliance with a human right, they bind the competent authorities to promote, respect, protect and safeguard the said right in accordance with the principles of universality, interdependence, indivisibility and progressiveness that are enshrined in Article 1 of the said CPEUM.

Furthermore, Article 3 of the CPEUM contains some additional principles regarding compliance with the right to education, stipulating that "The State shall foster high quality in compulsory education, ensuring that there are suitable teaching materials and methods, educational infrastructure, teachers and school principals to achieve maximum learning outcomes".

In keeping with the above, Article 3 of the CPEUM states that "Entry to the teaching service and promotion to administrative and supervisory positions shall be via competitive examinations that ensure that appointees possess the necessary knowledge and skills".

Our Constitution also mandates the setting up of the National System for the Evaluation of Education (Spanish acronym: SNEE), to be coordinated by the National Institute for the Evaluation of Education (Spanish acronym: INEE), an autonomous government entity with legal standing and its own budget, for the purpose of evaluating the quality and performance of -and results obtained by- the National Education System (Spanish acronym: SEN) at the pre-school, primary, lower-secondary and upper-secondary levels, for which purpose it should: (a) design and carry out evaluations of the components, processes or results of the SEN; (b) issue the guidelines to be adhered to by the federal and state-level education authorities when carrying out the evaluations that it is their obligation to effect; and (c) produce and disseminate information for the purpose of issuing guidelines that orient the making of decisions aimed at raising the quality of education and making it more equitable as crucial ways of achieving social justice.

The aforesaid provisions constitute the conceptual framework for the carrying out of rights-oriented educational evaluation in our country.

### The need for human-rights benchmarks

The purpose of educational evaluation is to obtain data that make it possible to ascertain how, and to what extent, the right to education is being complied with in our country.

The key role assigned, by the 2011 constitutional reform, to human rights as a guiding principle of all actions taken by State entities entails the establishment of institutions such as the INEE, which, in its endeavor to assess the evolution of the SEN and ascertain the progress achieved by the latter in order to orient public policy, is obliged to ascertain how much progress has been achieved with regard to the pertinent respect for human rights.

Without passing over the technical complexity inherent in evaluating the SEN, it should be stressed that one of the key features to be evaluated is the respect for basic human rights that is mandated both in the Mexican Constitution and in the international treaties signed by Mexico.

Hence, it is important that the autonomous institutions charged with evaluating the education system and ensuring the observance of human rights pool their efforts and work together to design strategic benchmarks to measure the exercise of, and protection of, the right to education, in which task the cooperation and advice of the Office of the United Nations High Commissioner could be of great help, given that it consists in creating benchmarks relating to rights-oriented education that accord with the international regulatory framework.

### Conclusions

The debate about the SEN and its obligation to respect the human right to compulsory education is highly important, since it concerns not only the training of the said system's teacher's and their idiosyncracies and aspirations -i.e. how they will overcome the obstacles that they face and confront the future-, but also democracy and the rule of law, since the State and its institutions can only be sustained if a consensus is reached about freedom and human rights.

The said debate also concerns the number of people receiving formal education and the quality of the services they receive. No steady improvement in the said services can be envisaged unless school enrollments increase, since the worst service is that

which is not rendered due to lack of capacity. However, enrollments and quality must go hand-in-hand, since the latter must not be sacrificed in order to increase the former. Indeed, new schools need to be built, since it would be disappointing if the possessors of the right to education were to receive services that failed to yield the expected results – i.e. entry to the job market or the ability to move on to higher studies.

Since the State is the primary obligee *vis-à-vis* the right to education, it should not reduce its funding in that area, but, rather, gradually increase it, within its budgetary constraints, in order to adhere to the principle of gradual progress in the observance of the said human right.

Neither should companies cut down on their support for the education sector, since, among other types of subsidy, scholarships are an effective way of helping to promote compliance with the said right to education, while, for their part, parents and civil society in general should constantly ensure that institutions comply with the said right, while also assuming their own duties as obligors, since the education system alone cannot be answerable for satisfying the educational and training needs of our children and youths of both sexes.

Teachers are also at the forefront in the struggle against ignorance, being entitled, just like civil society in general, to play a part in designing educational programs and tools, as well as to exercise academic freedom. One should not forget, however, that they are also obligees, since, when rendering their services, they are fulfilling a constitutional obligation on behalf of the State.

We need to examine these issues in order to ascertain the extent to which we are complying with the right to education and discover which challenges remain, in order to be able to make the right decisions. €

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International Convention on Economic, Social and Cultural Rights. UNO General Assembly, Resolution 2200 A (XXI) of December 16<sup>th</sup>, 1966, entering into force on January 3<sup>rd</sup>, 1976, in accordance with the stipulations of Article 27 thereof.



## VOICES FROM THE CONFERENCE

### Evaluating in a context of -and from a standpoint of- social and linguistic diversity

“The evaluation of public-education institutions is more than a mere matter of morality, given that the Mexican Constitution is a contract made by society with itself, via democratic, federally coordinated government,” says the Director of Indigenous and Migrant Education of the country with the biggest number of indigenous groups and languages in Latin America.

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*All open, effective governments should evaluate performance.*

Plan Nacional de Desarrollo (PND)  
2013-2018

Improvement of the National Education System (Spanish acronym: SEN) needs to accord with the knowledge and competencies that are needed in today's world.

To address our country's social, cultural and linguistic diversity, we have had to develop innovative intervention mechanisms enabling us to come up with proposals for enriching the State's educational curricula by including in them age-old lore and knowledge from the different regions and aligning them with local patterns of family and community life, so as to make them multicultural, polyglot bases for the creation of meaningful, organized learning environments.

### Types of evaluation in indigenous and migrant education

- Classroom evaluation of student learning outcomes.** This type of evaluation should be formative and assign grades so that passing students can move up to the next level.
  - Mexican and international standardized evaluations.** These evaluations seek to verify basic learning outcomes at the different school levels and in the different age groups.
  - Professional teacher evaluation for purposes of diagnosis and measuring performance.** This type of evaluation seeks to identify particular areas that require improvement.
- Mexican and international external evaluation.** This type of evaluation is aimed at ascertaining the status quo of indigenous education or the performance of the institutions involved in it.

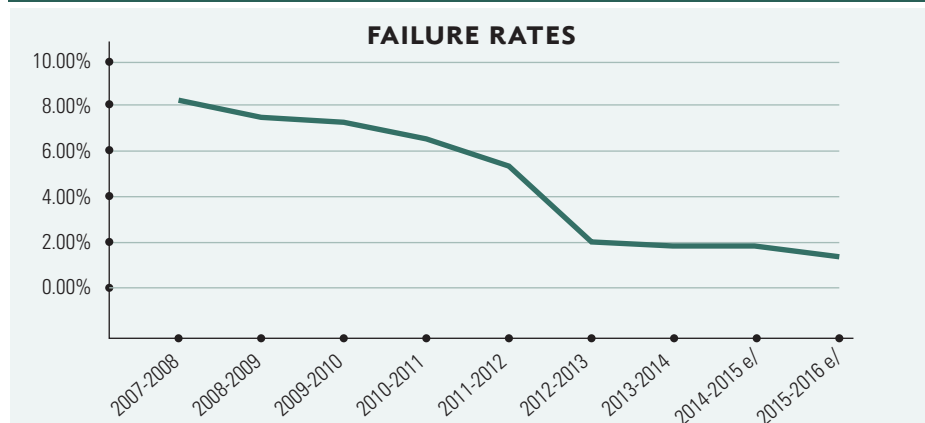
In the words of Édgar Alcántar:

The different processes for ascertaining institutional and regulatory priorities based on student, teacher and SEN performance need to be impartial, objective, transparent and legitimate.

The main challenges facing the evaluation of indigenous education are social, cultural and linguistic diversity, along with the sparse distribution of the groups and institutions in question, which are often hard to reach and impoverished, having inadequate physical and technological infrastructure and lacking social services.

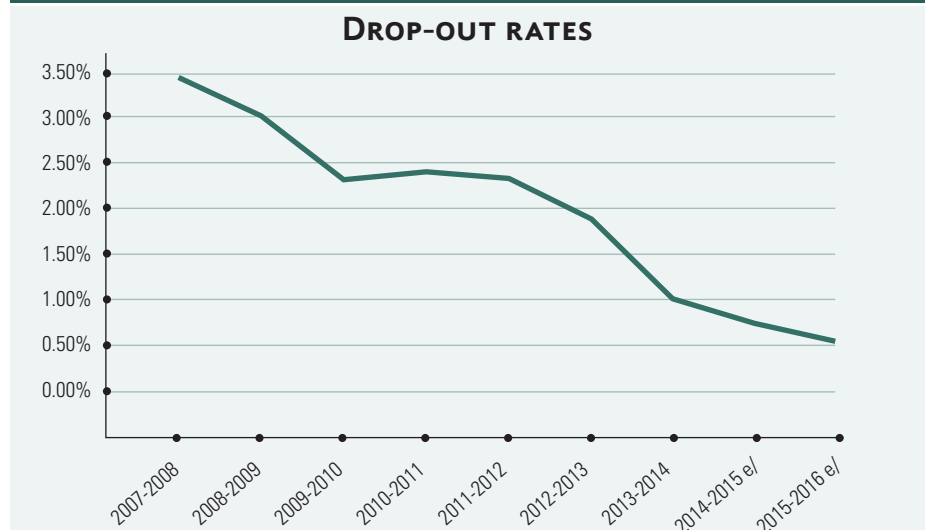
In order to provide education in this context of cultural and linguistic diversity, we have designed curricula on which to base planning and teaching, thus complying both with Mexican norms and with the international agreements signed by our country, designing study programs that include the students' indigenous language, and where subjects are taught in the latter. These measures, along with a results-based managerial focus, high institutional-performance standards, and the use of professional indigenous teachers -who, over the years, have been responsible for achieving change- have enabled us to improve educational standards in our country's 22,000 indigenous schools, mainly located in the states of Chiapas, Oaxaca, Guerrero, Puebla and Veracruz, as shown in graphs 1, 2 and 3 below:

Graph 1. Failure rates in indigenous schools



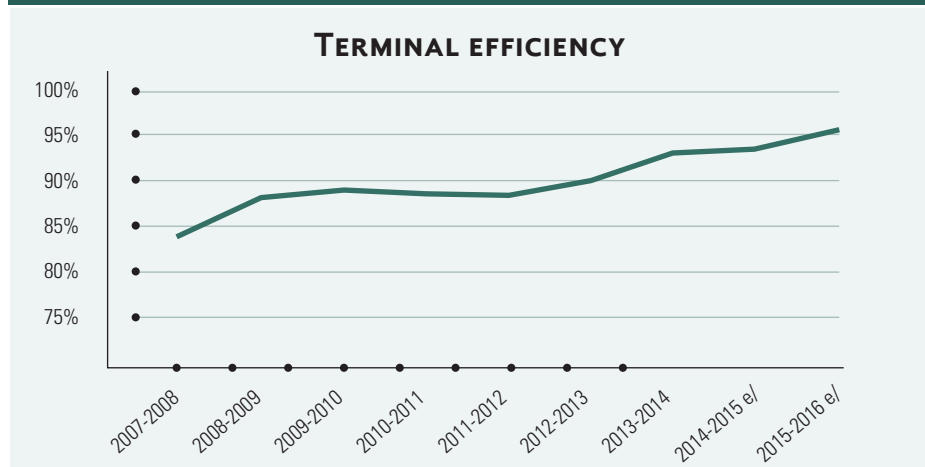
Source: DGEI-SEP.

Graph 2. Drop-out rates in indigenous schools



Source: DGEI-SEP.

Gráfica 3. Terminal efficiency in indigenous schools



Source: DGEI-SEP.

**Graph 4. ENLACE Primary Mathematics. Results from 2006 to 2013. Percentage of students (in 3rd, 4th, 5th and 6th grade) in each type of education who obtained "Good" and "Excellent" scores.**



Source: SEP.

**Graph 5. ENLACE Primary Spanish. Results from 2006 to 2013. Percentage of students (in 3rd, 4th, 5th and 6th grade) in each type of education who obtained "Good" and "Excellent" scores.**



Source: SEP.

From another angle, indigenous education was one of the areas in which the SEP administered the National Evaluation of Academic Achievement in Schools (Spanish acronym: ENLACE) for each type of

education, ascertaining that significant progress had been made in providing identity-appropriate education via the Program for Supporting Disadvantaged Schools (Spanish acronym: PAED).

### Evaluating with a rights focus

Bringing about conditions that enable everybody to exercise his/her right to high-quality education implies ensuring that inclusion and equality exist at the elementary level by taking the various actions required to provide SEN coverage to children and youths of both sexes who, due to their social and/or economic status, cultural identity or gender, do not currently have access to education or risk being excluded from it, changing norms and assigning resources and teachers in order to guarantee everybody equal the same opportunity to enter and remain in school, and achieve excellence there.

The rights focus in education -which implies professionalizing teachers and administrative staff, designing and developing monolingual, bilingual and multilingual teaching materials, and finding new ways to achieve multicultural, bi/multilingual teaching/learning at all levels by contextualizing and diversifying course contents- is crucial to the exercise of other rights, thus being linked to equality. Though two out of every three indigenous schools receive funding via different SEP programs, a comprehensive policy for achieving full coverage still needs to be implemented.

Hence, we urgently need to promote high-quality, efficient, effective, equitable evaluation that is methodologically and conceptually based on awareness of our nation's history, encapsulating it in proactive government policy aimed at achieving excellence where indifference has heretofore prevailed. It is, then, a matter not just of calculating shortfalls, but also of taking positive steps to improve public education in areas where we still haven't done enough to achieve minimally acceptable standards or offer employment conditions that motivate teachers and school administrators to face the complex challenges of providing high-quality education in contexts of diversity.

In the learning processes have been adopted for indigenous and migrant education, evaluation is an integral part of classroom activity. Though the said evaluations are carried out mid-course/each two months, the endeavor is to foster ongoing and formative evaluation as a tool for encouraging reflection in all those involved about the cognitive and emotional needs of the child learner, taking into account cultural practices, and community interests and relationships, in

order to come up with materials centered on play that are both meaningful and edifying.

The following rights-focused developments have been achieved in the DGEI via the joint efforts of teachers, researchers and community members:

a) **Curricula with their respective materials:** Developed by Xóchitl Olvera and DGEI teams<sup>1</sup> for the purpose of helping teachers to come up with programs in line with local cultures and lore, aimed at fostering global learnings and competencies, these:

- embrace different subject contents and touch on legal issues.
- contain teaching-learning and course-plan guidelines for the initial, pre-school and primary levels.
- cover traditional scientific knowledge, indigenous mathematics, nature and farming practices, using new monolingual, bilingual and multilingual materials designed for indigenous and migrant students.

b) **Teaching of the indigenous language as a subject.** Proposed by Eleuterio Olarte and the state committees,<sup>2</sup> these courses:

- focus on functional oral skills for social purposes.
- set out to achieve effective bilingual oral and reading-writing skills.

### Development of a methodology and programs for teaching the different indigenous languages

The aforesaid skills are taught in indigenous single-classroom and multi-level schools through group work whereby the teacher encourages his/her students to develop both individual and group skills, with evaluation being carried out on an ongoing basis. Likewise, based on fieldwork and dialogue that involves teachers and members of the indigenous community on an equal standing, we in the DGEI are designing and developing the most the most important multilingual program in Latin America, based on 542 monolingual, bilingual and multilingual texts that place the subjects taught in the local context, thus making them meaningful, accesible and authentic, with 7,151,071 copies of the said books, in different languages and adjusted to different cultural contexts, having been printed for the 2015-

2016 school year. Also, to provide added value as part of an inclusive government the DGEI is developing an indigenous-language program.

The above shows that all those of us who are involved in the indigenous-education subsystem have to face greater challenges than those faced by the other schools, students and teachers as part of the Mexican government's endeavor to align its policies with the United Nations Declaration on the Rights of Indigenous Peoples via the implementation of the necessary regulations – specifically those stemming from the 2013 Educational Reform.

### Conclusions: addressing diversity in the framework of the Educational Reform

The SEN's priorities are high-quality learning outcomes, teacher training and development, in addition to which it is seeking to strengthen our country's schools and develop local school-management capabilities in a context of equality and with a gender-equality focus. The 2103 Educational Reform establishes the following short- and medium-term agendas for indigenous and migrant education in Mexico:

The goals set for the System for Providing Technical Support for Schools (Spanish acronym: SATE) are to:

- develop support circles for providing specific help to communities and the schools in them.
- train peripatetic teachers of indigenous languages, English, physical education and art, along with pertinent guidelines for the teaching of the said subjects.
- provide courses in leadership and management to school principals and supervisors.
- assign Diversity Advisors (DA's), formerly called Technical Teaching Advisers, to provide guidance to indigenous, migrant and rural schools.
- provide orientation and support to regional rural schools with large indigenous populations and schools in urban areas with high levels of indigenous influx.
- link indigenous schools with schools pertaining to the 'Telesecundaria' distance-learning system, in regions where they both exist, in order to create common teaching frameworks, shared goals and joint ongoing-teacher-training programs, strengthen linguistic and cultural foundations, and reduce drop-out rates.

- provide more, and more varied, educational opportunities that extend beyond the primary level, improving infrastructure and access to information and communications technology, and pooling resources among sectors.
- invest in local strategies aimed at developing language competencies in teachers and fostering cognitive development in students so as to strengthen their indigenous identity while also giving them a global outlook, which also implies making sure that teachers are assigned to regions based on their native indigenous language.
- foster the widespread enrollment and participation of indigenous, migrant and rural schools in elementary-education programs.
- increase financing for state and regional initiatives aimed at providing local support for education that suits the context and meets the associated teaching and school-management challenges.
- fully professionalize teachers and school principals in rural, indigenous and migrant schools in order to raise quality and provide a diverse education that includes language learning via information and communications technology.

In our education policy, we must go beyond repeatedly mentioning what *should be*, working together to show that we can indeed meet one of the greatest challenges facing humanity – that of respecting the right to universal education. €

1 Published as part of the series entitled *Marco curricular de la Educación Inicial Indígena. Un campo de la diversidad y Marco curricular de la Educación Preescolar Indígena y de la población migrante*. DGEI, SEP.

2 Based on *Lengua Indígena. Parámetros curriculares*. DGEI, SEP.

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VOICES FROM THE CONFERENCE  
FACING OUR CHALLENGES

## Multicultural schooling: educational-evaluation benchmarks in Jalisco

Mexico is a multicultural country. In view of this, what evaluation strategies is Jalisco developing to underpin the universal right to education? “The diversification of educational options in such a multicultural context has obliged us to redouble our efforts;” says the author of this article, who foresees that his state will face a task of enormous proportions.

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### Progress achieved in evaluation in Jalisco

Jalisco takes part in the national and international evaluations that are coordinated by the Mexican Ministry of Education (Spanish acronym: SEP) and the National Institute for Educational Evaluation (Spanish acronym: INEE), developing local programs that place the stress on improvement as a means of helping the education authorities to make better decisions at all levels, ranging from the state's ministry of education and its different coordination sections and general departments at the top, through the sector heads, supervisors, school principals who comprise the education system lower down, to the teachers and parents who are at the bottom level – though we should acknowledge that they are really the main protagonists.

Measuring the factors covered by the Certificate of Learning-Associated Factors (Spanish acronym: CEFAA). This measurement has been carried out every year since 2008 in order to ascertain which features, both inside schools and outside them, lead to the learning gaps found in students in the different types of education. The results of the aforesaid study are made available to the different areas, and at the different levels, of the Ministry of Education of the State of Jalisco (Spanish acronym: SEJ), and also to the research departments of various institutions, as a yardstick for designing strategies for improving learning outcomes, with the stress being placed on aspects of the family and school environments.

**Follow-up of the actions taken by School Technical Committees (Spanish acronym: CTE).** These committees are responsible for school organization and for improving the learning outcomes of students at the elementary and lower-secondary levels, constituting a forum where students, teachers and parents, led by the school principal, help to solve the problems facing the school by discussing their experiences in relation to teaching and school administration. During the 2013-2014 and 2014-2015 school years, the SEJ developed and deployed an instrument for monitoring CTE activities in order to measure improvements regarding learning paths, establish more stringent standards, and provide feedback to the people at the different levels, and in the different areas, of the

education system that would help them to set goals and refocus efforts throughout the said system.

**The Formative Focus of Evaluation in Jalisco (Spanish acronym: EFEJAL).** Jointly run by specialists from the Department of Educational Planning and Research, the Department of Elementary Education (Spanish acronym: CEB) and the Department of Teacher Training and Evaluation (Spanish acronym: CFAD), who were initially accompanied by the State Technical Committee for Education, this program is aimed at putting in place a state-wide evaluation program for the purpose of improving teacher performance<sup>1</sup> and student achievement while generating information to satisfy our state's needs, in line with national policy. It involves the following 5 activities:

1. *The creation of scenarios for improving formative-evaluation processes in schools.* This course, whose contents were considered to be “relevant and useful for teachers”, but whose materials were deemed “improveable”, was piloted.
2. *The design of instruments with a formative focus.* The said instruments were created based on INEE protocols (2006 and 2014),<sup>2</sup> and also on protocols developed by the National Center for the Evaluation of Higher Education (2011)<sup>2</sup>, in order to evaluate progress in the first three blocks. On March 4<sup>th</sup>, 2015, the definitive EFEJAL test of Spanish and Mathematics was administered to a sample of 1,768 primary and secondary schools, in the third and sixth years of the former, and the third year of the latter, being taken by a total of 94,448 students. The instruments pertaining to Spanish and Mathematics in the fourth and fifth years of primary school, and to English as a Foreign Language in the fourth and sixth years of primary school and the three years of secondary school, are currently being piloted.
3. *The strengthening of technical teams in order to consolidate the evaluation's formative focus.* We are working with the CFAD and the CEB to design strategies for improving the teaching and learning of the most important items in the curriculum.

4. *The creation of evaluation instruments.* These are being developed for piloting.
5. *The generation of information as a basis for decision-making.* This project is being developed.

