



UNIVERSAL PERIODIC REVIEW REPUBLIC OF ARGENTINA

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Joint Report submitted by:
Edmund Rice International (ERI)
NGO in consultative status with ECOSOC
Marist International Solidarity Foundation (FMSI)
NGO in consultative status with ECOSOC

I - PRESENTATION OF THE COALITION ORGANIZATIONS:

Edmund Rice International (ERI): is a non-governmental organization in consultative status with ECOSOC since 2012, committed to the defence and promotion of human rights. ERI works internationally, in collaboration with other organisations with similar interests, on causes that involve the violation of the rights of children and youth, as well as environmental care. The main task of ERI is to seek solutions to the problems that affect the lives of the most vulnerable and advocacy with the agents of change (governments, political authorities, international leaders, etc.) in order to integrate the issues of human rights violations to the agenda of the international community at the United Nations.

Defensoría Edmundo Rice (DER): is a non-governmental organization established in 2018 with presence in Argentina, Bolivia, Peru and Uruguay. Its main tasks are the protection and promotion of human rights and eco-justice through education and participation at national and international level in human rights protection mechanisms. DER is part of the Edmund Rice International network of organizations.

Marist International Solidarity Foundation (FMSI): was founded with the aim of making the world a better place for children and young people living in difficult situations. It is inspired by the ideal of St. Marcellin Champagnat and is promoted by the Marist Brothers of the Schools, present in 80 countries. FMSI has 15 years of experience working in the field of international solidarity, supporting the promotion and defence of the rights of children, adolescents and young people around the world. We seek to promote innovative thinking and practical initiatives for the benefit of children and youth, especially the most neglected and vulnerable. Our hope is to provide opportunities for children and youth to receive a good education and to fully develop their potential. Since 2011 it has been accredited by ECOSOC.

II – INTRODUCTION

1. The above-mentioned organizations respectfully submit the following contributions and recommendations on the human rights situation in the Argentine Republic, in order to contribute to the evaluation of the working group of the Universal Periodic Review during its 42nd session.

2. We value the work carried out by the different agencies of the Argentine State in the framework of the promotion and guarantee of human rights. However, we express our concern about some situations that are still pending resolution. For this reason, we make this contribution.

3. The report obtained is the result of the survey carried out by our coalition of NGOs on the situation of Human Rights in Argentina, focused mainly on the rights of Children, Adolescents and Youth living in different regions of the country, trying to reflect the greatest possible diversity in the sample obtained.

4. The topics covered in this report arise from the concerns that our daily work reveals to us. In all cases, these are situations that affect the population with which we are directly involved. The observations, analyses and recommendations presented here are mainly based on data prepared by official agencies and first-hand testimonies.

5. In the same way, the present report recovers the commitments assumed by the Argentine State before the United Nations. Such commitments (emanating both from international agreements and treaties, as well as from the past Universal Periodic Review of 2017: Universal Access to Quality Education. Infrastructure and resources to ensure Compulsory Secondary Education (recommendations 107,114,115,116 and 117) and the challenges left by the pandemic to the Argentine State for that purpose.

III- METHODOLOGY

6. The FMSI - ERI coalition has carried out the elaboration of this report through the implementation of various methodological instruments that verify that the information collected contains the highest possible degree of veracity. Thus, in addition to in-depth interviews conducted with adolescents and young people (with their consent) and with agents working in the educational field involved in efforts to guarantee the right to compulsory secondary education (ESO).

7. Considering the decentralized nature of the national education system, the samples were selected to be as representative as possible in order to reflect the diversity of the Argentine territory. The interviews were conducted in schools in the provinces of Jujuy, Chaco, Santa Fe, Buenos Aires and Neuquén. We have also carried out an analysis of the National Education Law N° 20.206 and the federal commitments to guarantee compulsory secondary education.

IV - UNIVERSAL ACCESS TO QUALITY EDUCATION. INFRASTRUCTURE AND RESOURCES TO GUARANTEE COMPULSORY SECONDARY EDUCATION

8. This coalition focuses its evaluation on the implementation of four recommendations addressed to the Argentine State related to the right to education, which are contained in

the Report of the Working Group on the Universal Periodic Review, during its 3rd cycle, A/HCR/37/5:

107.114 Continue the efforts to improve universal access to education (Viet Nam).

107.115 Enhance efforts to increase the educational infrastructure in the poorest provinces (Qatar).

107.116 Continue its efforts to guarantee the provision of resources and infrastructure in the area of initial and secondary education so the quality standards are ensured (State of Palestine).

107.117 Continue enhancing the implementation of public policies on education and health (Libya).

4.1. Situation analysis

9. Education in Argentina is recognized as a human right and the State, both nationally and in each province, must ensure equality, free education, secularism and access to all levels of the education system. In this sense, educational policies must include people with disabilities, respect cultural diversity (especially of our native peoples), as well as migrants living in Argentina.