### Multiculturalism and evaluation<sup>3</sup>

In Jalisco, the following two cultural groups are served by the Department of Indigenous Education:

1. **The Huicholes**, who call themselves the *Wixárika*, or *Wixaritari* (plural).<sup>4</sup> Pre-school and primary-school classes are taught by speakers of the *Wixárika* language, which means that, since 1965, it has been necessary to reach an agreement with the traditional governments of San Andrés Cohamiata (Tateikie), Santa Catarina Cuexcomatitlán (Tuaपुरie), San Sebastián Teponahuatlán (Wautia) and Tuxpan de Bolaños (Tut-sipa) in Northern Jalisco. We have managed to provide schooling to young children, first setting up bicultural schools, then bilingual ones, and, currently, intercultural bilingual schools (See Fig. 1).

Given the long distances, scattered communities and difficult geographical conditions in this region, 11% of all students live in shelters so that they can have access to pre-school and primary education. There are 6,048 *Wixaritari* children studying in the municipalities of Bolaños and Mezquitic, of whom 83% are receiving primary education<sup>5</sup> in 101 schools (and shelters) staffed by 278 teachers and 12 non-teaching school principals. Due to the local sociodemographic and geographic conditions, it is hard to achieve 100% coverage.

2. **The Nahua**, who live in some municipalities in the south of the state and on its southern coast, have been receiving educational services since 1988. In order to prevent the language from becoming extinct, *Náhuatl* speakers from the states of Hidalgo, Veracruz and Puebla were hired, 79 of whom teach 1,372 children in 34 primary schools, while 29 teach 402 pre-school students in 21 schools.

Both the *Wixárika* and the *Nahua* primary-school graduates enroll in schools belonging to the *Telesecundaria* distance-learn-

ing system. In the *Wixárika* communities, 60 teachers work with 1,485 students in 14 schools, while, in the *Nahua* communities, 55 teachers work with 993 students in 14 schools in the municipality of Cuautitlán de García Barragán.

### The challenge of providing multicultural education

Besides having to teach the official SEP primary or pre-school programs, teachers in indigenous schools face the challenge of teaching the local indigenous cultures and languages in order to underpin the cultural and linguistic identities of each ethnic group. Some of the strategies used for the above purposes are as follows:

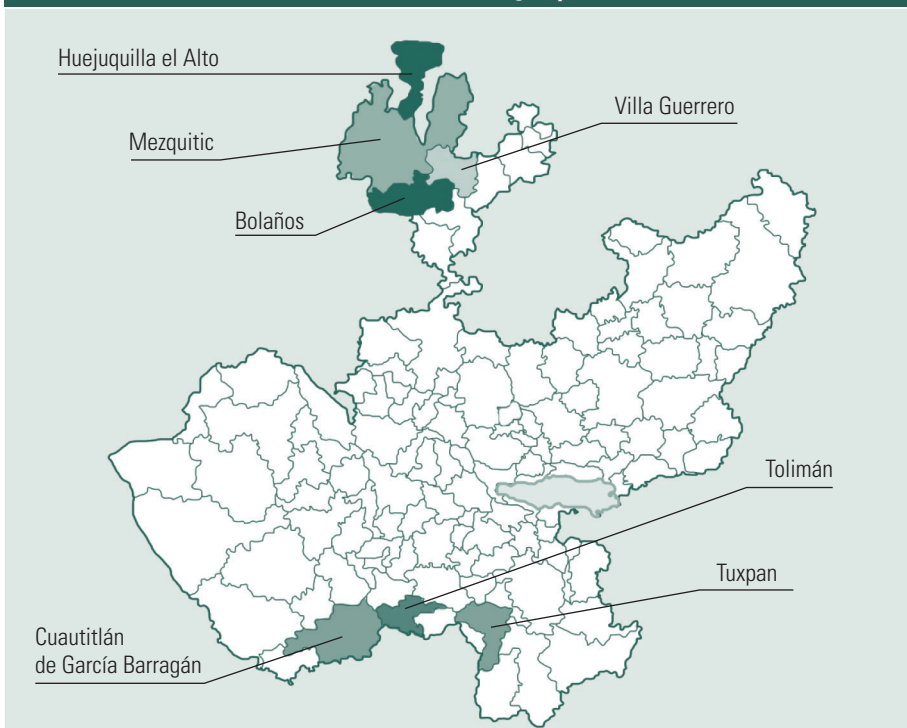
In liaison with the SEJ, since 2005 the DEI has been running an introduction to teaching in indigenous environments that lasts between three and six months.

In accordance with current education policy, the General Department of Educational Evaluation (Spanish acronym: DGEE) has taken over the coordination of the complementary or additional examination in the indigenous language. Four examination centers -Colotlán, Ciudad Guzmán, Lagos de Moreno and Autlán de Navarro- were chosen to administer the 2014-2015 competitive examination for entry to the Professional Teaching Service, and 21 candidates for positions as indigenous teachers took the said examination, as well as an additional evaluation in the six areas of oral proficiency, reading out loud, reading comprehension, writing, and attitudes and culture within the school.

Currently four courses are being run for teachers in both of the aforesaid indigenous zones and the following strategies for inclusion and multiculturalism are being developed:

- a) *Literary soirées in the Wixárika region*, in an attempt, given the tradition of orality in the native language, to improve reading and writing skills in both the indigenous language and in Spanish so as to enable primary-school students to gain access to other environments on a basis of equal opportunity. The participants in these soirées are 229 bilingual group teachers, 1 technical adviser, 6 supervisors, a sector head from the *Wixárika* region, and 5,086 students from the municipalities of Bolaños and Mezquitic.

Fig 1. Municipalities in the State of Jalisco with *wixárika* or *nahua* cultural groups



Source: Department of Indigenous Education (Spanish acronym: DEI), SEP.



- b) *Revival of the Náhuatl language* -in this case, a variant known in the region as “Mexican”- in the face of its possible loss, via the drawing up of a contextualized curriculum, based on the creation of a specific methodology for teaching the said language in the six primary-school levels in southern Jalisco, and the publishing of texts and production of compact disks in “Mexican” for students and teachers with basic, intermediate and advanced proficiency.

### The magnitude of the challenge

The task of developing educational evaluation in this context is an enormous one. Evaluation is built on measurements and gathered information, comparing these with benchmarks and taking stock of the contexts that make them meaningful. However, what do we do with its results? Pedro Ravela asserts: “It is increasingly easy to produce data and list them on a form, but it is also increasingly difficult to reflect on them” (Zorrilla, 2003:23).

It is crucial -not only for Jalisco, but also for our country as a whole- to systematize the use of educational-outcome results and give it an entitlement focus, orienting the decisions of those of us who bear joint responsibility for administering education systems via pertinent guidelines that really result in the transformation of education.

Will the collaboration between the INEE and the SEP, using the Guideline-issuance Model [original Spanish: *Modelo de Emisión de Directrices*] (Miranda, 2014:28), with a triple validation process -carried out by the protagonists involved, the academic and technical groups, and the education authorities- make it possible to draw up and put in place an improvement agenda that finally leads to high-quality education in Mexico? Jalisco is ready for change, ready to do whatever is necessary to meet this challenge.

The author thanks the General Department of Education for Equality and Comprehensive Training (*Dirección General de Educación para la Equidad y Formación Integral*) and the General Department of Educational Evaluation (*Dirección General de Evaluación Educativa*) for their help in writing this article. €

1 An additional aim is to minimize the use of commercially produced texts, given that, in 2014, the DGEE reviewed tests produced by at

least three publishers, ascertaining that they did not fully accord either with the curriculum or with the evaluation focus.

2. INEE, Bank of Educational Benchmark: [www.inee.edu.mx](http://www.inee.edu.mx)
- 3 With the cooperation of the DEI.
- 4 Consulted on the web page of the National Commission for the Development of the Indigenous Nations at <http://www.cdi.gob.mx>
- 5 The statistics regarding educational services in Wixaritari and Nahua communities come from the *Sistema de Exploración de Estadística Inicio de Cursos 2014-2015*, (“System for the Exploration of Start-of-course Statistics”), Ministry of Education of the State of Jalisco.

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## VOICES FROM THE CONFERENCE FACING OUR CHALLENGES

### Baja California: using the information to underpin the guarantee of the right to education

“The basic premise is that evaluation is meaningful insofar as it fosters improvement,” asserts Mario Herrera Zárate, the minister of education of a state that has low illiteracy levels and receives a large number of new inhabitants each year, welcoming 49,815 of them in 2014, including children and teenagers from other countries, who are also entitled to a high-quality education.

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The 2014-2019 State Development Plan of the Government of Baja California comprises seven strategies for promoting citizens’ wellbeing. One of these, pertaining to Education for Life”, is aimed at providing comprehensive schooling, from the elementary to the tertiary levels, guaranteeing inclusion and equality to all the members of the population, both transient and permanent, with high-quality education, an arts and culture system, the fostering of values, and the development of sport. This includes both people coming from other parts of Mexico and those migrating from other countries who are in the state education system, which, in the 2014-2015 school year, provided schooling to 54,000 children and



teenagers from countries such as the USA, China, Honduras, Belize, Canada, The Dominican Republic, Ecuador, France, Estonia, Guatemala, Israel, Japan, Korea, El Salvador and Uruguay -31,200 of whom were attended to in Tijuana, 13,000 in Mexicali, 5,000 in Ensenada, 2,423 in Playas de Rosarito, and 1,902 in Tecate,<sup>1</sup>- as well as 40,082 interstate migrants.<sup>2</sup>

### The evaluation culture is still a challenge

The diagnostic survey of education that was carried out in Baja California in 1996 detected a lack of systematic follow-up of evaluation results, a dearth of channels whereby people could gain access to information as a basis for decision-making, and a lack of systematic educational evaluation - results that led to the inclusion of a section on evaluation in the 1999 sectorial program and gave rise to the setting up of the state's Educational Evaluation Department (Spanish acronym: DEE).

During the 2012-2013 school year, the DEE drafted a document entitled "Educational Evaluation in Baja California: Building a Culture" (original Spanish title: *Evaluación educativa en Baja California: construcción de una cultura*), which gives some idea of the challenges facing the state's education system with regard to the need for order and the lack of a coordinated, sys-

tematic framework. Clearly, to make good on the right to education, Baja California needs to ensure that both those working in the education system and the rest of the state's population make better use of evaluation data. Nevertheless, by identifying good practices for the building of an evaluation culture, our state has endeavored to disseminate evaluation results and encourage their use in teaching via the production and distribution of support materials for different people involved in education (i.e. members of evaluation committees, teachers, school principals, technical-pedagogical advisers, and researchers), and also for the purpose of compiling diachronic databases.

### Inter-institutional agreements and state-level practices

The State Education System faces the great challenge of fostering teaching practices that exploit students' abilities and ensure that teachers know and implement the current curriculum and study programs, developing elementary reading, writing and math competencies at all study levels as part of the indispensable skills base, which is why we have strengthened the Full-Time-Schools Program by increasing the length of the school day so as to provide time for classes in art, culture, math, reading and writing, with English, computing, and an emphasis on coexistence in a multicultural school community, running through the aforesaid program. In Mexico, 6 out of every 100 people speak an indigenous language, while 1 out of every 100 inhabitants of Baja California -many of whom are migrants- do so (INEGI, 2010).<sup>3</sup>

Among our achievements are improvements in students' evaluation results, which provide us with solid feedback for implementing government policies that enable us to reduce the learning gap in a society where there is criminality and a tolerance for delinquency and corruption, with high social and economic costs. We urgently need to inculcate social, civic and ethical values in our people, and encourage them to be aware of their rights and duties as citizens, to respect the law, and to fulfill their duties as citizens.

With 3,155,070 inhabitants, our state is home to 2.8% of the national population, 91.7% of whom live in urban areas, while the other 8.3% live in the countryside. The said population has a schooling level of 9.7 -i.e. equivalent to the third grade of secondary

school-, while the average schooling level nation-wide is 8.6 (INEGI, 2010). Faced with this situation, we need to refocus on what is essential, because every democratic system seeks to consolidate, and broaden access to, a high-quality education for all -children, teenagers, senior citizens, indigenous and marginalized people of both sexes- in order to comply with our Constitution, with the pertinent laws, and with our international commitments.

In Baja California, our implementation of state and federal educational-support programs is in line with international recommendations, and, in order to improve our students' performance, we are taking actions, based on each school's Improvement Path, to support our School Technical Committees.

Furthermore, this year, with the technical support of the Educational Evaluation Unit (Spanish acronym: UEE) and the National Institute for Educational Evaluation (Spanish acronym: INEE), our state has approved the eighth *addendum* to the cooperation agreement between the Autonomous University of Baja California (Spanish acronym: UABC) and the Educational Evaluation Unit (Spanish acronym: UEE), under which the three studies mentioned below have been carried out so far, and a series of events on evaluation, coordinated by the said UEE -including discussion groups- has been held:

- "The characterization of good practices in secondary schools in Baja California".
- Some of the practices identified in schools with high added value were: the fostering of reading for pleasure; the devotion of sufficient time to coverage of the curriculum, and the existence of standards and conditions for the said coverage.
- "The characterization of harmonious coexistence in schools in Baja California".

Coexistence in primary and secondary schools was measured based on: (a) a comprehensive assessment of the school, (b) relationships between students and teachers, (c) rules, conflicts y discipline, (d) the tackling of diversity, (e) relationships with relatives and the surrounding community, and (f) bullying and other types of violence in the school.

- "The evaluation of students' writing when they graduate from primary schools in Baja California".

The purpose of this study was to develop an examination in line with the new curriculum, to measure achievement in children graduating from primary school.

### Equality, teaching and the influx of migrants

The educational challenges in Baja California are complex, since they relate not only to the current school-age residents of the state, but also to migrants and those who become residents by birth. By 2019, the average annual number of new residents in Baja California will have reached 49,815, and it is with this in mind that we need to achieve the high quality that the 2013 Educational Reform identifies as an essential feature of education, defining it as a universal human right to be vouchsafed, among other things, via two mechanisms that have already been implemented: (a) the measurement and evaluation of the different components of the education system, and (b) the creation of the Professional Teaching Service (Spanish acronym: SPD).

Since Baja California has a big migrant population, it has still to solve the problem of how to provide high-quality education to these people. It is obviously a challenge to provide education to such students, whose physical, psychological or social characteristics hamper them from achieving full potential within a regular education system, incorporating them into the school system, and subsequently into society and the working population.

According to the 2010 Population and Housing Census, 154,029 people from other states and entities -above all from Sinaloa, Sonora, Chiapas, Jalisco, Oaxaca and Mexico City- settled in Baja California, including 30,550 boys and 29,219 girls under the age of 5, 96% of whom attend school.<sup>4</sup>

In this context, around 11,000 of our state's 56,564 teachers and school principals have taken part in the competitive process for employing new teachers and promoting already existing ones to positions as school principals, supervisors and technical-pedagogical advisers, as well as in the carrying out of diagnostic and performance evaluations for teachers at the elementary and lower-secondary levels.

Since teachers are crucial if we are to achieve the aim of providing high-quality education to all, being the education system's first point of contact with children,

teenagers and relatives, in the endeavor to make the letter jointly responsible for improving students' learning outcomes, we are seeking to make better use of existing resources, and provide additional ones, in order to open up new teaching positions that will enable us to provide specialized teaching at the pre-school and secondary levels, as well as achieving broader coverage at the primary level in peripheral and rural areas where there are indigenous and migrant populations.

Since most of our elementary-school infrastructure is not up to the task of providing ongoing specialized, comprehensive education, we are faced with the challenge of finding ways to do so.

The 2010 report of the United Nations Development Program (UNDP) assigns fourth place on the Human Development Scale (HDS) to Baja California, with Mexico City, Nuevo León and Baja California Sur respectively occupying the first, second and third positions, while the National Commission for the Evaluation of Social-Development Policy (Spanish acronym: CONEVAL) asserts that the levels of poverty and backwardness in our state's municipalities are less than 20%, placing it 28<sup>th</sup> nation-wide.<sup>5</sup> It is within this great framework of system-

atic regulation and coordination that we are endeavoring to create an evaluation culture that will help us to raise the quality of life of our state's inhabitants -above all, that of vulnerable groups such as migrants from other parts of Mexico and abroad, as well as indigenous, disabled and impoverished people- and formulate educational policies that will enable us to fulfill our obligation to provide education to all Baja Californians. ☾

- 1 López López, Yara Amparo. State Coordinating Committee for the Binational Migrant-Education Program (Spanish acronym: PROBEM). August, 2015: <http://goo.gl/2UCmaj>
- 2 COPLADE BC. Government of the State of Baja California. Population projections for Baja California: <http://www.copladebc.gob.mx/publicaciones/2014/crecimientoPoblacional2014-2030.pdf>
- 3 National Institute for Statistics, Geography and Computing (Spanish acronym: INEGI), Panorama Sociodemográfico de Baja California: <http://goo.gl/bdOLNP>
- 4 *Ídem.*
- 5 Eje estratégico de Desarrollo Humano y Sociedad Equitativa. Plan Estatal de Desarrollo de Baja California 2014-2019 ("Strategic Diagnosis: a Strategic Component of Human Development and a Fair Society. 2014-2019 Baja California State Development Plan"): <http://goo.gl/YZMONA>

## VOICES FROM THE CONFERENCE FACING OUR CHALLENGES

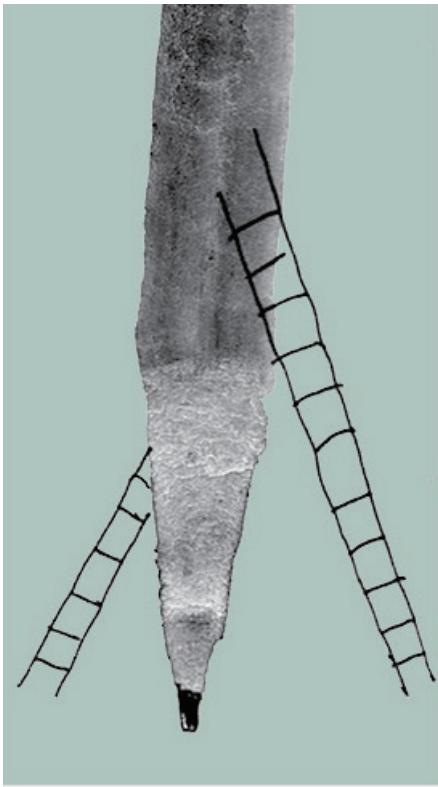
### Michoacán: evaluating with an entitlement focus means reconciling differences



Now that the Education Reform has been passed, Michoacán -which has long faced conflicts in its education system- has to overcome the challenge of implementing ongoing evaluation that incorporates an entitlement focus. It is placing it hopes in achieving consensus by appealing to society, explains **Armando Sepúlveda López**, the Minister of Education of the State of Michoacán, in the interview transcribed below.

“For a long time, the concept of educational evaluation has been distorted because it’s been focused on certain aspects of student performance, for which it’s held teachers responsible,” says Armando Sepúlveda, who holds a Ph.D. in Educational Mathematics from the Center for Research and Advanced Studies (Spanish acronym: CINVESTAV) of the National Polytechnic Institute (Spanish acronym: IPN). “This emphasis is unjust and lacks an entitlement focus. We have to start by evaluating the school curriculum, since the latter is the sum total of an entire system where teaching-learning conditions and links among teachers, authorities, students and bureaucrats have a bearing. How does one satisfy the needs of all these people? Since there are a lot of factors, including teacher selection, teaching, and student performance, evaluation of the National Educational System should be more comprehensive and contextualized, placing primary emphasis on the curriculum and the results stemming from it.”

“It’s no easy task to be preside over a state’s Ministry of Education and try and convince society to work together to implement the Education Reform in Michoacán,” asserts Dr. Sepúlveda, who insists that the main task is to ensure that students learn.



“When we manage to make our students autonomous and capable of self-directed study, we’ve achieved the main aim of the teaching-learning process, and educational evaluation should focus on this essential task by detecting needs and determining which instruments to design in order to ascertain students’ capacity for learning,” says Dr. Sepúlveda, citing his personal experience as a teacher in the ‘National Mathematics Olympics for Upper Secondary Schools’ before he occupied his current post.

“With regard to teaching and evaluation, for example, we don’t know whether student achievement depends solely on the teacher, since there have been winners from schools that didn’t even have a teacher, and from distant townships such as Huaniqueo, where, when we ask where the teacher is, people answer: ‘It was whatsisname, but he almost never turned up for class.’ Young people like that reach senior-high-school level, are chosen to compete in the ‘Mathematics Olympics,’ and become the best physics and mathematics students. Michoacán has 113 municipalities, 17 of which are classified as highly marginalized, while around 40 lack education services. Based on these challenges, we can envisage a strategy for strengthening our state’s education system.”

“To make good on the right to high-quality education, first of all we have to develop a better structure, extend coverage, provide education at the different levels, and find a way to convince teachers to see evaluation as a source of feedback for improving education and as something that it’s in their interest to get used to – to make them understand that it’s part of the constructive dialogue that they themselves value, of the dynamism that has to permeate all processes so that they don’t stagnate. Our Education Plan contemplates 37 actions aimed at strengthening our state’s education system.”

#### **Dialogue in order to overcome negative attitudes towards evaluation**

Reflecting on the lack of teacher and student evaluation, and how this has affected the competitive process for entry to the Professional Teaching Service (Spanish acronym: SPD), Sepúlveda remarks:

“We don’t have a state-wide evaluation system; there are some private companies that administer evaluations, but the latter are frequently biased. When nation-wide

evaluations have been carried out, Michoacán hasn’t done well in them, basically due to opposition from the teachers. Also the upper-secondary teachers have been opposed to evaluation, seeing it as something that will be used to check up on them and cast doubt on their integrity and knowledge. The competitive examination for hiring and promoting teachers was a very stressful process because we were under a lot of pressure from the members of the group -consisting of the majority of teachers- that’s opposed to evaluation and the Reform, and controls our state’s teacher-training colleges. We made a big effort to get most of the teacher-training-college students to take the said exam, but we failed, although some teachers voluntarily took it in Mexico City”.

Strategies aimed at dialoguing with the teachers and convincing them could be introduced to overcome this resistance to evaluation, but the first step is to ascertain whether the teachers’ demands are in order, says our interviewee:

“I have to say that many of their demands are valid. We have, indeed, lagged behind in some areas, but the problem is that they prefer confrontation and favor might over right. We need to heed some of their criticisms and adjust the evaluations accordingly so that they feel they have been taken into account. Participation is also a right”.

In Dr. Sepúlveda’s view, many different opinions need to be taken into account when formulating a national evaluation policy:

“A nationwide diagnostic survey needs to be carried out in order to catalogue the states in accordance with their level of development in the area and their ability to participate, taking local resistance into account and, based on it, mounting campaigns to make people aware of the benefits of evaluation. A comprehensive project will never be successful if dissension isn’t taken into account. I hope that Michoacán finds other ways of dealing with dissension and manages to raise its educational levels, and that this leads people to understand the crucial role that teachers play in children’s development. I’m against directly associating learning outcomes with teaching and attributing them solely to the teacher, since teachers are just one factor, and we also need to consider the child and his/her attitude, the family, the school, the infrastructure, and the decisions made along the chain of command that includes higher-level au-

thorities, middle-level authorities, school principals, etc. All these things need to be considered in order to achieve entitlement-focused evaluation, rather than merely stating that Michoacán is number 29 on the list of educationally backward states and attributing this situation to the quality of its teachers. I hope that the INEE can help the states by taking stock of the differences among them”.

### Contexts that violate the right to education

“Rights can only be exercised in a context of equality and inclusiveness, and to achieve this we need to implement policies that take stock of this modern concept. Evaluation should be seen as a dynamic feedback process. It needs to gather and analyze evidence, and, based on an entitlement focus, issue judgments that improve the quality of education”.

“In Michoacán we’ve faced very heavy resistance to change, due, in large measure, to a long-standing opposition to anything new on the part of the people there, and of specific groups. This context, is inimical to entitlement-focused evaluation because it defeats the very purpose for which it was conceived. One of our main challenges is that of gradually convincing those who oppose such evaluation to join us”.

“When I became Minister of Education, I had to take the realities of Michoacán into account. It’s a state with a forceful, not inconsiderable group of thousands of teachers who are against the Educational Reform, and, above all, against evaluation. What I’ve done is to try and implement national educational policy by dialoguing with this group and taking its views into account, and we’ve made gradual progress in this endeavor.”

“In a six-year presidential term, conditions could arise in which progress can be achieved in the effort to convince people to accept the aims of entitlement-focused evaluation – this, of course, with the right guidelines and people at the helm who agree with the aims of such evaluation, which are equality, inclusiveness and universal education”.

### Teacher violence and the entitlement focus

“The opposition to evaluation started brewing in the 1990’s; it hardened in Michoacán and three other states, becoming so strong

that it can now exert physical pressure as a way of imposing its demands, occupying streets, seizing vehicles, closing down buildings, and even going so far, in 2006 and 2007, as to kidnap state officials. This phenomenon is pervasive among the young people in our teacher-training colleges, which is why we have such a serious problem of violence among our teachers. It bears pointing out that, since I took office, we’ve managed to dialogue with these groups and convince them not resort to extreme measures, so that we no longer face confrontations that place people at risk. However, open evaluation processes are still clearly impossible. For example, we weren’t able to administer the evaluations pertaining to the National Plan for the Evaluation of Learning Outcomes (Spanish acronym: PLANEA) due to the unease caused in the teachers by the pre-election announcement that the competitive examination for hiring and promoting teachers had been suspended, which triggered a lot of discontent, with the teacher groups in question going to the extreme of seizing examinations and burning documents”.

“We’d been administering the National Evaluation of Academic Achievement in Schools (Spanish acronym: ENLACE) on a daily basis to a small number of primary students, around 60% of secondary-level students, and over 95% of upper-secondary-level students, doing so openly, but we’ve been unable to implement it since the aforesaid suspension”.

“Nevertheless, our teachers can compile portfolios attesting to their work in the classroom, which is also a way of evaluating with an entitlement focus that removes the stigma attached to exam-based evaluation – a way that depends on the teacher, the achievement of his/her students, the feedback given by the school principal aimed at getting better results, and even the participation of parents”.

### Evaluating the needs of the most vulnerable

“We’re in touch with the National Institute for Adult Education (Spanish acronym: INEA) and the National Council for the Promotion of Education (Spanish acronym: CONAFE), and we’ve reached very isolated places where there’s obviously an urgent need for education. According to the data, during the 2014-2105 school year CONAFE provided elementary courses to 15,320 students, via 2.083

teachers. Moreover, there’s a department that provides schooling to migrant children, and, jointly with our state’s Ministry of the Interior and the Ministry of Health, we send special teachers to work with these children, mainly at the kindergarten and primary levels.

“We also have a Department of Indigenous Education that serves the four most important ethnic groups in Michoacán -the Mazahua, the Otomí, the Nahuatl and the Purépecha- providing classes to a total of 47,417 children and young people, via 3,120 teachers, in 60 schools in 180 parts of 26 of our state’s municipalities, in addition to which we have the Intercultural Indigenous university of Michoacán, which serves the populations in the *Once Pueblos* and *Meseta Purépecha* regions, sending indigenous-educational-development squads there, along with two lower-secondary schools, an upper-secondary school for indigenous students, the Purépecha Higher Technological Institute, and the Cherán Indigenous Teacher Training College.

“Of course, in order to evaluate with an entitlement focus, we must first carry out these kinds of actions and implement these types of programs, as well as convincing those who oppose them. Secondly, we must take concerted, rather than isolated, action of an ongoing kind in our communities’ schools and government offices, using the staff that we currently have to support the aforesaid vulnerable groups and safeguard their right to education. I believe that our country is indebted to these socially underprivileged indigenous populations and impoverished groups.”

### The Dialogues for the Formulation of National Educational Policy

“The adoption of new ideas by society depends on us, the authorities, learning to put the said ideas into action and understanding what the aims of entitlement-focused evaluation are. By analyzing the proposals put forward in the Dialogues, giving feedback to each other, and formulating policies in line with those adopted by ministries of education in other states, we’ll be able to make progress towards implementing the National Educational Evaluation. The countries with the most advanced education systems in the world have achieved them by reaching consensus and reconciling different ways of thinking”.

### Progress so far in vouchsafing the right to education

“We’ve managed to make sure that 60% of all our kindergartens and our primary and secondary schools have a full 200-day school year, though 40% of our schools missed 15 days of class last year. These figures might be considered alarming in other states, but this is the first time we’ve achieved such levels in Michoacán, after 12 or 13 schools years in which we ended up having 10 or 120 days of class due to strikes or blockades of buildings!

“The biggest challenge we face in our efforts to vouchsafe the right to education has to do with the lack of clarity about the actions taken by the Ministry. This is the main obstacle that Michoacán’s education system had to overcome.” €

Interview: María Cristina Tamariz.



I love the *Gazette* and suggest that it publish more articles about: (1) the formative evaluation of teachers, students and schools; (2) the connection between teacher-training (i.e. curricula and teaching-learning methodologies) and everyday on-the-job reality in rural and urban schools; and (3) the importance of evaluating teacher, students and schools in their local context.

**Dagmar Raczyński**

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### VOICES FROM THE CONFERENCE FACING OUR CHALLENGES

## Veracruz: action paths for facing educational reality

In the interview transcribed below, **Xóchitl Osorio Martínez**, Minister of Education for the State of Veracruz, talks about the advantages of evaluation for designing programs, asserting that “Placing rights-based education at the center of educational policy enables education authorities to achieve effective compliance with the constitutional obligation to provide high-quality education”.

### The Dialogues and the measurement of compliance with the right to education

“A few years ago,” says Osorio, “we teachers conceived of our classes as impenetrable domains where we were the only ones entitled to decide how to tackle program contents, while, for their part, school principals were more guided by intuition than by objective, checkable data. Nowadays, those of us who teach understand that the way we approach syllabus contents or make decisions is conditioned by our students’ needs and those of the educational community in its broadest sense”.

“Among the authorities, educational-strategy design is discussed in forums such as the Dialogues for the Formulation of National Educational-Evaluation Policy set up to promote the exchange of ideas and encourage reflection and mutual support. The participants in the second Dialogues, convened by -and held in- the National Institute for the Evaluation of Education (Spanish acronym: INEE) in 2015, discussed the topic of rights-based educational evaluation, gave presentations about the things the Mexican Government must do to in order to fulfill its obligation to provide universal high-quality education and plotted improvement paths in line with both the top-level perspective that manifests itself in education-policy decisions by the Federal Executive Branch, and also with the local



level-one, where action has to be taken to comply with education legislation”.

### Three aspects of the right to education in Veracruz

“In 2008, the United Nations Organization for Education, Science and Culture (UNESCO) stipulated three essential aspects of human-rights-based education: access, high quality and respect within the learning environment. In this regard, we agree that education should be a basic human right, recognize diversity as a source of social richness, and use evaluation as a technical resource to ensure that education services satisfy the needs of each community”.

“Nowadays it’s important that all the components of the national and state-level education systems give priority to satisfying students’ educational needs, which implies rethinking the criteria that have heretofore guided educational policy in its various spheres, from planning and budgeting to the rendering of services. Thus, from a rights-based point of view, all the aforesaid components need to undergo appropriate evaluations that serve to orient decision-making in accordance with the criteria of reasonableness, objectivity and social vision”.

“As far as access to education is concerned, Veracruz faces singular challenges, since it has one of the most complex state-level education systems in Mexico, due to its complicated geographical distribution, its sparsely distributed townships, and its many different cultural and ethnic groups, with 98.5% of its 20,828 settlements -5,000 of which have less than 500 inhabitants- being in rural areas”.

“The fact that many of the towns are hard to reach partially explains why we are the state with the largest number of schools – namely 23,636. Without a doubt, it’s difficult to provide enough equipment and schools in such a big system. Though we’ve built schools in places that are more accessible for these scattered populations, one of our big challenges is to ensure that everybody of school age enrolls at the right level. We need to consolidate the progress we’ve made in the preschool enrollment of three- and four-year olds, at the upper secondary level, and, above all, in higher education”.

“There are also big challenges regarding educational quality. We’re in the middle of changing to a new elementary-level curriculum and adapting to the National Upper Secondary curriculum, which implies making big changes in contents and procedures, and the modifying the posts and administrative systems in our schools. We need to ensure that these processes relating to staff, materials and curricula, aimed at raising educational quality, are successfully implemented, with the necessary adjustments, in all our schools and have the desired results”.

“Finally, in order to build an inclusive education system with human-rights-based learning environments that take stock of all the differences that endow Veracruzana society with its richness and variety, consisting in different ethnic and linguistic groups and people with different physical abilities, types of intelligence, religious beliefs, and sexual orientations, we face the challenge of laying solid foundations for peaceful coexistence among the members of our school communities”.

### The role of rights-focused evaluation

“Evaluation is an essential tool for formulating relevant educational policy, especially when all the organizational and decision-making levels participate in the process, since they provide information to all the parts of the education system. For example, at one point the

National Evaluation of Academic Achievement in Schools (Spanish acronym: ENLACE) enabled Veracruz to make important decisions aimed at changing the mechanisms for supporting teachers in the classroom, modify the focus of the teaching programs created in the said state, and promote forums for professional cooperation that have proved very effective”.

“Since the recent evaluations for the purpose of hiring new teachers and promoting existing ones or confirming them in their posts lead us in this direction, people are aware that they help us in our daily work as teachers. It’s a fact that we wouldn’t be able to function as teachers, school principals or bureaucrats without the objective feedback that we get from evaluation results”.

“To consolidate this mechanism, all of us who are involved in any kind of evaluation need to place our main focus on the right to high-quality education, based on the standards drawn up by the competent bodies. This will enable us to ascertain the extent to which not only our education system, but also each individual school, is complying with the said rights-based standards and, above all, on the those aspects of the said standards that pertain to teaching methods and materials, school management and infrastructure, and the professional competency of teachers and school principals”.

“One of our challenges with regard to evaluation lies in turning it into an instrument that enables the members of the education community as a whole to continue learning throughout their lives. In Veracruz, we need to base our evaluation on transparent practices and the timely dissemination of results as a basis for making decisions that lead to better teaching and foster accountability”.

“For several years now, we’ve been carrying out comprehensive evaluations in our state that take stock of the results of both national and international standardized evaluations, statistics about infrastructure and equipment, and the contexts of the schools. However, we need to keep working in order not to reduce evaluation results to mere de-contextualized numbers and grades”.

“In this regard, placing rights-based evaluation at the center of education policy enables educational authorities, at all the different levels, to become true instruments for complying with the constitutional mandate to provide high-quality education that focuses on the needs of the end users – i.e.

children, teenagers and, in general, everybody who requires such education”.

“To do the above, it’s essential that we be far-sighted and avoid seeing educational evaluation as a passing fashion, linking it to all the needs detected throughout our state’s education system and being aware that more time is needed to develop it in such a way that the government officials responsible for education have the competencies and abilities that are required in order to ensure that our citizens’ human rights are respected. When I say more time, I mean enough time to overcome resistance to change and deal with the challenges inherent in a rights focus”.

“We are helped in this endeavor by the existence of a strong, detailed national regulatory framework, and also by the setting up of both federal and local entities, with clearly defined powers, that fulfill the purposes for which they were created”.

“The great achievement of rights-based evaluation is that of causing the education system to take stock of each community, student and teacher, as well as of the complexity of the tasks facing them every day, and to gather relevant information aimed at supporting them, helping them to detect areas of opportunity and weakness and overcome the latter. After all, the purpose of our public education system is to play a decisive role in the comprehensive development of our people”. €

Interview: María Cristina Tamariz

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There’s one aspect of the *Gazette* that I congratulate it on and invite it to look at in more detail – i.e. in a spirit synthesizing experiences aimed at fostering the formulation of national policy, it should talk about other concepts of evaluation, eschewing technocratic or utilitarian evaluation focuses that lead to standardized education, and giving voice to others that sprang from community learning.

**Néstor López**

Coordinator of Education and Equality Projects, IPE-UNESCO Regional Office in Buenos Aires

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## Winning back the State's stewardship of education

In order to fully understand the current universal-high-quality-education approach to evaluation, we need to reflect on the past developments in the National Education System that set the scene for the 2013 Educational Reform.

GILBERTO GUEVARA NIEBLA

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We can't fully understand the present without looking at the past, and likewise it's impossible to understand current Mexican education, in all its ramifications, without reference to the Mexican Revolution (1910-1917) and the big social changes that occurred between 1920 and 1940 (See: D. Raby, *Educación y revolución social en México*, 1974). However, one thing that is clear is that our country radically changed direction at the end of the 1940's, when the State started to abandon the old social-reform policies and embarked on a new developmental cycle centered on the building of an economy that was –not to mince words– crudely capitalist – namely, the cycle of relentless industrialization that began during the Second World War.

### The reorganization of the education system (1940-1946)

While private investment in industry was growing by leaps and bounds, driven, among other things by the *import-substitution* policy, a reorganization –I might even venture to say a *re-founding*– of the Mexican education system began to take place. Due to space limitations, I will not elaborate, in this article, on the dramatic social impact of this dramatic change of direction in our country's development. Educational policy was *modernized*, with the socialist education mandated in Article 3 of the Constitution

in December of 1934 being abandoned, and the mandates of the said Article 3 being replaced, in 1945, by new ones that stated that education must be non-religious and without any specific ideological or didactic bent. Thus, in the first endeavor to professionalize them, the government promoted training for all our country's teachers, creating the Federal Teacher Training Institute (Spanish acronym: IFCM), which joined forces with the teacher-training colleges, both urban and rural, in order to certify all Mexican teachers by offering them courses –both classroom taught and via correspondence– during vacation periods, with the only matriculation requirement being that the participants in the said courses must have finished secondary school. The pertinent law charged the said Institute with:

- a) training rural teachers and providing them with the scientific and technical knowledge that they require in order to teach at the primary level.
- b) fostering the unification of the National Teacher Training System.
- c) granting a professional qualification to primary-school teachers who completed their studies at the IFCM.
- d) improving Mexican teachers' economic conditions via a payment made to certified pupil-teachers (E. Meneses, 1988).

Within a short time, it was mandated that only trained teachers could work in elementary schools, and, indeed, shortly afterwards, access to the said schools was blocked to people “who lack[ed] teacher training”, in addition to which a policy aimed at weakening parents' associations –many of which had opposed socialist education– was implemented.

Naturally, these policies resulted in a growing rift between the school and the community, which, formerly, had had strong links. The National Union of Education Workers (Spanish acronym: SNTE) was set up in 1943, and, a few years later, in 1946, the first collective-bargaining agreement was signed, serving, in effect, becoming, in practice, a set of regulations and hence, during the following decade, serving as a valid basis for annual collective-bargaining negotiations between the Ministry of Education

(Spanish acronym: SEP) and the SNTE, with its main mechanism for promotion being the so-called “scale” (though the said promotion to a higher grade was subject to a formal set of conditions, and, at the end of the day, the only criterion for moving up on the scale was length of service.

Effectively, State education moved from the countryside to the cities, the rural teacher-training colleges (1921-1940) were gradually abandoned amidst pseudo-neutral ideological rhetoric, until their last vestiges were eliminated and the leftists who held administrative posts in the federal and state-level governments were purged.

### The SNTE

From a political point of view, it should not be forgotten that the SNTE came into being as a branch of the burgeoning ‘official’ party (at that time called the *Partido de la Revolución Mexicana* [Party of the Mexican Revolution], and later the *Partido Revolucionario Institucional* [Institutional Revolutionary Party: Spanish acronym: PRI], which sought to gather the whole of Mexican Society under its wings via large-scale parent entities such as the *Confederación Nacional Campesina* [National Confederation of Farmworkers], the *Confederación de Trabajadores de México* [National Workers' Confederation], the *Confederación Nacional de Organizaciones Populares* [National Confederation of People's Organizations], the *Confederación de Jóvenes Mexicanos* [Confederation of Mexican Youth], etc., similar to those set up in Italy by Mussolini, whose ultimate leader and controller was the president of Mexico.

The teachers' union assumed a major political role within the aforesaid system, since, not long before, its members had shown themselves to be natural leaders in their communities and enjoyed great social cachet, earning a privileged place within the ‘official party’ as consensus-builders and legitimizers of the régime. The SNTE adopted a vertical, centralist structure and soon (1950) fell under the control of authoritarian union bosses who exercised almost total control over its members. It is easy to understand how, in these circumstances, the organization acquired great political clout, being rewarded with positions in the federal and local governments, in the SEP and, of course, in Congress. To consolidate their power, the teachers' leaders adopted a corporate, self-



serving and self-sufficient style, along the lines of “Education is the exclusive domain of teachers; the only people who are entitled to go into schools, express opinions about education, etc., are teachers”.

### The colonization of the education system by the union

From early on, the SNTE began to colonize (Ornelas, 2013) the education system and exercise control over school principals and administrators. By 1958, [Mexican writer, educator and statesman] Jaime Torres Bodet was complaining about the way the union controlled schools via supervisors who were, for all effects and purposes, the belt drives between the schools and the education authorities:

The governments [*in power*] thought that the teachers were faithfully implementing their plans, which the said teachers often didn't even read. There was a world of difference between the public policies enunciated by government officials and the way in which a lot of teachers interpreted the said policies. By 1921, [Mexican educator, politician, essayist and philosopher] Vasconcelos was struggling to federalize education - i.e. place it under the control of the federal government. In 1943, when Torres Bodet served his first term [as minister of education], I naively imagined that the strong teachers' union would support the federalism conceived by Vasconcelos, but, in 1958 [when he served his second term as Minister of Education] I realized that, from the administrative point of view, the form of federalism recommended by the author of *El monismo estético* [‘Esthetic Monism’: Vasconcelos] wasn't a good idea. Besides, the strong union didn't seem to be having a very favorable effect on the quality of teaching. We'd lost touch with the realities of thousands of government schools, from Sonora to Chiapas, and from the border of Tamaulipas to the beaches of Yucatán. Our direct sources of information were school inspectors, who, as signed-up union members, concealed teachers' absences and slip-ups, well aware that, in the long term, it was better to have the teachers they supervised indebted to them than to be thought well of by their superiors” (J. T. Bodet, *La tierra prometida*, 1972, 198-199).

In the 1950's, the SNTE started to control educational-management positions, and they soon had enough de facto power to appoint school principals and supervisors, and often even the directors of the teacher training colleges. By the late 1970's, the union was in control of a lot of seats in the Chamber of Deputies, and of a few more in the Senate, with union bosses heading the education committees in both houses of Congress. Bit by bit, union members started to become state-level ministers of education, and were even appointed as under-secretaries of education at the federal level. This quickly led to unbridled corruption, and teaching posts began to be *sold* or routinely bequeathed by their holders to their children.

The last, and most serious, manifestation of abuse of power by the union occurred in 2008, when the agreement establishing the Partnership for Educational Quality (Spanish acronym: ACE) -under which, education would thereafter be overseen by joint committees made up of, 50/50 of union officials and education officials- was signed. In short, the Constitution was trodden underfoot, with a private organization -namely the union- interfering in the running of the Mexican education system. In view of this, one can understand why the main aim of the Reform was to win back the State's stewardship of education. €

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# The right to education of Mexico's indigenous population: outlook and possibilities

In the context of International Indigenous Peoples' Day, the National Institute for the Evaluation of Education (Spanish acronym: INEE) published a computer graph about the educational status quo of the indigenous population, illustrating some of main findings of a report that's about to be published in a digital version in collaboration with the Mexican office of UNICEF, updating the Brief Overview of the Indigenous Population that was published in digital form in August of 2013 and

also analyzing the data from the 2013 Census of Teachers, Students and Elementary and Special Schools (Cemabe) and the ongoing 911-format statistics, as well as offering relevant information about the progress achieved in tackling the challenges facing –and overcoming the shortfalls in– the effort to promote the exercise of the right to high-quality education by Mexico's indigenous population.

Visit the Brief Overview of the Indigenous Population:



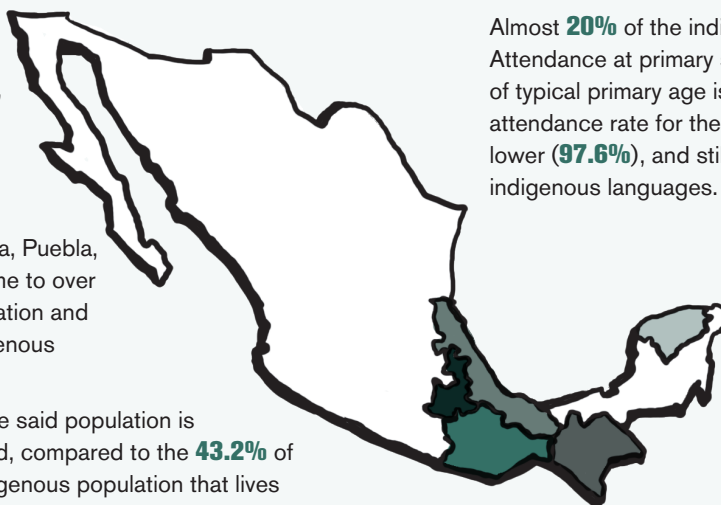
<http://goo.gl/GQo2Eb>

## The social context

**10%** of all Mexicans are indigenous, and **60%** of the said native population speak an indigenous language.

The states of Chiapas, Oaxaca, Puebla, Veracruz and Yucatán are home to over **50%** of the indigenous population and **60%** of the speakers of indigenous languages (SIL).