10. Guaranteeing the full exercise of this right implies articulating educational policies throughout the system, both at the national level and in the jurisdictions, at all educational levels, and in all state and privately managed institutions, since education as a right is a public good.

11. It should be noted that as of 2006, education in Argentina is compulsory from the age of four until the completion of secondary school. There are also educational offers for young people and adults who have not completed secondary school.

12. The Argentine State ensures free access to education from kindergarten to university level through publicly managed educational institutions and the subsidisation of some private schools with various percentages of State contributions.

13. However, the system presents great challenges to ensure permanence and to accompany student trajectories (personal and collective) in order to achieve optimal levels of accreditation at the secondary level. Before the COVID-19 pandemic appeared, 95% of students between 12 and 17 years of age attended school, but only 7 out of 10 students in large urban centres had completed secondary education¹.

14. With the appearance of the COVID-19 pandemic, secondary school dropout numbers increased dramatically. It is known that during 2020, 4 out of 10 students had little or no contact with their teachers and in the first quarter of 2021, there were some weeks in which 9 out of 10 students did not attend classes², mainly in the most disadvantaged sectors because they had to dedicate more hours to work, outside or inside the home, due to the economic impact of the pandemic.

¹ Center for the Implementation of Public Policies for Equity and Growth - CIPPEC (2021). The impact of the pandemic on secondary education in Argentina and Latin America.

<https://www.cippec.org/proyecto/el-impacto-de-la-pandemia-en-la-educacion-secundaria/#:~:text=En%20el%20primer%20semestre%20de,de%20ingresos%20de%20los%20hogares.>

² *Ibidem*

15. It is worth noting that the dropout from the secondary school system as a consequence of the pandemic makes a clear distinction between private and state-run schools and colleges. In the case of the former, the dropout rate is much lower due to a quick communication with the families, while in the case of the latter, the dropout rate is high, especially among students in the fifth and sixth years of secondary school, due to the need to work and support the needs of their families³.

16. Although the Argentine education system has had to face many crises, what never happened previously is that the overall dropout levels reached very high levels in a short time. The rate reached between 13% and 15% of the total during 2020, which places Argentina among the third world countries with the highest dropout rates, a situation that disproportionately affects the poorest students in the country⁴.

17. Despite the return to face-to-face education, the situation is still worrying. According to the study conducted by UNICEF Argentina, it indicates that "the majority of boys and girls are in the classroom, but there are 1 million students in the country who have not yet returned to the classroom"⁵. This number includes secondary students.

18. In this sense, this Coalition believes that there is an urgent need for the Argentine State to adopt inclusive and effective measures to reduce dropout rates and allow students, especially at the secondary level, to return to the classroom and finish their years of study. Making an important effort to improve not only the conditions of accessibility and permanence, but above all the quality of learning required in today's world.

19. In addition, the pandemic highlighted the structural shortcomings of school infrastructure, especially when the return to on-site classes began throughout the country. It was necessary to ensure that the physical spaces were safe for the health of all members of the educational community.

20. Prior to the pandemic, the 2017 census of the General Directorate of Culture and Education indicated that 70% of school buildings in Buenos Aires had some kind of infrastructure problem. In 2021, the State prioritized electricity, ventilation and water repairs in schools⁶, but evidently it was not enough because in addition to that, there was, and still is, the need to provide devices and connectivity to thousands of students who were left out of the educational system.

4.2. State Actions

³ Anderete Schwal, M. (2021). Inequalities in Argentine secondary education during the pandemic. *Márgenes, Journal of Education of the University of Málaga*. 2 (2), pp. 52 - 53. <http://dx.doi.org/10.24310/mgnmar.v2i2.11638>

⁴ Santa Cruz, D. (2021). Argentine education at its worst moment. *La Nación*. <https://www.lanacion.com.ar/opinion/la-educacion-argentina-en-su-peor-momento-nid17062021/>

⁵ UNICEF Argentina (2021). Impact of the pandemic on the education of children and adolescents, p. 12. <https://www.unicef.org/argentina/media/11626/file/Impacto%20de%20la%20pandemia%20en%20la%20educaci%C3%B3n%20de%20ni%C3%B1as,%20ni%C3%B1os%20y%20adolescentes.pdf>

⁶ Delfino, Gaby (2021). School infrastructure in times of pandemic (and in the others as well). <https://contrahegemoniaweb.com.ar/2021/08/05/infraestructura-escolar-en-tiempos-de-pandemia-y-en-los-otros-tambien/>

• National Education Law N° 26.206

21. In 2006, the Argentine government enacted Law No. 26.206⁷, which extended compulsory education. In that sense, Article 16 established 12 years of compulsory education, until the end of high school. This was followed with Law 27.045 of 2014, which established initial education from the age of 4.