**73.2%** of the said population is impoverished, compared to the **43.2%** of the non-indigenous population that lives in poverty.



Almost **20%** of the indigenous population is illiterate. Attendance at primary school by the whole population of typical primary age is very high (**99%**), but the attendance rate for the indigenous population is slightly lower (**97.6%**), and still lower (**96.2%**) for speakers of indigenous languages.

In 2014, **74.8%** of all teenagers between the ages of 15 and 17 attended school, while only **65.2%** the indigenous population and **58.2%** of all speakers of indigenous languages did.

## Structure and dimension

In 2013, **52,194** teachers were recorded as working at the elementary level, and **1,171,801** children who spoke indigenous languages (**10.3%** of whom were monolingual) were recorded as studying at that level.

The total number of teachers working in lower-secondary education who speak indigenous languages drops to **1,572** and the total number of students who speak indigenous languages falls to **136,467**.

Of the total of students at pre-school level who speak indigenous languages, **19%** are monolingual, with this figure dropping to **10.8%** for the primary level and **2.1%** for the secondary level.

**9** out of every **10** students in compulsory education who speak indigenous languages live in places with high, or very high, poverty levels.



Half of all schools have at least **one** student who speaks an indigenous language. **63.5%** of all student speakers of indigenous languages recorded in the CEMABE speak one of the following indigenous languages. Náhuatl, Maya, Mixtec, Totonac, Otomí, Huastec, Tzotzil, Tzeltal, Tlapaneco and Tarahumara.

Almost **127,000** students who speak indigenous languages live in big towns in order to be able to study, with **3 066** of them being monolingual.

## Agents and resources

Of all the teacher-trainees about to receive their bachelor's degree in bilingual, intercultural primary education in 2013:

**60%** were female

**76%** WERE HELPED to pay for their studies by their families.

**87%** came from families with per capita incomes below the poverty level.



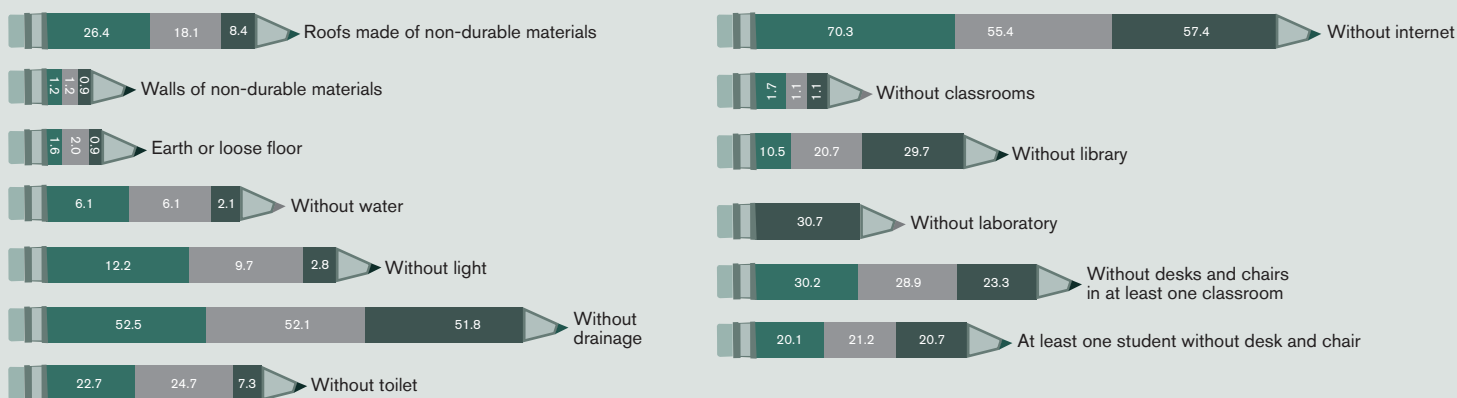
**31%** spoke an indigenous mother tongue.

**48%** reported that their mother had studied at the secondary level or above

**67%** considered that their bachelor's-degree studies had been very good or good, but.

**68%** did not get satisfactory result on the general exams.

## Percentage of public schools with shortfalls or deficiencies in their physical educational infrastructure

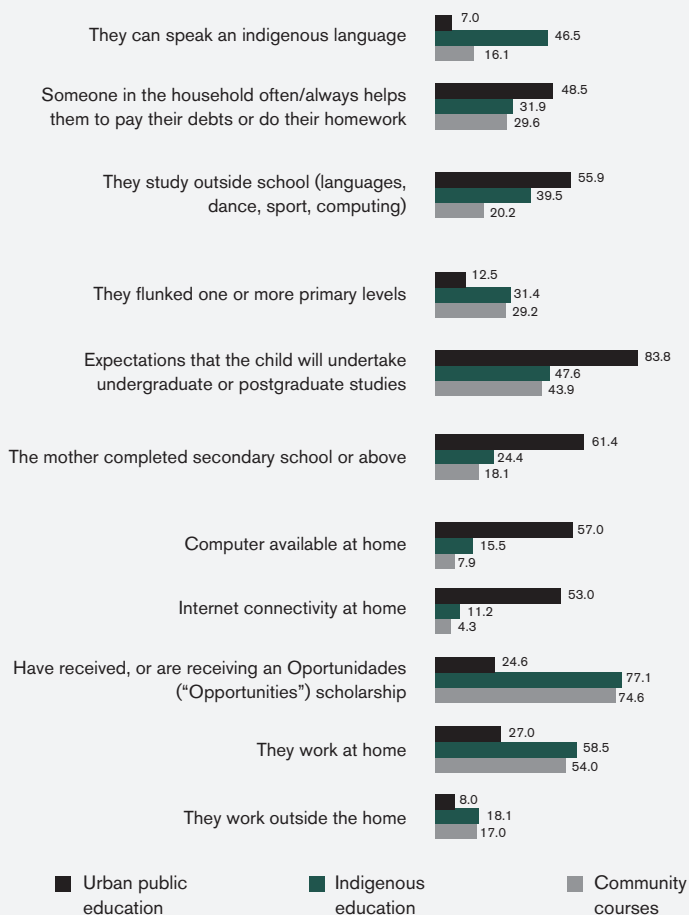


■ Indigenous pre-school  
■ Indigenous primary  
■ 'Telesecundaria' distance-learning school



INEE: calculations based on continuous 911-format statistics (start of the 2013-2014 school year), SEP-DGPEE, and in the 2013 CEMABE 2013, INEGI-SEP.

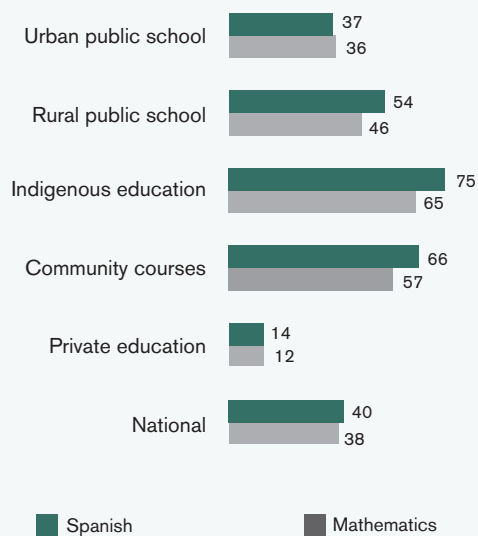
## Characteristics of students in the 6th grade of primary school (2013)



Context questionnaire for students, appended to the Educational Quality and Achievement Examinations (Spanish acronym: EXCALE) for the 6th year of primary school (database), INEE (2013).

## Results

Percentage of students in 6th grade of primary school (2013) with below-minimum levels in Spanish and Mathematics, evaluated by EXCALE according to school level



INEE: calculations based on continuous 911-format statistics (start of the 2013-2014 school year), SEP-DGPEE, and in the 2013 CEMABE, INEGI-SEP.

## Credits

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## The challenges of designing an educational-benchmark system with a rights focus<sup>1</sup>

“In order to give educational evaluation a rights focus as a framework for reviewing and updating a system of benchmarks, it is necessary to identify the rights in question, set objectives and assign responsibilities,” say the authors of the following article, whose job in the National Institute for the Evaluation of Education (Spanish acronym: INEE) is to create a framework for the evaluation of the National Education System that respects the human rights of all those involved in education.

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### Two benchmark visions: Tomasevski and OREALC

Benchmarks respectful of the human right to high-quality compulsory education (HRHQE) must, on the one hand, be culturally relevant and take stock of people’s circumstances, and, on the other hand, be

designed in a way that not only measures performance, but also avoids violating rights.

A benchmark system that is compatible with the rights focus needs to minimize possible adverse effects and serve as a basis for taking actions that foster the exercise of human rights by the students, parents and teachers involved. For example, if we publicly promote a school-related benchmark with high copy percentages on a standardized test, leaving aside questions about the validity of the statistics generated, dissemination of the results of the said test might violate the human rights of the students, teachers and school principals involved, who could become victims of stigmatization and segregation.

Educational reform doesn’t just mean endorsing the right to education per se, given that the said right is crucial to the exercise of other social and political rights (Latapi, 2009) and also depends on the exercise of other basic rights such as the right to non-discrimination (Tomasevski, 2001) or the right to full participation (OREALC/UNESCO, 2007), and hence, in this article, we discuss two approaches that help us to identify the other rights that interact with the right to education. The first approach is the 4-A scheme created by Tomasevski, the first Rapporteur on the Right to Education to the United Nations Human Rights Commission, and the second is the approach proposed by the Regional Bureau for Education in Latin America and the Caribbean (OREALC/UNESCO), which is compatible with the one adopted by the INEE.

The 4-A model has to do with the features that the right to education should comprise, linked to other interrelated rights - i.e. rights in education, and rights complementing education (Tomasevski, 2001). Its components are:

1. Availability, which refers to the obligation of governments to provide enough schools and finance education systems.
2. Accessibility, which refers to the elimination of barriers that prevent people from exercising their right to education.
3. Adaptability, which refers to the need for education systems to be flexible enough to accept all kinds of students and provide them with relevant teaching, and



special services, to satisfy specific needs at both the individual and group levels. The rights that complement education are related to the social and policy norms needed to ensure that students don’t drop out of school – e.g. the minimum working age should be in keeping with the duration of compulsory education, the age at which people can marry, and the age at which they have to do military service.

4. Acceptability, which refers to the extent to which the education system respects diversity, providing relevant and culturally appropriate instruction in the language that accords with the student’s needs.

On the other hand, the OREALC’s “high-quality-education-for-all” approach links respect for rights, and also efficiency and effectiveness, with respect for rights entailing free, compulsory education, provided

<sup>1</sup> The opinions expressed in this article are those of its authors and do not necessarily reflect the views of INEE or UNICEF.

by the State, while, besides entailing the elimination of barriers that limit access to education, the right to non-discrimination also implies the elimination of obstacles that limit continuance in school and cause students to drop out.

Hence, the right to full participation is linked to development of the ability to make decisions about one's own life and one's relationship with the community, which entails free speech and, within the educational community, decision-making involving all the members of the said community, including parents, teachers, and the students themselves.

Besides entailing equality in results and the variation of procedures according to need, the concept of equality also dictates that resources should be assigned -and teaching procedures adjusted- in such a way that the social aims of education are achieved.

In the OREALC model, the concept of equality embraces not only access, but also:

equality in terms of resources and teaching processes, entailing different, but non-discriminatory treatment of groups and individuals with different needs - i.e. more resources and better teachers for schools in marginalized communities, instruction in the student's first language, and a flexible school calendar to suit the needs of the different sub-populations.

Equality in results means that:

all students develop competencies enabling them to participate in society and have access to teaching that takes stock of different cultural contexts, talents, interests and motivations.

Relevance and pertinence have to do with the aims and meaningfulness of education. The former relates to how socially and politically coherent the aims of education are at a given moment and in a given place, and also to the design and achievements of the education system, since these factors determine teaching and evaluation methods, while the latter concerns the relationship between students and their learning outcomes, environment, sociocultural context and present and future needs, with the mediator in the said relationship being the teacher. Finally, effectiveness and efficiency are competen-

cies with which the State should endow the education system. The former has to do with the fulfillment of educational aims by the education systems, while the latter concerns the efficient use of public resources, being a responsibility that stems from the community's efforts to provide and administer public-education resources.

### The INEE benchmark system

Since it was set up in 2002, one of the INEE's functions has been to develop and maintain a system of benchmarks for the purpose of "objectively assessing the quality of the National Education System (Spanish acronym: SEN) in the areas of elementary and lower-secondary education" (Official Federal Government Gazette [Spanish acronym: DOF] August 8<sup>th</sup> 2002). To this end, in 2003 the Institute's Educational Benchmarks Department (Spanish acronym: DIE) began issuing a yearly publication entitled *Panorama Educativo de México. Indicadores del Sistema Educativo Nacional* ['An Overview of Education in Mexico: National Education System Benchmarks'], and currently the INEE's guidelines also require it to develop, update and publish the said educational-benchmark system – a task that is entrusted to the General Department for the Gathering and Analysis of Information (Spanish acronym: DGIAI), and more specifically to the aforesaid DIE and Department for the Development of Statistics.

The purpose of benchmark systems is to provide relevant information about a given phenomenon or sector by means of an overview that reflects the complexity of the said phenomenon or sector, suggests improvement paths, and indicates which problems need to be solved. The said benchmarks should have solid foundations, both conceptually and in terms of their relevance, pertinence and usefulness for plotting out improvement paths. Given the complexity of education in Mexico, isolated benchmarks do not suffice, since we need an authentic system based on evaluation models and models of how the National Education System functions (INEE, 2007:69)<sup>1</sup>. The better we understand the phenomenon, the better will be our design and selection of benchmarks, and the more we will be able to satisfy the demand for information for purposes of evaluation, planning and accountability.

Though the benchmarks consist of statistics about different aspects of the National Education System that help us to identify,

monitor, compare and analyze trends, the said benchmarks are not neutral, since their purpose is to ascertain aspects of social reality (Morduchowicz, 2006 and INEE, 2007) and draw attention to key features or problems in the education system and its institutions, which makes them politically relevant and potentially useful for orienting policy. One way of choosing them is by building conceptual and referential frameworks that make them meaningful, serving as "cultural and meaningful constructs that are associated" with them (Quiroga, 2001:114), while the rights approach also entails that we need to take stock of their impact on students, teachers and school principals.

Given that a benchmark system reflects the level of maturity of the institution that creates it -which is manifested in the quality of the decisions taken about the quality of the information used and how wisely and sensibly it is employed (INFOACES, 2012: 30)- its creation requires interdisciplinary teamwork during the follow-up, review, reformulation and user-feedback stages.

Since educational-benchmark systems are dynamic, in order to give them a rights focus, we need to anticipate certain risks – e.g. possible misuse by users and, above all, by other government entities.

There is also a risk of stigmatizing certain protagonists. While it is true that rights-focused benchmarks –especially those having to do with the exercise of human rights- are better when they identify those who play decisive roles, both governmental and non-governmental, that affect the exercise of the rights to which the benchmark is linked (UNCHR, 2012), there is a risk that the use of the said benchmark will result in the indiscriminate blaming of entire groups of protagonists for any failings and obstacles detected in the observance of the right to education, enabling people to evade individual responsibility.

Hence, in order to design an effective educational-benchmark system that detects failings and serves as a basis for setting goals and plotting improvement paths, we need to be aware that the education system and its members and departments cannot, alone, remedy all the failings identified or bring about all the conditions that are necessary for the full exercising of the right to education.

Indeed, the aforesaid task is the responsibility of society as a whole, with the State playing a central role, though the latter runs

the risk of failing to properly coordinate any actions that it takes, since, due to their diverse nature, complex nature and specialized functions, not all government agencies are in touch with each other, so that there is a risk that policies aimed at fostering the exercise of human rights such as the right to education will, when implemented, violate other people's rights, which is unacceptable, since a measure taken to safeguard one right should not hamper the exercise of another one, and, if it does, then this reveals a flaw in design or implementation.

We should not forget that the main purpose of taking a right-based approach to the design of an educational benchmark system is to ensure that the policies and actions evaluated by the said system also incorporate, or strengthen, the same rights-based approach in keeping with the acknowledgement, in our Constitution, of the right to high-quality education, and without hampering the exercise of other rights. Above all, it is essential that policy changes be effected without infringing the rights of the different people involved. €

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### ROADMAP

## Why rights-focused educational evaluation? Seven discussion points

The author of the following article argues that the educational evaluation for which the National Institute for the Evaluation of Education (Spanish acronym: INEE) is responsible should be rights-focused because this, rather than being a mere whim, is clearly mandated by Article 3 of the Mexican Constitution.

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### The principle of legitimacy in democracies

With the dawn of democracy came the new principle of the legitimacy of the state,<sup>1</sup> in accordance with which the only lawful political power is that which springs from the will of the people. However, though this tenet continues to be the guiding principle of democratic régimes, it is not their only foundation. Democracies can also be viewed as systems of rights and freedoms because these are their ultimate aims, and, hence, since the end of the Second World War and the proclamation of the Universal Declaration of Human Rights, there has been a growing conviction that the legitimacy of the State is also founded in the fundamental rights of people.<sup>2</sup>

Human rights are universal tenets that are based on the principle that every person, without exception, merely by dint of being a person, has the same dignity and possesses rights whose observance is essential for his/her achievement of comprehensive development and a decent life.

Human rights are enshrined in the many treaties on the said topic that have been drafted by the United Nations, and also form part of the constitutions of many countries, not merely as just one more section, but rather as the guiding principle that underpins the design and structuring of the political institutions of all democratic governments and gives them meaning.

### Basic rights: the guiding principle of the Mexican State

In Mexico, due to the Constitutional Amendment on human rights of June, 2011, basic rights have become the cornerstone of our constitutional system and the main source of State legitimacy. If we add to this the fact that, in accordance with Article 1 of the Constitution, the main obligation of government is to properly safeguard the said rights, then it follows that the discourse about human rights is not mere politically correct rhetoric, but rather an underpinning of democratic legitimacy that holds out the possibility of a decent life for everybody.

### Rights-based evaluation of governance

In order to ensure that human rights are fully respected, international human-rights

treaties and constitutions enshrine them in various tenets. According to Carbonell and Salazar, “In today’s world, if an observer wishes to ascertain how developed a given society is, s/he should verify the extent to which its authorities actually safeguard basic rights” (2012:1X). This means that, in constitutional democracies, the basic test of whether a government’s actions help to foster human development is whether or not it respects fundamental rights, and how and to what extent it does so.

Thus understood, the rights-oriented evaluation of governance is a kingpin of institutionalism aimed at making the exercise of political power transparent and subjecting it to the scrutiny and control of citizens, who are the ultimate depositaries of sovereignty, while transparency is a key feature of democracy that serves to ensure that: (a) those who govern are answerable for their acts and omissions; and (b) the latter’s actions remain within the realm of legitimacy; and (c) citizens have solid criteria for ascertaining the extent to which those who govern adhere to the Constitution, which, it bears repeating, hinges around respect for basic human rights.

### **Educational evaluation as a safeguard of rights**

Given the above, educational evaluation is necessarily the evaluation of the degree to which the right to education is respected. The international human-rights treaties of which Mexico is a signatory, and the Constitution itself, define education as a universal basic right whose counterpart is a precise set of obligations on the part of the State – obligations that are summed up in Paragraph Three of Article 3 of the Constitution, which states that: “The State shall ensure that compulsory education is of a high quality, so that maximum learning outcomes are produced in students via appropriate teaching methods and materials, proper school organization and suitable teachers and school principals”.

In keeping with the aforesaid, Section IX of Article 3 of the Constitution stipulates that, to ensure that education services are provided, the National Educational Evaluation system is to be set up and coordinated by the INEE, an autonomous government entity charged with evaluating the quality, performance and results of the National Education System at the elementary and lower-secondary levels. In the context of Paragraphs One and Three, this

means that the INEE is responsible for evaluating the quality of compulsory education so as to ensure maximum learning outcomes in students”.

The reference to the INEE and its powers that is contained in Article 3 of the Constitution leaves no room for doubt regarding the intentions of the Permanent Constituent Assembly to make evaluation a guarantee of the provision of high-quality educational services – i.e. a guarantee of the right to education per se.

Of equal importance is the fact that the Permanent Constituent Assembly entrusts the aforesaid task to an entity on which it also confers autonomy for the purpose of ensuring that educational evaluation is not controlled by the entity responsible for providing universal high-quality education –i.e. the Executive Branch-, since this would compromise its impartiality and undermine the credibility of its results.

In short, educational evaluation can be carried out from different political, theoretical and methodological bases, but the task entrusted to the INEE must be carried out with a rights-orientation, as mandated by the Constitution. The undeniable technical and methodological challenges inherent in this mandate are not justifications for declining to comply with it and taking a different approach.

### **The legal enforceability of social rights**

However, there are various objections to the application of a rights focus to social rights such as the entitlement to education, the main one being the argument that, since the constitutional provisions establishing such rights are programmatic and do not enshrine rights in the strict sense of that word, unlike civil and political rights, they are not enforceable under law.

This distinction between civil and political rights on the one hand, and economic, social and cultural rights on the other hand, is “notably weak” (Abramovich and Courtis, 2006:56). All basic rights entail the following four different levels of obligations on the part of the State: respect (meaning that the State does not intervene), protection (meaning that third parties are prevented from preventing people from exercising the right), assurance (meaning that the authorities enforce the right on behalf of those who have it but can’t exercise it themselves), and promotion (meaning the creation of conditions enabling those who have the right to exercise it).

The branches of government basically responsible for fulfilling social-rights obligations are indeed the Executive and Judicial ones, the latter playing a subsidiary role that it only assumes when the other branches fail to fulfill their obligations (Abramovich and Courtis, 2006:60).

However, this does not mean that the possessors of social rights can file legal complaints in the event that the State fails to live up to any of its obligations, though in several cases -e.g. when access to education is restricted based on gender, nationality, ethnic origin, sickness, physical disablement or sexual orientation, or due to other types of discrimination- legal redress can be sought.

The main argument put forward against the legal enforceability of the right to education is that legal action can do little to remedy failures by the State to fulfill obligations that require funding in order to be complied with. However, even in cases where a court ruling isn’t directly enforceable, it serves to underline the State’s failure to fulfill its social-rights obligations, and also has the virtue of forcing the authorities to assume the political responsibility for their failure (See: Abramovich and Courtis, 2006:64-65).

### **Defining the nature and scope of the right to education**

It is also alleged that social rights such as the right to education cannot be rendered legally enforceable because, since the exact extent of the State’s obligations cannot be estimated, it is impossible to determine whether it has fulfilled them or not. However, this argument is also invalid, since the text of the constitution usually enunciates a right, while secondary laws define it in detail. In the case of Mexico, Article 3, of the Constitution broadly defines the right to education while the pertinent regulatory statutes (The General Education Law, the Law Governing the INEE, and the Law Governing the Professional Teaching Service) provide a detailed definition of the rights in question and their scope. Furthermore, heed must be paid to the stipulations of the international treaties on the subject that have been signed and ratified by Mexico -above all, the Convention on Children’s Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR)-, as well as the General Observations drawn up by the Committee on Economic, Social and Cultural Rights (CESCR), which specifically

set out to define the nature and scope of the rights enshrined in the aforesaid Covenant.<sup>3</sup>

The CESCR has devoted a large part of its efforts to defining the basic nature of the said rights, whose observance is fully binding on the signatories of the ICESCR, which can only justify their failure to minimally fulfill their obligations thereunder by citing a lack of available resources “if they are able to show that they have done everything in their power, as a matter of priority, to use all the resources available to them to fulfill the said obligations” (Abramovich and Courtis, 2004:33). Even under such circumstances, the State must protect the most vulnerable members of society, since: “Not only is there an absolute minimum level of protection of each right, but also a minimum sector of the population consisting of citizens whose economic and social rights must be vouchsafed even during crises” (*ibid.*:35).

Indeed, there are other levels of specification, elaborating on the minimal rights cited above in accordance with the principle of progressiveness, being contained, in Mexico’s case, in Paragraph Three of Article 1 of the Mexican Constitution.<sup>4</sup> The minimal obligation incumbent on the State in this regard is that it not reduce the already existing levels of protection of the rights in question. Any State action that diminishes economic, social and cultural rights (ESCR’s) must be justified, and, under the ICESCR: “The State may not justify its actions on general grounds of public policy or fiscal rigor, or cite other financial or economic aims, but must clearly specify which of the other rights enshrined herein [...] were favored by the measure” (Abramovich y Courtis, 2004:38-39). Everything mentioned so far confirms that the right to education is not a mere matter of lip service, whose non-observance the State can justify on the grounds that there are not enough resources, for, if we accept the latter argument and leave the setting of aims for vouchsafing the said right, establishing the ways of achieving them, and setting the deadlines for doing so, at the discretion of the State, then we render it hollow.

### What evaluation is needed in order to vouchsafe the right to education?

In order to underpin the right to education, the results of evaluation must be widely publicized and we must ensure that its findings and conclusions enable those involved

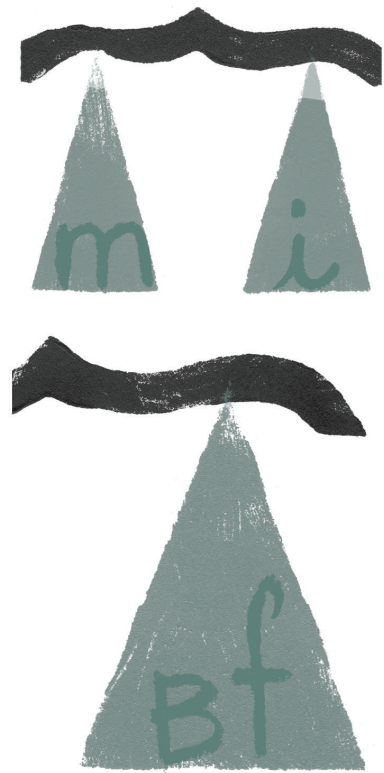
in education -especially the education authorities- not only identify failures to observe the said right, but also take steps to remedy them, which is why it’s crucial to disseminate evaluation results and encourage their use.

Indeed, in Mexico’s case the Law Governing the INEE endows the latter with an additional instrument that closes the rights circle - i.e. the authorization to issue guidelines<sup>5</sup> aimed at orienting the formulation of government education policy so that the responsible authorities rectify any failures to observe the right to education that are detected in the course of evaluations. Since the aforesaid guidelines are not binding, and dialogue and consultation with the authorities may not lead to their observance, in order for them to have an impact it is essential that they (a) be based on very solid assessments and make feasible recommendations, so that the authorities have no excuse for ignoring them, and (b) be rendered doubly valid, both by the moral authority of the institution issuing them, given the latter’s autonomous status, technical know-how and prestige, and also by public opinion, which, if effectively expressed, can exert pressure on the responsible authorities to respond positively and take the necessary steps to promote observation of the right to high-quality education. €

- 1 Legitimacy is an attribute of the State that consists in the existence, in a significant part of the franchised community, of a level of consensus that ensures obedience to the authorities in power without the need to resort to force except in extraordinary circumstances.
- 2 If State legitimacy lies in the acknowledgment of a set of rights that limits and binds political power, this means that the lawfulness “of government policy depends on the latter’s effective guaranteeing of the basic rights” (Carbonell and Salazar, 2012: IX).
- 3 The observations made, regarding the interpretation and scope of the ICESCR, by the CESCR’s members, who are independent experts charged with overseeing fulfillment of the latter, constitute its official interpretation.
- 4 It bears mentioning that, in accordance with this principle, the State is obliged to afford more and more protection to human rights as time goes by, so that they are constantly evolving, rather than suffering setbacks.
- 5 Article 47: the Institute “issues guidelines that are relevant to contribute to decisions aimed at improving the quality of education and equity as an essential factor in the pursuit of social equality.”

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## ROADMAP

## Bilateralness as the key to the right to education

The constitutional reforms of 2011 and 2013 led to important changes in the National Education System (Spanish acronym: SEN). In order to ensure respect for the right to high-quality education, the evaluation of education has ceased to be carried out mainly by the Executive Branch, becoming a State duty. What does this change of focus mean for the obligors and obligees?

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### The human-rights focus: the 2011 Constitutional Reform

June 10<sup>th</sup>, 2011, saw the publication of the Constitutional Human Rights Reform whereby Article 1 of the Mexican Constitution was amended, subscribing to the definition of the Mexican State as a “legal person” and fully acknowledging that the said State is bound by both Mexican and international law, so that it can be held responsible for its actions and failures to act, and direct recourse may be had against it under international law (Cancado, 2007). The aforementioned Reform also commits Mexico to endorsing and safeguarding human rights in accordance with the international treaties that it has ratified, explicitly mentioning the State’s general obligations to protect, respect and guarantee human rights, adhering to the principle of *pro personae*, in accordance with which Mexican and international laws are subject to the broadest possible interpretation (Chamber of Deputies, 2014). One crucial implication of this amendment is that the right to education now falls within general human rights, and is hence governed by the provisions of the general-human-rights treaties that Mexico has ratified.



### The 2013 Constitutional Reform

Added to the above is the 2013 Reform. Article 3 of the Constitution brings us face to face with at least five key issues having to do with educational evaluation – i.e. (a) high quality as one of the basic educational criteria enunciated in the constitutional amendment and thus being obligatory;<sup>1</sup> (b) the definition of evaluation -specifically educational evaluation- as a function of the State, rather than the Executive or Legislative branches, for the purpose of ensuring that the said high quality is pursued and achieved;<sup>2</sup> (c) the creation of a mechanism for carrying out evaluation – i.e. the National Educational Evaluation System (Spanish acronym: SNEE),<sup>3</sup> to coordinate the actions taken, at the different levels of government, within the National Education System (Spanish acronym: SEN); (d) the setting up of the National Institute for the Evaluation of Education (Spanish acronym: INEE) -which is now an autonomous public entity, empowered to design and apply tests within the SEN, and regulate the evaluations carried out by the local and fed-

eral education authorities within their bailiwicks- to coordinate the SNEE; and (e) the creation of a regulatory instrument to bring about the much desired link between educational evaluation and improvements in the SEN, consisting in the guidelines issued by the INEE, “which should help to support the making of decisions aimed at improving the quality of educational and making it more equitable”.

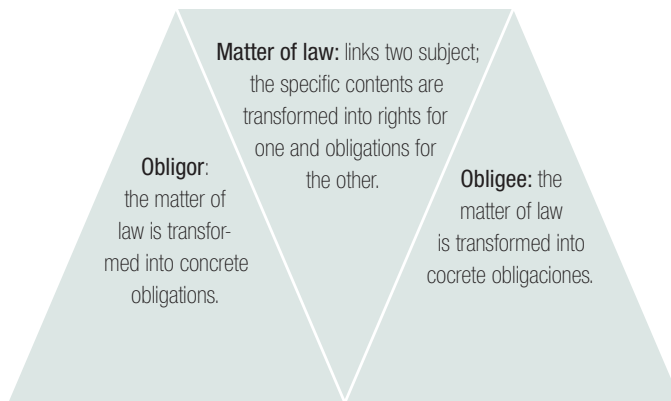
We will have to assess the merits or value of the target of our analysis -i.e. the SEN- within the context of the aforesaid legal mandates so as to determine the extent to which the right to education is being respected, in terms both of specific contents, and in accordance with the broader human-rights spectrum.

### The unilateral nature of the service renderer and the bilateral nature of the right

The situation after the Reforms contrasts with the traditional modes of planning and operation, which tended to be unilateral, basing their diagnoses and solutions on the problems, needs, supply, demand, weaknesses, strengths, capabilities or priorities that they perceived to exist, rather than on the needs of the rights holders.

This drastic change of viewpoint stems from what is referred to as the *bilateral nature of the right*: “Laws are bilateral because they impose obligations and confer rights that complement each other (Figure 1).<sup>5</sup> In other words, for every obligee there is an obligor who can demand compliance with the obligation” (García Máynez), which means that the obligors -i.e. Mexican children and youths of both sexes, and, of course, the population in general- can demand that the State, along with other joint obligees, including parents, teachers, and representatives of NGO’s, comply with/enforce the laws that protect their rights.

In the case of the two constitutional reforms, there are two sources of law that endow the matter of the right to education with specific content: (a) Article 3 of the Constitution and its regulating laws, and (b) the features stemming from the General Observations (specifically Observation 13) issued in 1999 by the UN Committee on Economic, Social and Cultural Rights, which constitute the legal framework of the 1966 International Covenant on Economic, Social and Cultural Rights that was signed by

**Figure 1. Bilateral nature of the right**

Source: Based on García Máynez (2010).

Mexico in 1981 and formalizes the 4 A's of the Right to Education that were defined by Katarina Tomasevski - i.e. availability, accessibility, acceptability and adaptability.<sup>6</sup>

### Conclusion

In present-day Mexico, one can no longer conceive of a State that formulates educational policy without considering its posture *vis-à-vis* the right to universal, equitable education and its obligation to respect the said right. Many people are actively involved, both as a constitutional obligation and as a moral imperative, in implementing the recent Reforms in order to ensure that

all children and youths of both sexes have access to an education that enables them to comprehensively develop all their abilities and, above all, to be able to exercise their right to a decent life and other related rights.

The obligor (e.g. the student) and the obligee (the State) mutually exercise, and enforce compliance with, rights (Figure 2), so that citizens are no longer mere recipients, users or clients of public services, but rather human beings with rights that the state must enforce and obligations to orient their actions towards the observance of human rights that enable both them and their country to develop pacifically.

**Figure 2. The right to education in accordance with the Mexican and international legal frameworks**

<p><b>Subject of law:</b> "All persons persons" have human rights (Art. 1, CPEUM), "Every individual..." (Art. 3, CPEUM).. has the right to receive an education that is available, accessible, acceptable and adaptable</p>	<p><b>Matter of law:</b> The contents of the Mexican legal framework (Art. 3, CPEUM) and the international one (Components of the right to education, CESOR, General Observation 13, no. 6): Availability, Accessibility, Acceptability and Adaptability</p>	<p><b>Obligee:</b> The State and "all its authorities, within their spheres of competency, are bound to promote, respect, protect and guarantee human rights (Art. 1° CPEUM), with the specific contents of the obligations <i>vis-à-vis</i> the right to education (Art. 3, CPEUM) and the international framework (render educational services to the obligor that are available, accessible, acceptable and adaptable</p>
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Source: Author-produced.

When trying to determine the best way to achieve true, high-quality, equitable education, one should not forget that:

Nowadays we are witnessing growing application of the so-called "human-rights focus", an approach based on the idea that poverty is not so much a matter of lack of resources as of lack of rights [and] has within it great potential for fostering social development (Gómez, M., Pavón, D. and Sainz, D., 2013).

Thus, one must keep the said right-focus in mind when designing evaluations of policy or educational syllabi or training teachers, and even more so when teaching. In view of this, what responsibilities should each protagonist in the SNEE shoulder and how can we generate synergy between the state and federal education systems so that they work together? What are the best ways to foster communication between civil society and the State that will smooth the path towards the exercise of the right to education? How can we implement the National Educational Evaluation policy (Spanish acronym: SNEE) in our daily work in order to evaluate with a rights focus? How, precisely, can we put ourselves in other people's shoes? It is worth reflecting on the words of Fernando Pessoa in *El libro del desasosiego* [English title: The Book of Disquietude]:

The thing one most needs in life is the one that leads to action – i.e. will. The best example of a practical man, who energetically concentrates on action while also being aware of its ultimate significance, is the strategist. Life is nothing but war, and so battle is the synthesis of life. For the strategist, people are chess pieces. What would become of the strategist if he thought about how each of his moves brings night to a thousand homes and grief to three thousand hearts? What would become of the world if we were human?

To conclude, evaluation with a human-rights and right-to-education focus should take into account the features and sources that I have mentioned above.

However, the reader should be aware that, while one of the advantages of the rights focus is the fact that it assigns a central role to people, doing so based on a minimal standard that is the same for ev-

## ROADMAP

erybody, there is, nonetheless, a very big gap between the theoretical conception of the said norm and its practical application in education or in any other field, due both to the difficulty of making the obligors aware of their rights and hence exercisers of them, and also to the difficulties faced by the obligees -i.e. State authorities, other sectors of society, and above all those who bear joint responsibility for guaranteeing the right to education- in their endeavor to convert the said norm into a functional instrument that produces specific, observable, measurable results. €

- 1 Bracho, G., T. y Zorrilla F. M. (2005). *Perspectiva de un gran reto en Reforma Educativa: Marco Normativo* (Pp. 15-38). México. INEE-Congreso de la Unión.
- 2 “II. The criterion of the said education [...] d)... shall be quality, based on ongoing improvement and optimal learning outcomes”. CPEUM. Art. 3, Paragraph Six – d.
- 3 “The State shall ensure that compulsory education is of a high quality in such a way that the educational materiale and methods, school organization, educational infrastructure and appropriate teachers and school principals ensure maximum learning outcomes”. CPEUM Art. 3, Paragraph Three,
- 4 “The SNEE is established to ensure that high-quality education services are rendered”: Article 3, Section IX, Paragraph Fourteen- c, of the Mexican Constitution.
- 5 Cfr. Gómez, M., Pavón, D. y Sainz, H. (2003).
- 6 See Gómez, M., Pavón, D. and Sainz, D., *El enfoque basado en derechos humanos en los programas y proyectos de desarrollo*. Agencia Andaluza de Cooperación Internacional para el Desarrollo-Fundación CIDEAL de Cooperación e Investigación, Spain, 2013: <http://goo.gl/NPE8h1>
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## INEE Guidelines: instruments for guiding decision-making about educational policy

The goal of the National Institute for the Evaluation of Education (Spanish acronym: INEE) is to help guarantee the right to high-quality education for all. In pursuit of this goal, and exercising one of its main powers, on the 8<sup>th</sup> of September of this year the INEE issued its first four guidelines, aimed at improving the initial training of elementary-level teachers.

The aforesaid power is something new, both for Mexico and the rest of the world, and is mandated in Section IX of Article 3 of the Mexican Constitution, which authorizes the INEE to carry out evaluation, with the mission of: *Producing information and, based on it, issuing guidelines that help to guide decision-making for the purpose of raising the quality of education and making it more equitable, as a key factor in the pursuit of social equality.*

The guidelines endeavor to be a bridge between evaluation and the improvement of education, and hence they constitute recommendations aimed at guiding decision-making about educational policy. It is germane to ask why they are issued, what their strategic priorities are, who they are aimed at, what their scope is, what the education authorities are expected to do, and what the INEE should do now that they have been issued.

### Guidelines to improve the training of elementary-level teachers

#### Why have the guidelines been issued?

The aims of these first four guidelines are twofold: 1. To help the education authorities to make decisions for the purpose of improving the initial training of Mexico's elementary-level teachers, and 2. To create new academic, social and institutional dynamics so that initial teacher training becomes a national-education-policy priority and fosters the recognition of the teaching profession by society.



#### What are the strategic priorities of the benchmarks?

Aimed at promoting a systematic vision that will have broad multiplying effects in terms of improvement, the guidelines that have been issued focus on: 1. The key role played by teachers; 2. The need to pay attention to student learning paths; 3. The need for a curriculum that fosters new teaching-learning and knowledge management dynamics; 4. The strategic role played by coordination and interaction among the different systems.

#### Who are the guidelines aimed at?

They are aimed at the federal education authorities and their counterparts in the different states and municipalities and in Mexico City, and also at decentralized organizations that are empowered to take official measures in the area of education, as well as all the different types of teacher-training colleges.

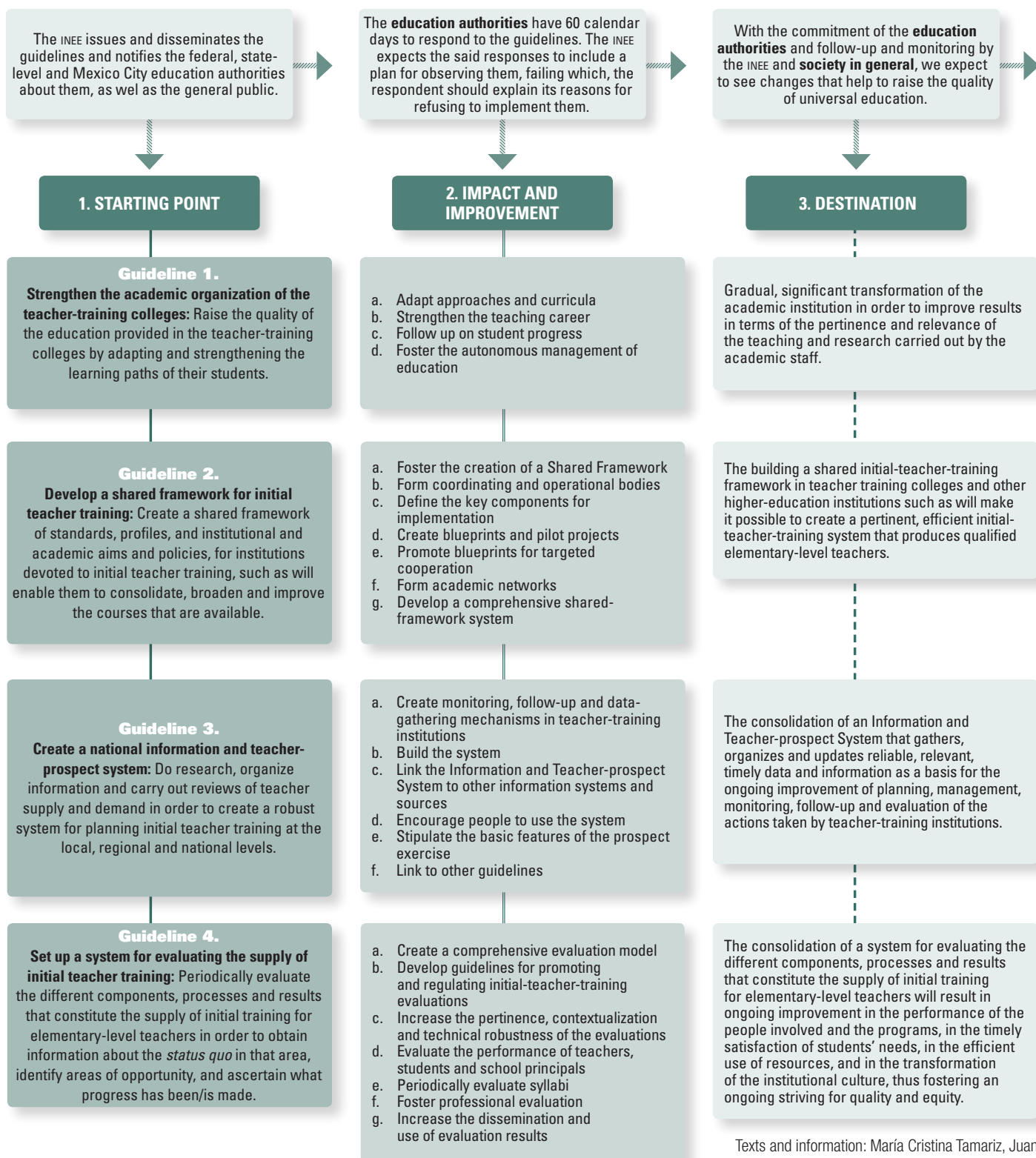
#### What is the scope of the guidelines?