22. The State is obliged to guarantee that students start and finish the 14 years of studies that correspond to them by right. However, with the emergence of the pandemic and due to pre-existing causes, the State was not able to fully comply with its responsibility, despite the efforts made.

23. In addition, the difficulties inherent to a Federal State such as Argentina where certain decisions are reserved to the provinces, must be taken into account, so that the duty to guarantee this right has been implemented in an unequal manner.

• Agreements of the Federal Education Council

24. On the other hand, The Federal Education Council (FEC) is the body that brings together the ministers of education of all the provinces of the country, with the aim of discussing national policies through an articulated work.

25. In February 2020, the FEC agreed on the Chapadmalal commitment and established *"its commitment to the right to education of all the inhabitants of the Argentine territory, complying with the principles of equality and equity guaranteed by the National Constitution"*.

26. Likewise, they committed to work in a coordinated manner between the provinces and the national government. They ended the commitment by stating that they have the *"responsibility to overcome the difficulties so that those who inhabit the Argentine Nation receive what belongs to them by right: a good education for all"*⁸.

27. The aforementioned commitment became even more important after the appearance of the COVID-19 pandemic, so the provinces and the national government made their best efforts to comply with their national and international obligations and commitments.

28. Regarding the latter, this coalition highlights the efforts of the State's provinces to fulfil their obligation to guarantee education throughout the country during the time of pandemic, among them:

- All provinces boosted pedagogical content.
- 45% expanded digital infrastructure for their students.
- More than 60% promoted teacher training policies for the pandemic context.
- 100% implemented or increased actions to support educational inclusion linked to food service.

⁷ See the content of the law: <http://www.bnm.me.gov.ar/giga1/documentos/EL002610.pdf>

⁸ Federal Education Council (2020). Chapadmalal Commitment. https://www.argentina.gob.ar/sites/default/files/compromiso_de_chapadmalal.pdf

- More than one third of the jurisdictions (11) proposed initiatives to support families and young people⁹.

29. Finally, we also highlight some decisions adopted in the 111th FEC Assembly, which recommended face-to-face attendance and the creation of a new plan (Federal Fund "Back to School") for the return to the educational system of students who were left out of the system during the pandemic.

30. By virtue of what has been developed in this document, this Coalition considers that the recommendations are still in the process of implementation, due to the fact that the pandemic seriously worsened the already existing inequalities and it is required that the Argentine State intensify its efforts to achieve compliance with the recommendations within the framework of the Universal Periodic Review.

V. FIELD WORK. RESEARCH AND INTERVIEWS CONDUCTED

31. This coalition has identified an extremely complex reality regarding the guarantee of the right to education in terms of access, permanence and effective graduation of secondary school students. The effects of COVID 19 have exacerbated pre-existing inequalities and aggravated the educational situation of adolescents and young people in all regions of the country, especially those who belong to the most vulnerable communities, impoverished sectors, rural areas or indigenous peoples. It is also worth mentioning situations in which they are expelled by the system sometimes because of their origin, ethnicity (migrants, refugees, in mobility) or sexual identity.

32. The way of teaching and the significance of the content is one of the aspects most criticised by adolescents and young people, as well as the means of evaluation and the subjective impact it has, condemning them to failure rather than improving their learning.

33. The lack of resources and building conditions have been aggravated by the deterioration suffered during the time of compulsory isolation during the pandemic. The lack of maintenance and resources for the teaching of innovative classes lessens motivation for them to stay.

34. The personal link with those teachers who have been concerned about the personal and community situation during the time of compulsory isolation and have sustained the pedagogical link from their own resources is highlighted and valued.

35. In relation to the plans and programs that the Argentine State offers as public policy to subsidise study, the Progresar Scholarship Program stands out, but at the same time there are other scholarship systems offered by private companies that are meritocratic but only those who meet the best academic conditions have access, discarding precisely those who need to be accompanied in their learning process.

36. Scholarships are often used to help with the family's income and thus enable students to continue studying. "Thanks to the scholarship I can help my family and so I don't have to go to work and I can come to school".

⁹ Center for the Implementation of Public Policies for Equity and Growth - CIPPEC (2020). Educating in pandemics: provincial responses to COVID. <https://www.cippec.org/publicacion/educar-en-pandemia-respuestas-provinciales-al-covid/>

VI- RECOMMENDATIONS

37. This coalition, by virtue of what has been developed in our report, respectfully recommends that the Argentine State:

(i) Guarantee the return to face-to-face classes of students who have been left out of the system during the pandemic, especially at the secondary level.

(ii) Invest in the new demands of school infrastructure, not only in relation to physical issues but also in technological support, internet service, books, ebooks, laboratories and everything that improves the quality of teaching and learning of students.

(iii) Guarantee the permanent training of teachers in the incorporation of information and communication technologies as well as new active teaching methodologies, guaranteed by the State.