They are binding throughout Mexico and will be enforced at the federal level in accordance with the shared powers of the state and federal education authorities. €



Visit the Guidelines microsite:  
[www.inee.edu.mx](http://www.inee.edu.mx)  
[contactodirectrices@inee.edu.mx](mailto:contactodirectrices@inee.edu.mx)

## The path followed by the guidelines in their endeavor to improve the training of elementary-level teachers



## SPEAKING ALOUD

## Steps towards equality for children and youths

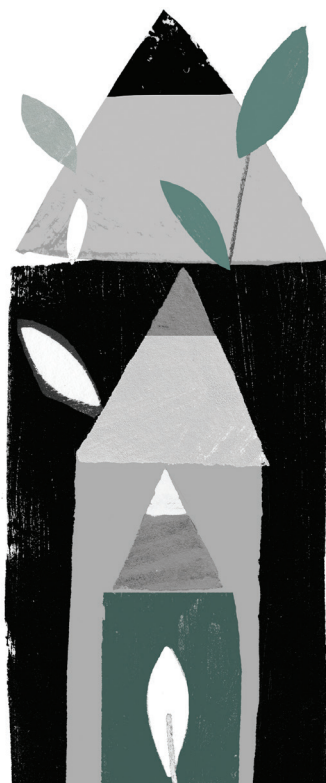
“Are all Mexico’s children and youths in school? Are they learning the things they should be learning? By focusing on the rights that education policy should safeguard, the above questions address the issue of the quality of Mexico’s education system,” asserts unicef’s representative in Mexico, who talks about the challenges posed by multicultural education and the availability of systems for evaluating such education, citing the unicef Child-Friendly-School project as an example.

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In order to ascertain whether a given action has had the results one hoped it would have, evaluation is essential. The same applies both to policy and to curricula and study programs. And if the policy in question relates to the endorsement of human rights, evaluation must have a rights focus, as in the case of education.

The rights focus is “a conceptual framework for the achievement of human development in accordance with international human-rights standards, and is aimed at effectively promoting and protecting human rights” (Office of the United Nations High Commissioner for Human Rights, 2006). This means that member states are obliged to endorse the full exercise of human rights by citizens.

The aforesaid approach is based on the clear identification of rights holders in order to defend them, and of the pertinent endorsers or obligors in order to ensure that they fulfill their obligations, as well as on the contents of policies, plans and budgets in order to help both rights holders and obligors to respectively *exercise and protect the rights in question*.



Hence, the formulation of policy aimed at ensuring respect for the right to universal education must be based on accurate information about the possessors of the said right - i.e. the demand. Once the said demand has been ascertained, the next step is to measure the qualitative and quantitative shortfalls in the said access. An undertaking must be made to ensure that all children and youths, of both sexes, are in school, with strategies aimed at detecting bottlenecks being implemented in order to achieve universal coverage. The second objective of ensuring that those enrolled in school are learning what they should be learning is more complex, since it concerns the quality of the education system, focusing on the rights content that policy must ensure.

### Exercising the right to education at the macro level

Besides being entitled to universal high-quality education in accordance with the Mexican Constitution and other statutes, the children and youths in a specific educational subsystem -i.e. the indigenous one- possess collective rights, such as the right to

the protection and fostering of their cultures and languages, that have a direct impact on the environment in which they are educated, and hence, in order to formulate policy aimed at providing high-quality, culturally relevant, education, it is first necessary to precisely identify the target recipients and ascertain their numbers and location, with the said information containing details about the indigenous students’ cultural and linguistic diversity, age, gender, place of residence and current school level - i.e. about the demand.

In order to ascertain the shortfall between current service levels and those required in order to fulfill the obligation to provide a culturally relevant education, we must first verify subsystem coverage, in terms of whether there are enough indigenous schools located in the necessary places, determining what shortfall needs to be made up for, in the event that there are not enough schools, in order to ensure respect for the right of all indigenous children and youths to a relevant education, and ascertain how long it will take to achieve this.

At this point, before carrying out a quantitative analysis, we need to come up with precise policy statements in line with the necessary components of an indigenous school, which should, in principle, be staffed by teachers who speak the same indigenous language as the students and are trained in intercultural and bilingual pedagogy, use a culturally relevant curriculum, and possess the materials needed in order to teach the latter.

Therefore, in order to ensure that the rights of indigenous students are protected, we need to verify whether the educational coverage is adequate for the indigenous group and culture in question, in terms of teachers, curricula and teaching materials, ascertaining whether there are enough indigenous teachers, with suitable training, able to teach all the indigenous students in the latter’s native tongue, whether the curriculum’s contents are suitable for the indigenous group or culture in question, and whether materials suited to the students, and based on an intercultural, bilingual approach, are available.

Even though it is not an exclusive feature of indigenous education, it is also essential to consider the participation of both male and female children and youths, and also of the community, when designing policies, plans and programs, given that both the

Convention on the Rights of the Child (CRC) and the General Law Governing the Rights of Children and Youths of Both Sexes that was subsequently passed in Mexico in December of 2014, stipulate that the aforesaid people are entitled to participate, and be taken into account, in the design of the said policies, plans and programs, while, for its part, the International Labor Organization Convention 169 on Indigenous and Tribal Peoples, and the United Nations Declaration on the Rights of Indigenous Peoples, both of which were ratified by Mexico, also enshrine the aforesaid rights of indigenous peoples.

In this regard, we would also have to ascertain, with respect to indigenous education, whether indigenous children and youths of both sexes play a role in designing and administering their own education, and whether parents and parents' organizations play a part in the aforesaid activities.

Finally, and most importantly, we need to ascertain whether the students in question are learning what they are legally entitled to learn, whether they are achieving the learning outcomes pertaining to their level and age, in terms of both general contents and indigenous ones, whether they are being adequately evaluated, and what their opinions are about the indigenous peoples and the organizations that represent them.

Unfortunately, although educational policies regarding the teaching of the indigenous peoples in this region have been in place for many years, students in indigenous schools here tend to achieve less satisfactory learning outcomes than the rest of the population, though it should be stressed that, with very few exceptions, only their general ability to understand mathematics, science and other texts in Spanish is evaluated, there being no assessment of their ability to understand texts in the indigenous language, or on indigenous topics.

Besides this obvious shortfall, the said students' unsatisfactory results are largely due to the failure to provide the levels of educational quality and coverage that are mandated by law.

### Child-friendly schools: exercising the right to education at the micro level

The rights focus is not limited to policies, plans and programs, also being a useful tool that can be used by school principals and teachers to evaluate their own performance.

Community schools should ensure that all the children and youths of both sexes in their district enter, and remain in, school, and finish it with adequate achievement levels. At the local level, it's easy for those responsible for ensuring compliance with the right to education to ensure that "everybody who should be in school is in school", and this task is made even easier if there is a close relationship with the community. It is on this principle of inclusion, aimed at ensuring universal coverage, that the UNICEF Mexico (<http://goo.gl/IVXHwS>) Child-Friendly-School approach -which is fully in line with the stipulations of the CRC- is based.

School principals and teachers have implemented different 'good practices' in this area -especially in collaboration with the community and with the participation of their students- aimed at finding out what prevents some students from entering, remaining in, or finishing, school and designing strategies to overcome these impediments. In some cases, the students themselves, working hand-in-hand with the local authorities, propose, and implement, methods for detecting and preventing drop-out.

The educational community as a whole evaluates the inclusiveness and efficiency of a Child-Friendly-School, and the school principal, teachers and parents regularly verify that "everybody who should be in school is in school", studying cases where there's a risk of a student dropping out and taking timely action to prevent this.

The same sort of approach is taken to learning outcomes. The teachers in these schools set clear teaching-learning aims at the beginning of the school day or class, stipulating which skills or competencies their students must acquire, evaluating the progress achieved towards achieving the said aims both during, and at the end of, the day or class, to ensure that their students have learned what they should have learned, and, where this is not the case, deciding what actions to take to remedy the failure.

A teacher who has integrated the rights focus into his daily work endeavors to ensure that all his/her students achieve the learning targets set for them in accordance with their level, systematically and constantly evaluating their achievement of goals along the way and detecting their problems in order to cover some topics again using different teaching strategies suited to the student's

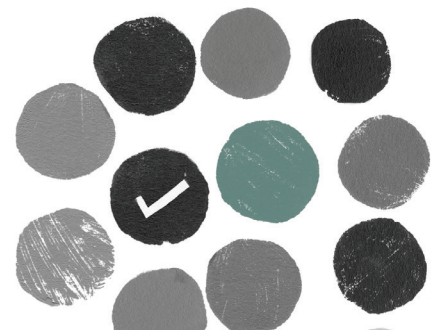
learning style and level of achievement. With this approach, evaluation is essential, not for the purpose of sanctioning students, but rather in order to find out where they're having problems and using different strategies to help them. If the student doesn't achieve a given goal, the teacher should go over the same content again, but with a different approach, and, if his/her student continually fails to develop the knowledge and competencies proper to his group, the teacher should ask himself/herself whether s/he possesses the necessary teaching skills.

In short, evaluation is a tool for creating efficient systems for both designing and putting in place policies, plans and programs, and also for implementing them on a daily basis in the classroom. If we don't measure, we won't be able to identify problems, and, hence won't be able to solve them. However, both evaluation and the actions stemming from it should have a rights focus. To evaluate a student who has failed to achieve the goals set for him/her and fail to take steps to solve the problem is tantamount to violating his/her right to a high-quality education.

Hence, it's imperative that we check whether the right to indigenous and other types of education is suitably defined, and also whether it is being fully respected. We should ask ourselves whether all the children and youths of both sexes in these educational subsystems, among other things enabling them to learn, have suitable teachers, relevant curricula, sufficient materials and a decent infrastructure. However, it is equally, or more, important to ensure that sincere, accurate evaluation is carried out as a basis for designing short- and mid-term plans aimed at complying with the right of all children and youths of both sexes to receive relevant, high-quality education. €



You can find out more about UNICEF Mexico at: <http://goo.gl/5ExSS1>



## SPEAKING ALOUD

## Current educational challenges from the viewpoint of Save the Children

“In a context of education viewed as a human right, the task of evaluation is to serve as a guide for the inclusion of pertinent contents that enable children and youths of both sexes to assign new meaning to the concept of ‘human,’ and meet unprecedented challenges,” says the author of the following article, asserting that “One of the main challenges facing rights-focused education is the failure to understand what it entails”.

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To understand what rights-focused education is and appreciate how important it is to evaluate the results of such education with a rights emphasis, one needs to place it within a global regulatory framework that entails the use of guidelines and standards established in international human-rights laws and based on the central principles of universality, equality, indivisibility of obligations, accountability and participation (United Nations Development Program, 2007:2).

Besides good program-creation practices, such a focus entails evaluation that identifies the demands of rights holders and the extent to which the latter are able to exercise their rights, along with the obligations of those responsible for endorsing rights, and developing strategies that foster the development of the aforesaid ability to exercise and protect rights. The rights focus “is characterized by the important role it assigns to participation throughout the cycle of program and project methodologies” (Liebel and Martínez, 2009:70). Furthermore, the said focus acknowledges that protagonists have rights and accept participation as both

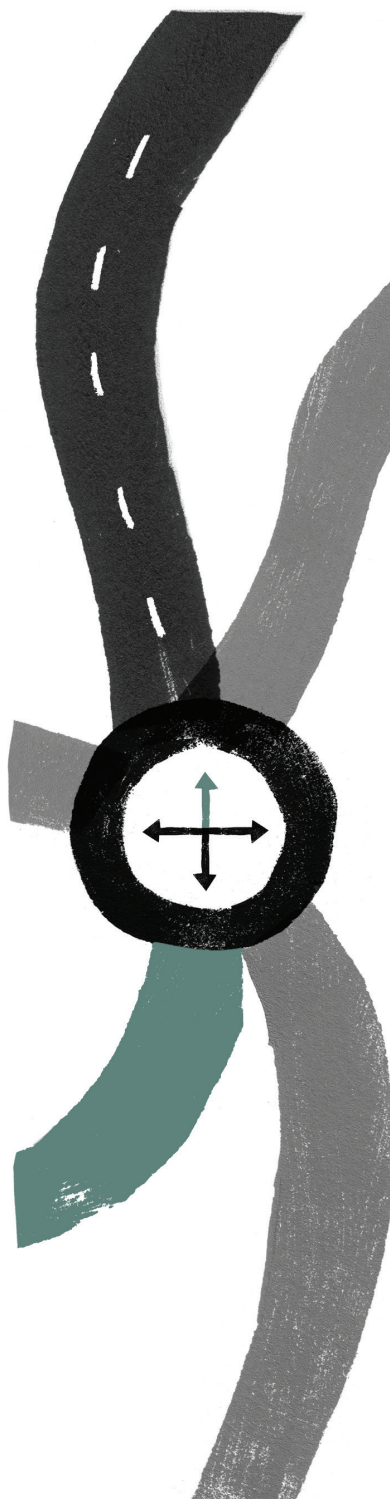
a means and an end, as well as agreeing that efforts should be concentrated on the most impoverished and marginalized groups, and that inequalities should be reduced by taking synergetic action, identifying the immediate, underlying and structural causes of problems, developing alliances, and fostering the assumption of responsibility by those involved (United Nations, 2003:1).

The above principles drive the promotion of human rights, which has now been going on for almost a century. The right to education of children and youths was acknowledged in the First Declaration of the Rights of the Child, drafted in 1923 by the founder of Save the Children, Eglantyne Jebb, and adopted in 1924 by the 5<sup>th</sup> Assembly of the League of Nations (LN), which was set up at the 1919 Paris Conference via what is known as the Geneva Declaration, which stated that: “The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men” (Assembly of the LN, 1924:1).

Besides being included in Articles 13 and 14 of the 1966 International Covenant on Economic, Social and Cultural Rights, the aforesaid right is reiterated in the 1989 International Convention on the Rights of the Child (CRC), Article 28 of which stipulates that all children should have equal access to education, while, among other things, Article 29 of the same document states that educational programs should give priority to comprehensive development and promote respect for rights, identity, the environment, and different genders, languages, ethnic origins, cultures and religions.

As far as Access to education is concerned, it bears pointing out that, according to the latest reports on the development benchmarks for the millennium (INEGI, 2015), Mexico achieved its aims for primary-school enrollment, with an 98.6% enrollment rate, though it failed to achieve either its target for pre-school enrollment, with the pre-school coverage for 2014 being 71.9%, or that for secondary-school enrollment, with secondary-school coverage for the same year being 87.6%.

With regard to quality of education, it bears mentioning that, in 2001, the Committee on the Rights of the Child (CRC) -which monitors implementation of the United Nations Convention on the Rights of the Child and its Facultative Protocols- issued General Observation No. 1 on the Aims of Education,



which complemented General Observation No. 13, issued in 1999 by the Committee on Economic, Social and Cultural Rights, on the right to education, which the aforesaid Committee acknowledges to be essential for the exercise of other human rights, given the decisive role it plays in the achievement of equality for women, protection for children and youths of both sexes, democracy, and the control of population growth (CESCR, 1999:1).

The CRC's General Observation No. 1 asserts that the right of children to education is not limited to access, but includes the right to a comprehensive education that provides a basic education for life. Such basic education cannot be limited to reading, writing, arithmetic and science (the areas currently covered by evaluations), but, among other things, must foster, without discrimination and according to context, the ability to make decisions, settle conflicts peacefully, lead a healthy life, develop satisfactory relationships, respect differences, and take responsibility with a critical spirit (CRC, 2001:2-5).

One of the main challenges faced by rights-focused educational evaluation is, precisely, the failure to understand what such evaluation entails - namely, from the instrument-design to the results-analysis stage, the need, on the one hand, to design evaluations that identify and address the structural problems that prevent people from exercising the right in question, and, on the other hand, the need to design strategies that enable rights holders to indicate what they need to learn in order to address the problems that they face. At the same time, such evaluation needs to promote the designing of strategies that help rights holders to overcome the obstacles that prevent them from having access to schooling, and take stock of the needs expressed by them for purposes both of designing relevant curricula, and also of ensuring that the teachers who implement them have the necessary training and all-round human development.

Given the above, Save the Children considers that high-quality education is still far from being a reality in Mexico, and that the 2013 Educational Reform is of little help in achieving such education.

Focusing the said Reform on evaluation and norms regulating the teaching career, without proposing alternative curricula that take stock of learning environments, is tantamount to ignoring the recommendations that both the international and the Mexi-

can frameworks make, based on the 2011 amendment to the Constitution, regarding the achievement of rights-focused education.

In this regard, the main prerequisites stipulated by Save the Children for achieving high-quality education are: (a) consideration of the context where teaching-learning occurs, in order to adjust course contents so that they are relevant; (b) consideration of students' emotional and spiritual needs; (c) basic fostering of students physical wellbeing by providing safe, violence-free environments; (d) promotion of active commitment, student-centered learning and better results on the part of all children and youths of both sexes; and (e) active involvement of parents and the community in planning, decision-making and other actions aimed at improving education and developing local rights-protection systems.

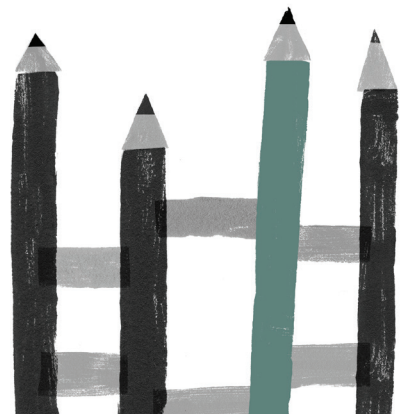
In order to achieve the above, it is necessary to:

- foster the professional development of educators and endow them with a comprehensive, inclusive and flexible outlook, so that they see their students as rights holders and equip them with the tools that are needed to generate contents in keeping with varying situations and needs, and thus be able to realize their full potential and face current challenges.
- increase the ability of bureaucrats to innovate, afford full access to education, and face teaching-learning challenges in the midst of a widespread crisis.
- forge alliances with civil society, governments, universities and companies, increasing meaningful participation by students, parents and communities in order to achieve good results on a large scale and influence government policy.
- improve learning environments -e.g. infrastructure, resources, teaching materials and services- and learn to manage risk.

It's with these things in mind that we will at Save the Children will pursue the post-2015 strategy that we have proposed - that of ensuring that all children and youths of both sexes have access to high-quality, safe, inclusive elementary education, which entails evaluation that encourages reflection and helps to make universal, rights-focused education a reality. €

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## IN THE CLASSROOM

## Leading NGOs' and evaluation as a civic practice

In the interviews transcribed below, representatives of five NGO's that work to promote the right to education -the Mexican organizations, Redim and Mexicanos Primero;\* Educreando, which covers the states of Oaxaca and Chiapas; IEPAAC from Yucatán; and Odisea\* from the state of Zacatecas- reflect on, and agree and disagree about, how to evaluate with a rights focus in the face of reality. Two of the interviewees are members of the INEE's Social Advisory Board for the Evaluation of Education (Spanish acronym: CONSCEE).



You can find out more about the work of the INEE's CONSCEE at: <http://goo.gl/D9KANe>

The constitutional education reform -which is extensively discussed in other articles in this edition of the *Gazette*- contemplates the right to education and also envisages rights-focused evaluation. However, how realistic is the said reform?

David Calderón Martín del Campo, General Director of *Mexicanos Primero, A. C.*, explains that Mexico's citizens and authorities don't know very much about human-rights theory, and, with regard to education, comments:

"We carried out a survey in eight Mexican cities to find out what people understood by the terms *right*, *service* and *opportunity* and how they differentiated among them, ascertaining that they associated the word *right* with some sort of payment, saying things such as 'I only have a right to what I pay for'; thus revealing that they see publicly financed government services as being free, which is not the case. In my view, this misunderstanding of human rights is

the main obstacle to their protection, safeguarding and fostering".

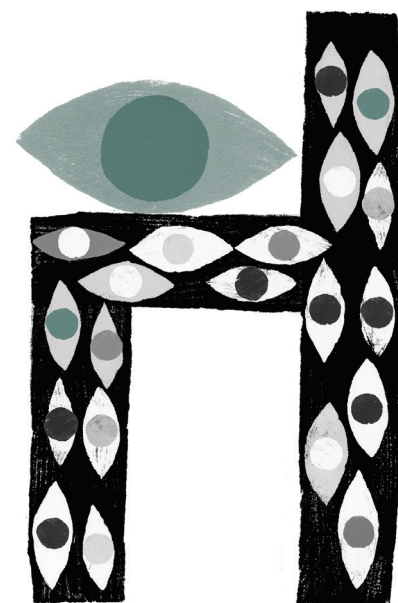
In the light of this ignorance about what is meant by the word *right*, in the context of an educational reform that stresses the right to education, Calderón explains what needs to be done to make people aware both of the meaning of the term, and also of their rights.

"It's important to go on disseminating the concept of evaluation as a right that forms part of the right to education, because evaluating with a rights focus implies questioning standardized curricula and evaluations that are so rigid that they fail to take stock of the richness of ethnic diversity or of socioeconomic contexts, seeing other benchmarks for evaluating learning outcomes in vulnerable groups as being of secondary importance. This is a major problem, because, in the final analysis, if we don't respect everybody's rights, then we're not fully respecting anybody's rights. The best way to learn about rights is to exercise them".

"In this regard, among the aims established by the INEE in order to create an evaluation culture, I consider the fostering of a rights focus to be crucial. The right to a high-quality education -i.e. the right to learn- is minimally protected, fostered and respected, and we all have a big job in front of us to change this situation".

For his part, Juan Martín Pérez García, executive director of the Network for Child Rights in Mexico (Spanish acronym: REDIM) cites actual dates and numbers:

"The Mexican State doesn't invest in its children. According to the data for 2011 published by the Mexican office of UNICEF, a mere 6% of Mexico's GNP is devoted to children, though they constitute 35.7% of the population - i.e. 42 million people. Also, data published for 2013 by the National Evaluation Committee (Spanish acronym: CONEVAL) and UNICEF show that poverty has a child's face, as well as prevailing among indigenous and disabled people. According to the aforesaid organizations, 53% of all the children and youths in Mexico, and 80% of all the indigenous people there, live in impoverished conditions, while the rights of only 15% of them are respected. Another issue is family income, which has been decreasing over the last 30 years, without any wide-scale action being taken by the State to



halt this trend, which has led to increasing levels of child labor, with 80% of all children in small rural communities working in the field, half of them unpaid. Part of our child population reaches adolescence without any chance of progressing and hence moving up in society".

Luis Alberto Barquera, General Director of *Odisea, A.C.* in Zacatecas, singles out rights-focused evaluation, citing detailed data:

"In order to ascertain how civilized our society is, we need to monitor our respect for human rights. The Educational Reform has not made the same progress on all fronts, failing to be as broad-ranging and ambitious as we need it to be. The problem isn't just the education system; for example, the *Prospera* program has granted scholarships to almost 6 million children. According to Carlos Muñoz Izquierdo, a recipient of the National Arts and Science Prize, all these children -who account for 40% or 50% of all school enrollments in some places- need immediate support to enable them to study. This is very important. Right now not all the children covered by *Prospera* are in school".

However, explains Calderón Martín del Campo, enrolling in school isn't always enough:

"When people only see the right to education as the chance to enroll in school,

\* Members of the INEE's CONSCEE.

they're generalizing and leaving out all those people who, for whatever reason, aren't reached, or whose circumstances aren't taken into account. We see these two failings in the community courses in Mexico – an emergency measure that was taken because the Mexican government wasn't able to provide full schooling to very small communities, and endeavored to solve this problem by using community instructors -i.e. young volunteer scholarship holders with very little training- rather than professional teachers. This project ended up being in tandem with -rather than part of- the government's efforts to fulfill its responsibilities. Though it mitigates the government's failure, it still doesn't amount to full observance of the right to education”.

On this point, Martín Pérez García adds: “Three other types of children are left without education. There is institutionalized discrimination in schools, so that people who don't fit the pattern, being seen as “rotten apples”, have no chance. I mean young girls who are pregnant, kids who are on drugs, and ones with behavior problems. Our schools have become great expellers of children and youths who really need protecting. They're totally isolated from social-development programs and the health system, inside an impenetrable bubble. If the education system were completely open and linked to health and social-development policy, our country would really be able to take dramatic action to help its children. Furthermore, we could take giant steps forward if we were willing to assess the impact of the *Prospera* program -previously called the *Opportunities* program- and find out how many of these children living in poverty are enrolled in state-level scholarship or free-school-materials programs, but we don't know, because the programs are totally fragmented”.

Against this background of shortfalls and fragmentation -where the right to education entails rights-focused evaluation-, Guillermo Alonso, General Coordinador of *Investigación y Educación Popular Autogestiva*, A. C. in Yucatán, talks about matters still pending:

“It's hard to believe that we'll be able to find out what's really happening in each area using standardized tests. I'm aware that the INEE is making a big effort in that direction, but it's a matter of gambling, and doing so in the existing context of violence, poverty and

inequality. One important thing, with regard to participation, is that the test itself be evaluated by those who take it – i.e. that the evaluations and their contents and effects also be evaluated. All evaluatees are entitled to question the instrument used in order to improve it”.

David Calderón Martín del Campo agrees with his colleague, saying:

“Up to now, evaluation has been seen as a mechanism for planning and central control, and the INEE faces the challenge of making people see it as a right, since, if I'm entitled to reach my full potential, I also have a right to timely diagnosis that enables me to receive help and support in order to do so”.

Juan Martín Pérez García points out the benefits of the aforesaid model:

“Evaluation can be a great opportunity for change. We need to begin to apply it to the educational model from the bottom up and use it to analyze things such as the curriculum and course design, the impact of the knowledge acquired, and the working environment and expectations and problems of the staff involved. It needs to belong to, and spring from, the education community, being most successful when the said community embraces it”.

Regarding this type of evaluation, Martín López, the Director of *Educreando*, *Chiapas*, A. C., talks about teamwork and the assignment of new meaning as drivers of the rights focus:

“When they work together in teams, people organize themselves, recognize each other's qualities, and identify the challenges that they face. In this type of work, it's very important for people to reflect on their rights and what they can do to exercise them. I'd describe this process as one whereby people assign new meaning to their rights and imbue them with renewed significance. For example, we adopt a different approach to bullying, telling the perpetrator: ‘You have the power to respect and listen to your fellows – to understand what they want; you can do it'. So the idea of evaluating is to empathize with the other person – i.e. to be aware that our opinion isn't the only one that counts, since the evaluatee is at the center of the process. That's the second basic consideration -that the person being evaluated must trust the evaluator- and the third consideration is that evaluation is a process, rather than just a product or result – a means of appreciat-

ing efforts and identifying obstacles. Understood in this way, evaluation is much more meaningful and complete. Lastly, evaluation brings together as many of a person's attributes and characteristics as possible in a single process. It not just a matter of asking what a person knows, but also of discovering how s/he puts the said knowledge into practice. One of the criticisms leveled at a lot of evaluation systems is that they only ask about theories and ideas, without taking stock of how the said ideas are put into practice or asking how to help the evaluatee”.

For his part, Luis Alberto Barquera asserts that the guidelines issued by the INEE will be very important “because they'll get the conversation moving and pave the way for concrete actions to implement the Reform”.

“I'm confident that these guidelines will address the main problems in the education system, leading to changes in the design of the latter and the formulation of the pertinent policies. Recommendations about management are also necessary; there are a lot of problems that have to do with the way things are done, rather than with funding. I believe that the evaluation results will also help us to understand what kind of teacher training is needed and how to achieve the ongoing improvement of curricula and study programs, which are things that need to be widely debated by society in an endeavor to find out what kind what kind of education we want for our children here in Mexico. We need to decide what kinds of mechanisms are necessary for solving certain problems – above all in indigenous and rural areas where child labor is important and there are manifold human-rights problems to be solved. And we can't ignore these issues when planning education; we need to set deadlines and make binding recommendations. The INEE will have to present the said guidelines, and the government will have to react to them, which is when we'll how the authorities respond. I'd like to think that their response will rise to the challenge and be congruent with the educational reform that we need”.

We can't end this analysis of rights-focused evaluation without talking about one of the central figures in the process – i.e. the teacher. In the opinion of Luis Alberto Barquera, we need to recognize the teacher as a professional:

“We need to see teachers as a part of the solution. What we've done is good, and we've achieved it with the teachers that we

have – left to their own devices, neglected and without any serious pedagogical support. And we've got where we are thanks to them. What we need to understand is that the purpose of evaluation is improvement, and to achieve improvement we need to treat out teachers as professionals”.

Juan Martín Pérez García believes that a different view of the curriculum is needed:

“We have teachers who haven't managed to make the change between generations or break with old educational paradigms. Some Latin American countries have already taken a new tack. For example, Argentina -and even Bolivia- are taking stock of plurinationalism and indigenous identity in their curricula. This constitutes a break with old paradigms, but it should be stressed that that our teachers shouldn't be held responsible for this state of affairs, since it's very unfair to accuse them and blame them for everything. I understand why the Reform's was exclusively focused on the union, since that's where the bottleneck was, but I hope that the teachers will now play a real part in it. We have to forge links with them, involve them and make them the protagonists. It's wrong to persecute the teachers and brand them as criminals, since things are much more complicated than that. It's in our schools and communities, and in evalua-

tion, that we might find the opportunity to make the transition between generations so that the fulfillment of the right to education really enhances human dignity, since, for a start, the way we currently evaluate fails to respect the dignity of the teachers, who have legitimate reasons for resisting evaluation, because it's not being done properly”.

Martín López talks about the need to re-define evaluation:

“I agree with the demands of a lot of teachers that evaluation not be punitive; rights-focused evaluation is rife with possibilities. I like the idea, because it broadens people's minds and is something that we should continue to reflect on. If I participated in a rights-focused evaluation, I'd be thinking about what my rights are, but assigning new meaning to them and interpreting them as the right to choose who accompanies me in the process and helps me to see what I fail to see myself. If evaluation means that, then I accept it”.

Finally, Luis Alberto Barquera links students, teachers, evaluation and reality:

“Teachers should be able to provide the solutions needed by their students. I'm thinking of teachers who know what they're doing -which is what should be evaluated- and this enables us to come nearer to respecting the right to education, obviously taking into account the location and living

conditions of the students. Since a lot of them are horrifyingly poor, what kind of results can we expect from them? The teachers aren't to blame for this, but we have to involve them in the debate in order to solve the problem, because the classroom isn't everything, and the students' surroundings are often inimical to the vouchsafing of the right to education. In the end, what we have to get rid of are poor schools for poor people”. €

Interviews: María Cristina Tamariz, Mary Carmen Reyes López and Magdalena Alpizar Díaz



IEEPAC: <http://www.ieepac.org/>



Educreando: <http://www.educreando.org.mx/>



Odisea: <http://www.odisea.org.mx/>



Mexicanos Primero: <http://www.mexicanosprimero.org/>



REDIM: <http://www.derechosinfancia.org.mx/>

## DOSSIER: FOUR APPROACHES TO EVALUATION WITHOUT A PASSPORT

### Educational evaluation as a means of safeguarding rights

“Nowadays education as a human right and the consolidation of education systems as instruments whereby nation states fulfill their role as enforcers of the said right constitute the political framework within which government action should unfold,” says the author of this article, who describes the twofold challenge facing educational evaluation throughout the region. Does evaluation function in accordance with the universal rights of those evaluated?

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#### Regarding political intuition

On undertaking their obligation to safeguard the right to education, education systems face an ever greater challenge as a result of the convergence of several inter-linked factors. First, life is growing more and more complex in the different societies of Latin America. New developments are occurring in addition to the structural difficulties preventing the region's countries from providing basic wellbeing to all their inhabitants, including, for example, the exercise of citizenship in a context where democratic processes are being strengthened and regional development is increas-



ing, the redefinition of the forms of political and social representation, the formation of highly competitive job markets marked by a demand for increased levels of productivity, the building of identity in a day-to-day life in which social relationships are increasingly online ones, and the increasing acknowledgment of -and increase in- diversity.

Faced with this changing scenario, there is growing acknowledgment of the need to integrate new generations into society – a task that is no longer limited to the family or private domains, but requires overt State participation via a series of social policies, and, above all, via schooling. The trend of encouraging children to start school at a very early age and of making secondary education compulsory is a response to the aforementioned demand, just as are all the efforts to encourage teenage dropouts to go back to school, and prevent those there from dropping out.

We are living in times when people need to earn more in order to have a satisfactory life, and this results in a growing demand for more, and better, education, the response to which is the springing up of mass education systems marked by manifold tensions resulting from the presence in classrooms of people who were formerly excluded from them due to their social level, and the selectiveness and stratification on which the running of the region's education systems was previously based are being replaced by a new régime of educational inclusion.

Undoubtedly, the new education systems operate in a very complex way. The changes in educational practices have given rise to great uncertainty. At all levels of our education systems, customary practices, whether pertaining to the teacher-student relationship, or to institutional management and the implementation of educational policy, are being questioned and replaced by others that are constantly being tested out and require all the members of the educational system to learn. Indeed, implementing new educational policy entails encouraging the said new learning processes, fostering new teaching and management practices, fostering experimentation, taking on challenges, and ensuring that funds are available for meeting them. And, on top of this, the practices adopted, and actions taken, based on the intuitions of those involved in education have to be turned into feedback for the gradual formulation of policy aimed at overcoming the challenges of this new society.

Evaluation constitutes a basic strategy for building on experience, whereby a new body of policy must be built to respond to current challenges, based on learnings resulting from the trial and error that occurs in our educational institutions, in an endeavor to formulate new educational policy.

### **Rights as a policy tool**

Hand-in-hand with all the above developments has come the adoption of a rights focus as a means of understanding, and promoting change in, the relationship between the citizen and the State. Since the promulgation of the Universal Declaration of Human Rights, a series of rights has been defined which the States have undertaken to observe, with the result that the relationship between the State and its citizens is now based on the safeguarding of rights.

In the particular case of education, the rights paradigm has made big contributions that have manifested themselves both in a series of declarations and conventions signed and ratified by the vast majority of the countries in the region, and also in the recommendations made by the committees charged with monitoring compliance with the rights defined in the context of the United Nations.

There are three components at the core of the definitions of the right to education: the right of every citizen to receive education, the requirement that the said education also embrace human rights and education for peace, and the State's obligation to ensure that all educational practices are based on the full exercise of the aforesaid set of human rights.

The adoption of this paradigm is a highly transcendental political development, given that each State has made a commitment, both to its own citizens and also to the international community, to respect all human rights, including the right to education. A state that undertakes to ensure that all its citizens can fully exercise all their rights is a state that is rebuilding itself. The principles that are thus being embraced -among many other things, the building of relationships based on the recognition of those involved and their communities, the eradication of all types of discrimination, the right to participate in all the phases of government action, and the consequent right to information-transform the government system when they are put into practice. With the adop-

tion of such a paradigm, the conceptual and regulatory framework that has been built over the last seventy years in order to consolidate the various human rights, including the right to education, must become a tool for building the said State that safeguards rights. The big challenge facing the different people and entities involved in education, and society as a whole, is that of getting behind the aforesaid political project and making it the focus of all efforts to fully vouchsafe the right to education.

### **Evaluation and the safeguarding of rights**

The above leads to two initial conclusions. On the one hand, this is a time of big changes, daunting challenges and uncertainty. On the other hand, not only have the various social and human-rights movements -hand-in-hand with the States- developed a paradigm that focuses on the full exercise of human rights, but also they have succeeded in making this paradigm mandatory in the different countries in the region. In short, in a context of uncertainty and complex challenges, education as a human right, and the consolidation of education systems as instruments via which the nation States become guarantors of the said right, have now become touchstones for government action.

Within this context, evaluation faces a twofold challenge. First, each State needs to explain how, and to what extent, it is safeguarding all the different components of the right to education, ascertaining, and making clear, whether schools are actually available throughout its territory, whether the said schools are free of economic or other discrimination, whether the teaching-learning that takes place there is pertinent and acceptable, and whether the said schools fully respect human rights. A detailed analysis of the curricula and institutional practices in the schools should be carried out in order to ascertain the extent to which they foster education about rights and education for peace, and verify whether the aforesaid educational practices occur in a context of full exercise of human rights by each and every one of the members of the school community. Thus conceived of, the evaluation tradition faces new questions.

However, the challenge is even greater when one considers that it is impossible to answer the above questions without first reflecting on the strategies used to carry out

DOSSIER: FOUR APPROACHES TO EVALUATION  
WITHOUT A PASSPORT

the said analysis. The knowledge production implicit in the search for answers to these questions, and in the issuing of the value judgments inherent in all evaluative research, should be based on the full exercise of human rights. Given that all educational evaluation presupposes interaction with the educational community, it should be based on the full exercise of the latter's rights.

There are two aspects of the said challenge that serve to exemplify it. The first is the right to be heard that is enshrined in the International Convention on Children's Rights and should be afforded to all students, since such evaluation will concern or affect them. The State should respect this right, as should all evaluations carried out in the region. The second aspect is the principle of non-discrimination, which permeates all human-rights-based systems and is especially relevant in two areas – i.e. in the creation of the evaluation strategy, which needs strict oversight so that the methodological decisions that are taken are not founded on any kind of premise or preconception that results in discrimination, and, above all, in the analysis and interpretation of the evaluation results, and the input to, and expression of, the said information – especially the use of overly academic or scientific jargon, to the detriment of feedback couched in language that reflects each protagonist's practical experience and communicative practices as member of society in general.

The adoption of the human-rights paradigm implies a new relationship between the State and its citizens – one that is essentially symmetrical, since the former is the guarantor of all rights while the latter are the holders and exercisers thereof. Every interaction between a citizen and a representative of the state – be it between a teacher and his/her student, between a social worker and a family, or between a doctor and his/her patient – should reflect this role of the State as protector of rights. The same relationship of respect, and observance and acknowledgment of rights, should prevail between the evaluator – who acts as a representative of the State – and those who are evaluated. €

## Between the dynamics of teaching and the conditions that impede its evaluation

In the interview transcribed below, **Vernor Muñoz**, global Adviser on Education under the International Plan, special United Nations rapporteur on the right to education from 2004 to 2010, and a member of the Advisory Board of the Regional Trust Fund for Education, talks about the challenges posed to rights-focused educational evaluation by ongoing discrimination against certain social groups.

**Investment and the right to education: factors that need to be evaluated** Vernor Muñoz, who has worked as a consultant for worldwide non-governmental organizations and international organizations such as the Inter-American Human Rights Institute and different United Nations and International Plan agencies, points out that education has improved, and become more extensive, in Latin America over the last fifteen years, with more investment being made in it than in previous decades:

“Average regional investment in education stands at an average of around 5% of GNP, though some countries, such as Cuba, have invested far more, while others, such as the Dominican Republic and Guatemala, have spent a lot less on it, with some Caribbean nations investing as little as 3%. However, there has been very significant progress in terms of access to education, above all in the area of early education, where there has been a significant effort to provide more opportunities to the youngest children, notwithstanding which, since Latin America is the part of the world where there is the most inequality, albeit not the poorest part, the said socioeconomic inequality is especially

reflected in access to education, so that the sectors that have suffered ongoing discrimination are still the ones with least access to education”.

Muñoz asserts that the aforesaid growth in investment in education is not reflected in populations that remain at the greatest disadvantage, such as handicapped people, people living in rural zones, in the case of Mexico, child laborers, and the inhabitants of very small townships: “As far as course contents and educational quality are concerned, the region still faces big challenges when it comes to providing education that satisfies the actual needs of these populations, and this problem is closely linked to the very poor conditions in which the teachers in these places continue to work”.

“This situation is worsened by the growing privatization of education to the detriment of public schools, and by the fact that our country's most impoverished groups clearly continue to be the ones that suffer the most. In general, one notes that social protests about public education are becoming increasingly outlawed, and violently suppressed, with particular brutality in some Central American countries, and, of course, in Mexico. While the case of Ayotzinapa typifies this phenomenon, it isn't the only instance”.

**Evaluation and the human-rights focus in the region** In the opinion of Muñoz, who has served as General Human Rights Ombudsman in Costa Rica and as an adviser for the Latin American Institute for the Prevention of Crime, educational evaluation is very important, not only in order to have ongoing, pertinent and instant feedback on progress, but also for the purpose of formulating government policy that leads to progress. He comments:

“Of course, I don't mean evaluation of learning outcomes, but rather that of sectorial educational programs and specific teaching and learning conditions. Evaluation is useful for these purposes, and we reject evaluations carried out for the sole purpose of measuring learning outcomes without taking stock of the country's socioeconomic and political contexts, since they don't serve to bring about any significant improvements. In other words, evaluation *per se* doesn't improve educational conditions”.



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### Progress and challenges in rights-focused evaluation

“Some progress has been achieved *vis-à-vis* the need to understand that evaluation results are closely linked to general learning processes and how conducive the conditions in the different states are to rights-focused evaluation,” asserts Muñoz, who, in 2004, served as special United Nations rapporteur on matters having to do with the right to education from 2004 to 2010. One of the things often deemed to indicate actual progress is the setting up of basic benchmarks pertaining to this right that enable us to understand complex educational realities, determine what the demand for, and supply of, education are, and appreciate the need to evaluate these different factors and the fact that they don’t just have to do with covering the contents of a given syllabus, but also with how the government fulfills its obligations. Hence, educational evaluation has to embrace all these things, and, in the case of Mexico, I get the impression that the National Institute for the Evaluation of Education (Spanish acronym: INEE) is aware of how complex these factors are”.

### Mexico in the global context *vis-à-vis* the right to education

Regarding the situation in Mexico, Muñoz comments:

“Mexico faces enormous challenges *vis-à-vis* the right to education. Even though there is obvious concern about educational quality and the government has taken various steps to raise it, problems continue to exist, mainly with regard to access, since there are still large numbers of Mexicans, including the families of day laborers, indigenous groups -above all indigenous women- and rural populations, whose educational needs have not been adequately satisfied, with illiteracy rates in some areas being as high as 50%. There are also structural problems, such as the relationship between the National Teachers’ Union and the education authorities, which has negatively affected the whole education service, and the still dire situation of the rural and impoverished populations, the latter of which continue to grow”.

### Experiences around the world of rights-based evaluation

Interviewed at his desk in Costa Rica via telephone, Muñoz asserts that there is heavy pressure from the international community

to focus on measuring learning outcomes because everybody still believes that standardized tests serve to improve educational quality, though in fact they have the opposite effect.

“On the other hand, civil society and the different countries have made great efforts to strengthen the human-rights focus in this area. There are education-for-citizenship programs and also there are clearly increasing efforts to include gender and equality in the said focus. Educators are palpably concerned about increasing the focus on human rights in general. These are, so to speak, works in progress, which should be accompanied by the development of new mechanisms for evaluating, monitoring, and doing research into, education. In other words, we need to move from a quantitative to a qualitative emphasis, because evaluation would appear to be lagging behind pedagogy”.

Muñoz, who has given university courses on human rights and civil law, feels that many Latin American education systems are infected with the idea that the sole purpose of education is to satisfy market and employment needs:

“That’s why there’s a preference for evaluation mechanisms that accord with this instrumental reasoning. None of these projects seeks to develop a rights-based educational focus. In reality, there are still no consistent efforts by governments to develop rights-focused evaluation”.

### Analysis of the International Plan *vis-à-vis* compliance with the right to education in the region

Muñoz is an adviser on education to the International Plan, an organization devoted to the safeguarding of children’s rights that operates in 51 countries in Africa, Asia and America, which, he comments, as part of its main agenda, is very interested in community work and community participation -especially that of children and youths- in all the different aspects of school governance, which, he asserts, is the best way to help communities to develop democratic systems to make the decisions that affect them, though he makes the following clarification:

“Teachers still participate very little in institutional decision-making in the different areas of education, and least of all in their schools; moreover, institutions play a very small part in policy formulation at the regional and national levels, and students

have little say in the creation of syllabi or teaching systems, or in other basic decision-making processes in schools. We can’t achieve more democracy in our region if we don’t encourage it in our schools”.

### Oversight: the role played by civil society in the evaluation of rights-focused educational policy

Muñoz explains that it is the duty of civil society, whether organized or not, to monitor the government’s fulfillment of its obligations, ensuring that public authorities (teachers, policymakers, including ministers, etc., etc.) fulfill their obligations under both local and international law:

“The job of monitoring and supervising is fundamental and can’t be done if the government doesn’t respect the role played by civilian organizations. In other words, far from repressing the latter, the government should foster them and facilitate their intervention, not only creating mechanisms for citizen oversight, but also heeding citizens’ opinions and recommendations. Civil society bears part of the responsibility for creating the necessary conditions for teaching and learning, but there’s no point in any of the above if the same people don’t create conditions in their communities that enable their children and teenagers to learn. To put it another way, we have to reduce violence within the family. Civil society should assume responsibility for ensuring that children are treated with dignity and respect in their homes and communities”.

### An approach to evaluating with a rights focus

“Evaluating means ascertaining which obstacles are faced by education in its different spheres, and whether the aims of education are being achieved and the actions for achieving them are being carried out. We mustn’t confuse the evaluation of learning outcomes with the evaluation of the extent to which the different protagonists in the provision of education are fulfilling their obligations, which range from assigning the necessary funds, to ensuring that adequate infrastructure and qualified teachers are available, to ascertaining whether teaching processes are aligned with the varying needs and characteristics of a very diverse population”.

Based on the above, rights-focused evaluation determines how much access people have to education, and whether ethnic dis-

crimination or economic impediments are preventing people from receiving schooling. This means, in Muñoz' opinion, that:

"Evaluation extends far beyond a concern with mere teaching dynamics, also taking stock of all the factors that either facilitate or impede teaching and learning and ascertaining how, and under what conditions, students are able to learn – i.e. how education adapts to the needs of specific populations and enables them to develop the skills and knowledge they need in their everyday lives. Finally, since evaluation has to do with the extent to which the government fulfills its obligation to provide the resources

that make education possible, we need to ascertain, for example, whether the funds set aside for education satisfy the needs of a given population, whether the said funding is being devoted to the right things, and how this impacts learning conditions. Thus we are dealing with complex evaluations that embrace not only specific aspects of the teacher-student relationship, but also the convergence of a very large number of community, administrative, institutional, social and economic factors".

In Muñoz' opinion, the concentration of evaluation on students' responses to this or that teaching program is tantamount to

continuing to blame them -or their teachers- for supposed failures, which is what usually happens. He concludes:

"We can't achieve comprehensive, holistic, deep-reaching evaluation if we don't take stock of all the aspects of the government's obligations *vis-à-vis* education, which are clearly defined under law, in the government's internal regulatory framework, and also under international agreements pertaining to human rights such as the Convention on Children's Rights, and the main instruments of international law". €

Interview: Mary Carmen Reyes López

## DOSSIER: FOUR APPROACHES TO EVALUATION OTHER PERSPECTIVES

### The right to education in Mexico: education policy and benchmarks based on the 4 A model

"The research from which this article springs forms part of a long-term project relating to the right to education and justice, based on the creation and use of benchmarks that serve to provide feedback about the progress achieved by the State in safeguarding the aforesaid rights and their exercise by our citizens," comments the author of the following article, who presents a proposal, based on Katarina Tomasevski's 4 A's, for the carrying out of monitoring and evaluation of respect for the right to education by a country that lacks yardsticks focusing on the aforesaid phenomenon.

Over the last few decades, there has been growing worldwide debate about the right to education, fostered, above all, by various people who, concerned about the continuing prevalence, in the third millennium, of inequality in, and exclusion from, education, are rewriting the Universal Declaration of Human Rights (1948) - Article 26 of which states that all people have a right to free compulsory education at least at the "elementary" level- in support of their defense of the right to education.

In 1966, the United Nations Organization (UNO) included the right to education in the International Covenant on Economic, Social and Cultural Rights, the implementing committee of which, along with UNO's Human Rights Council (formerly called the Human Rights Commission), has helped to define the components and scope of the right to education more clearly (Latapi, 2009:260-263). The work of Katarina Tomasevski, the first UNO rapporteur on the right to education, who promoted the development of the 4-A's system, has played an outstanding part in the building of models for the creation of yardsticks to measure compliance with the right to education.

According to Tomasevski -whose starting point is the basic framework of obligations *vis-à-vis* the right to education that governments have assumed under international law, creating a network of treaties that govern education and set minimum worldwide standards- the creation of human-rights benchmarks (undated:4-7) springs from the

commitment, at the international level, to achieve universal rights-based education that is inclusive, free and of high quality.

She asserts that the measurement of compliance with the said right to education should take stock of all the different aspects of the latter to ascertain whether it complies with human rights and find out what needs to be done to guarantee it. Furthermore, the benchmarks need to be capable of monitoring the degree of commitment of the different States to complying with their obligations to provide education that is *available*, *accessible*, *acceptable* and *adaptable*, in accordance with Tomasevski's 4-A's model.

#### The 4 A's of the right to education

The obligations stemming from the right to education can be divided into four categories that are useful for identifying, monitoring and evaluating the actions taken by States to safeguard the said rights. The said four-category model, known as the 4-A's system, can be summed up as follows:

**Availability:** This means that, to comply with the right to education, governments need to provide admission to schools that freedom *of*, and *in*, education, which should be free and compulsory for all children who are of school age. Also, they should ensure that there are enough schools, and types of education, trained teachers for the schools and different modes of education, books and other teaching materials and equipment, as well as adequate infrastructure, etc.

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**Accessibility:** This means that education must be compulsory, inclusive and accessible to everybody – i.e. the system should not discriminate, and steps should be taken to include those who are marginalized.

**Acceptability:** This refers to teaching and learning factors, minimum standards and the quality of education, the environment, the atmosphere in the school, and teacher training.

**Adaptability:** This means that education and schools must adapt to students, vary according to social needs, help to overcome inequality -e.g. gender discrimination- and adapt to specific local contexts.

The following table shows the basic obligations of governments in the four areas of the right to education.

### The legal framework of the right to education

As mentioned by Caruso, Di Pierro, Ruiz and Camilo (2008:49), the enshrinement of rights “within a legal framework is useful because it obliges governments and authorities to guarantee the said rights, those making them enforceable and obliging the State to assume the main responsibility for safeguarding them”. In this regard, Gentilli (2009:24) writes:

Formalizing a right by including it in an international treaty or declaration doesn't ensure its actual exercise, or protect its holders from repeated violations of the said right. Nevertheless, the inclusion of any right in such a treaty or declaration significantly increases demands and yearnings for it to be guaranteed and, at the same time, opens up two paths towards its enforcement – that of the struggle to have it effectively enforced, and that of the fight to have it acknowledged as an ethical principle.

We could design a basic benchmark pertaining to the enforceability and justiciability of the aforesaid right by asking ourselves the following questions about the international and Mexican frameworks: (a) Which international instruments pertaining to the right to education has the Mexican State signed?; (b) Is the right to education protected under Mexican law?; and (c) Does Mexican law sanction violations of, or failures to comply with, the right to education?

**Table 1. Basic obligations of governments in accordance with the 4 A's of the right to education**

Characteristics of education	Government obligations
<b>Availability</b>	To guarantee free compulsory education to all children and youths of both sexes who are of school age, at least up to the minimum working age, and respect the right of parents to choose their children's education.
<b>Accessibility</b>	To ensure that schools do not exclude anyone for reasons that are forbidden in international treaties (e.g. race, color, gender, language, religion, political opinion, economic status), ensuring that human rights are exercised in practice.
<b>Acceptability</b>	To set minimum standards for education -including teaching methods and course contents- ensuring that all schools comply with the said standards, and raise the quality of education, ensuring that the education system guarantees human rights.
<b>Adaptability</b>	To design and implement formal education for all those who are commonly excluded (migrants, day laborers, etc.), and also educational that suits the need of disabled children, minorities and indigenous groups, so as to safeguard and promote human rights in education.

Source: Tomasevski, 2004:208.

### The international legal framework

The right to education was proclaimed in the Universal Declaration of Human Rights in 1948, and since then has been enshrined in a lot of instruments (i.e. pacts, conventions, agreements and programs), issued by organizations at both the international level (ONU, UNESCO, etc.) and the national level, being protected in the Convention against Discrimination in Education (1960), the Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Convention on Economic, Social and Cultural Rights (1966); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989); the World Declaration on Education for All (1990); and the Hamburg Dec-

laration on Adult Learning (1997); and the Dakar Framework for Action (2000), as well as being included in regional treaties (Torres, 2006:1) such as the San Salvador Protocol (Organization of American States [OAS]. 1988).

At the international level, Article 133 of The Mexican Constitution (Spanish acronym: CPEUM) stipulates that all treaties that are in accordance with it -signed by the President of Mexico and ratified by the Mexican Senate- shall constitute supreme federal law, and, hence, have precedence over federal law and occupy second place after the Constitution itself, which means that: (a) in the event that they conflict with federal law, the contents of the treaties will prevail, and (b) where there are loopholes in federal law, the contents of the treaties will serve as criteria or principles for drafting the laws to fill the said loopholes (HRI/CORE/MEX/2005:17).<sup>1</sup>

Hence, when ratified, the aforesaid instruments -which are shown in the following table- form part of Mexican law, and can be invoked in our country's courts, with the Mexican State being bound by their terms:

**Table 2. International instruments on the right to education that have been ratified by Mexico**

International instrument	Ratified by Mexico	
	Yes	No
Convention against Discrimination in Education (1960)		x
Convention on the Elimination of All Forms of Racial Discrimination (1965)	x	
International Convention on Economic, Social and Cultural Rights (1966)	x	
the Convention on the Elimination of All Forms of Discrimination against Women (1979)	x	
the Convention on the Rights of the Child (1989)	x	
the World Declaration on Education for All (1990)	x	
Hamburg Declaration on Adult Learning (1997)	x	
Dakar Framework for Action (2000)	x	

Source: Author-produced.



### The Mexican Legal Framework

In Mexico, education is a basic right enshrined in Article 3 of the Constitution, in accordance with which everybody should receive a free, non-religious education aimed at harmoniously developing all his/her faculties, and nurturing patriotism and international solidarity in a spirit of independence and justice. The said Article 3 of the Constitution also stipulates that the State must provide compulsory elementary education of all types and forms at the pre-school, primary and secondary levels, including lower and higher education, supporting scientific and technological research, strengthening and disseminating Mexican culture, establishing such organizations and institutions, and providing such services, courses levels and syllabi as are necessary in order to satisfy all the country's educational needs (INEE, 2009).

The aforesaid Article is the basis for the General Education Law (Spanish acronym: LGE) that was passed in 1993 and governs State education at the federal, state and municipal levels, along with decentralized and private entities authorized to impart classes whose programs are officially recognized, observance of the said Law, which is a government statute passed in the interest of society, being mandatory throughout Mexico.

In accordance with the principles set forth in the Mexican Constitution, Article 2 of the LGE<sup>2</sup> stipulates that all the inhabitants of Mexico have the same rights of access to the National Education System, that education is crucial to the acquisition, transmission and fostering of culture, and that it is an ongoing process that promotes the development of the individual and the transformation of society, being decisive for the acquisition of knowledge and the instilling in people of a sense of social solidarity.

For its part, Article 32 of the LGE stipulates that the education authorities must endeavor to establish conditions that enable each person to exercise his/her right to on a fairer basis, being able to have access to -and remain in- school.

Though Mexican law deems education to be a basic right, Latapí (2009:267) notes that the LGE does not sanction authorities that do not enforce its provisions – i.e. that violate the right to education. In this regard, our country has no mechanisms can legally enforce their right to education, and the scant efforts by society to become acquainted with and defend its rights, or interest in doing so, may indeed

be due to the lack of State defense of the said right, and the total absence, to date, of legal instruments and procedures for enforcing it.<sup>3</sup>

In this regard, the analysis of the recent Constitutional Reform pertaining to human rights (DOF: 2011),<sup>4</sup> which acknowledges the entitlement of all Mexicans to all the human rights, including the right to education, that are enshrined in the Mexican Constitution, is crucial.

Finally, important efforts are being made in Mexico to evaluate the right to education. The report published by the National Institute for the Evaluation of Education (Spanish acronym: INEE) in 2009 reviews progress in observing the said right using yardsticks that measure access to, and continuance and achievement in education, as well as progress from one school level to the next, and, among other things, asserts that the Mexican State needs to remedy important shortfalls *vis-à-vis* the right to education, especially with regard to those living in precarious circumstances of one type or another and thus have great difficulty in successfully completing compulsory schooling, also citing the social and economic inequalities that prevent people from fully exercising their right to education in terms of enrollment and continuance in school, normal progress from level to level, timely graduation and effective learning at all levels.

For his part, Ulloa (2010) warns that the aforesaid shortfalls are not mere matters of statistics, since at bottom it is a matter of Mexican children, who will not have a second chance, being unable to exercise their right to education, probably forever, although Article 3 of the Constitution stipulates that the said right must be respected at the federal, state and municipal levels. Ruiz (2011) carries out a preliminary analysis of the status quo *vis-à-vis* respect for the right to education in terms of Tomasevski's 4-A's framework, as reflected by the INEE benchmarks and the statistics published by the Ministry of Public Education (Spanish acronym: SEP) and the National Institute for Statistics, Geography and Computing (Spanish acronym: INEGI).

### Some final thoughts

The 4-A's concept is innovative and makes it possible to create benchmarks to measure current levels of discrimination, exclusion, inequality and segregation and determine to what extent free education is being provided, whether there is adequate access to it, and what its quality is. One of the State's

most pressing and important obligations is to eliminate discrimination against all sectors of Mexico's population, relating to gender, physical disability, giftedness, race, or whatsoever other phenomenon that prevents people from entering the education system and staying in it. The State must afford due preferential treatment to the said vulnerable groups, since investment in education is not a matter of profitability, but rather one of respecting the universal right to education.

In the case of Mexico, most of the benchmarks that currently exist measure input, processes and results, without taking human rights into account, though recently one notes innovative endeavors to verify compliance with the right to education in our country (INEE, 2010; Ulloa, 2011; Ruiz, 2011) by creating yardsticks to evaluate social practices in schools, based on a more inductive approach to the phenomena of acceptability and adaptability. As asserted by Ayala (2008), "it should be pointed out that the purpose of creating new and better benchmarks to monitor and evaluate State efforts to protect the right to education is that of detecting violations of the said right?" €

- 1 For further information on this topic, see Opinion 192.867 of the Mexican Supreme Court.
- 2 Reform published in the Official Federal Government Gazette (Spanish: *Diario Oficial de la Federación* [acronym: DOF]) on the 11<sup>th</sup> of September, 2013.
- 3 Although Article 102 B of the Constitution stipulates that the organizations charged with protecting human rights must hear complaints about violations of human rights by government authorities or public servants, or failures by the said authorities or public servants to defend the said rights or hear complaints about their violation, recommendations made by such authorities or public servants are non-binding.
- 4 Passed by the Senate on the 8<sup>th</sup> of April, 2010, and published in the DOF on the 10<sup>th</sup> of June, 2011, the said Reform amends Articles 1, 3, 11, 15, 18, 29, 33, 89, 97, 102 and 105 of the Constitution.

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## DOSSIER: FOUR APPROACHES TO EVALUATION OTHER PERSPECTIVES

### The State's obligations and the effective exercise of rights

"A public policy makes follow-up possible, and, thus, should logically lead to improvement, but we need to be able to carry out evaluations of its impact, measuring the latter not so much in terms of governments' fulfillment of their obligations as of people's actual exercise of their human rights," asserts our interviewee, **Daniel Vázquez Valencia**, a research professor at the Mexican faculty of the Latin American Institute of Social Sciences (Spanish acronym: FLACSO-México).

#### Historical background: public policy from a rights perspective

"The rights perspective in public policy is very recent. It's been pertinent since the 1948 Declaration of Human Rights, but reasserted its importance in institutional politics with the 1993 Vienna World Conference. From then on, the State began to emphasize human rights -which had already been an issue for it in the past- as a basis for policymaking, thus giving rise to an ongoing public debate involving NGO's devoted to promoting and protecting human rights, so that, at that time, a human-rights plan was formulated, with countries being obliged, for the first time, to draw up national human-rights plans and create pertinent human-rights benchmarks".

"An important development occurred in Mexico in 1998, when then president, Ernesto Zedillo, agreed to abide by the rulings of the Interamerican Court in human-rights matters. Before that, our country was already a member of the Interamerican System and could file complaints with the Interamerican Commission, but it couldn't bring suits".

"In 2002 an Office of the United Nations High Commission for Human Rights (UNHCHR) was set up in Mexico, with various mandates, one of the main ones being to carry out a human-rights survey. It did this in 2003, and based, on the results, a National Human Rights Plan was put together two years before the end of Vicente Fox's period of office in 2004, but it had little impact. In view of the aforesaid precedents, after 2002 most actions on human rights were channeled through the aforesaid Office of the High Commission in Mexico and another key step was taken in 2011, with the Constitutional Reform on Human Rights".

"It's very important to be aware of these developments in order to understand a lot of the criteria that we currently adhere to, such as the *pro persona* principle, the reviewing of laws to ensure compliance, and the rulings of the Mexican Supreme Court on human rights issues, all of which form part of the legal baggage in that area".

#### The components of rights-oriented public policy

"The main characteristic of rights-oriented public policy is its inclusion of international human-rights standards – i.e. its tendency to resort to international legal sources such as rulings by international courts and agreements and conventions issued by

international bodies, each of which has a committee that publishes general observations which, in turn, set international standards, so that each right creates multiple obligations for the State, though, in principle, all these stem from four general obligations - namely, the obligations to respect, protect, safeguard and promote the rights in question, which, in their turn, consist of the four specific institutional components of acceptability, accessibility, availability and quality. If we apply the said principles to the right to education, it becomes clear that the latter doesn't mean having three schools for three million children, which would obviously not be enough, but rather has to do with the obligation to guarantee human rights".

"Next, we'd have to have a look at the availability component. If this isn't complied with, you can set up more schools, but if it turns out that they're all in Mexico City, so that you end up complying with availability requirements but not with accessibility ones. Then, if you manage to meet all these three requirements, but don't provide high-quality education, you're not complying with the last principle. These are the international human-rights standards, and they derive from international law. The good news is that the said international standards are more advanced, especially those pertaining to health and education".

#### The State vis-à-vis the guaranteeing of the right to education

"As far as the State's fulfillment of its obligations is concerned, we have the four overarching principles of: (a) identification of the core of the right; (b) progressiveness; (c) no backsliding; and (d) optimal use of the available resources, which enable us to reflect on how to effectively exercise rights in situations where they are violated or there are limited resources".

“For example, going back to the right to education, what is its essential core? We often resort to international standards, reaching the conclusion that the State can’t justify its failure to comply by claiming that there aren’t enough resources, because, when you refer to the said core, funding isn’t a factor, and hence the obligation has to be fulfilled. Once you’ve identified the core, you apply the principles of progressiveness and non-backsliding. The former indicates that the said legal core must get bigger and bigger every year, and the latter mandates that you can’t reduce it again once it’s been expanded, except in exceptional cases”.

“What mechanism do we have for ascertaining whether the State is actually doing its best to expand the observance of rights using as many resources as possible? To do this, we need to look at things from a budgetary angle”.

“While the central feature of rights-focused policy is the adoption of international standards, it isn’t the only one. Participation throughout the life cycle of public policy is very important, and in this regard the NGO’s –which abound in Mexico, and are highly specialized- play an important role, being able, when the moment comes to discuss a specific policy, to sit down with the decision-makers and argue about whether a particular line of action is the right one, or needs to be changed. We need to be careful about promoting pseudo-participation – i.e. setting up advisory committees whose opinions aren’t taken into account when decisions are made”.

“Another important aspect is coordination among institutions; when all the rights are interconnected, you need good coordination in the different areas, departments and institutions that control the outlay - i.e. the ones responsible for safeguarding different components of the same right. There are two important principles in the field of public policy –that of indivisibility and that of interdependence- which mean that all rights are connected with each other and none of them takes precedence over the others”.

### **Rights-oriented educational evaluation: challenges and options**

“With or without a rights focus, the most difficult things is formulating public policy, which started in the USA in the 1950’s and was late in reaching Latin America – something that is reflected in the fact that

the National Council for the Evaluation of Social-Development Policy (Spanish acronym: CONEVAL) has pointed out, time and again, that there are currently just over 5,000 public-policy programs at the federal, state and municipal levels, very few of which have working rules, while almost none of them is evaluated”.

“In the field of public policy, there are, to the best of our knowledge, four types of evaluation, which respectively pertain to design, management, results and impact. Now it’s one thing to design good policies and quite another thing for people to actually be able to exercise the rights in question. We hope that, insofar as public policy is rights-oriented, produces results, and consequently has an impact, it will lead people to exercise their rights, which is why it’s important to evaluate each of the different stages”.

“The problem is that, while standards pertaining to education are being normalized, the same thing isn’t happening with short-, medium- and long-term aims, which is essential if we are to get results and measure their impact. Often, these human-rights obligations are not explicitly normalized”.

“In this regard, one of the main obstacles we have to face is the political context, which sometimes doesn’t ensure the continuity of certain plans and programs. Fortunately, human rights have become so widely acknowledged that a lot of politicians are interested in giving public policy a rights orientation, though, at the same time, they may wonder why they should do this”.

“In the first place, it bears pointing out that rights-focused policy based on consensus is easier to implement, since the people involved agree with it. While it may be true that it’s harder to put such policy in place, it’s also true that it will be much easier to subsequently implement it and follow up on it”.

“Carrying out diagnoses and making plans constitute another kind of problem, above all at the local level, since the lack of information makes it difficult to come up with pertinent benchmarks. There are three types of possible benchmarks in the area of human rights -structural, administrative and results-oriented-, the latter pertaining to impact. If we want to split a very complicated right, such as the right to education, into its different components, we can plot hundreds of action paths”.

“It bears mentioning that the distinction between traditional public policy and rights-

oriented policy that focuses on its aim is that the latter entails ensuring that people exercise their rights”.

### **Conclusions**

“International human-rights standards are oriented towards the general good. Public policy with this focus implies a strong State that intervenes and is able to fulfill its obligations”.

“Rights are distributive mechanisms. Public policy makes follow-up possible and, following a logic of increasing returns, leads to improvement. And it requires skill to evaluate impact, since you need a base line that can be replicated at certain intervals in order to ascertain whether people are actually exercising the right in question more over the years. In this regard, the base line that we need in order to carry out evaluations of impact would have to relate more to the actual exercise of rights than to governments’ fulfillment of their obligations, since such fulfillment doesn’t necessarily translate into the actual exercising of rights”.

Hence, the impact line in question would have to be based on benchmarks pertaining to people’s exercise of their rights. If institutions such as the INEE have the ability to achieve this and it’s within their brief, like CONEVAL they can provide systematic yearly information about their progress in normalizing obligations, as well as creating benchmarks for measuring compliance with the obligations to respect, protect, safeguard and promote the right to education based on criteria of acceptability, accessibility, availability and quality, in order to create a yardstick to replicate the said measurements each year”.

“The good news is that this would enable us to ascertain, based on objective data, whether compliance with, and exercise of, the said right is increasing, or remains the same. This is the job of rights-oriented evaluation. Rather than possessing *sui generis* properties, evaluation is determined by the design of public policy. When the latter is focused on human rights and based on international standards, it forces the benchmarks to be rights-focused too. Only in this way can we tell our citizens whether our performance in this regard is better or worse”. €

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