

## INTRODUCTION TO ISSUE 2:

### THE RIGHT TO EDUCATION: SUPRANATIONAL SPEECHES VERSUS NATIONAL IMPLEMENTATIONS

Everyone's access to education has occupied a priority and persistent place in numerous supranational institutions' agendas for more than half a century. Article 26 of the *Universal Declaration of Human Rights* already establishes that "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages". Later, the *Convention on the Rights of the Child* on its articles 28 and 29 specified this right in relation to a particular subject when it states that "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all;"

Since then, and with a current perspective, it would not be excessive to consider the right to education as one of the most clearly visible supranational education policies of the last decades. This is shown by events such as the *Conference in Jomtiem (UNESCO, 1990) and its World Declaration of Education for All*, after which international strategies and national actions have been designed to extend this right as much as possible.

Both the process of internationalization and of constitutionality of the law contributed to place education in a privileged position within the governmental agenda. Even though the international and governmental recognition is gained, the analysis of how and with what rhythm this right is provided is still missing. In addition, it is necessary to draw a comparative map that lets us know the level of implementation that the right to education reaches in each country, in each region and at a local level. This is due to the fact that internal inequalities in States are not usually significant in recognition but in the implantation of these rights.

In the first article, with the title "The right to education as a fundamental right and its links in the international right of human rights", Sebastián Sciosciolo characterizes education as a fundamental right, which implies that the States must meet concrete obligations and whose failure or poor compliance to do so leads to a failure in international responsibility. The minimum stage for States to comply is quite high and it requires a great display of public policies which exceed considerably the latest conception –which considered education as a service that the States should provide to the public, that was presumed to be equal in formal terms.

The second piece of work, "The right to education of migrants and refugees", by Vernor Muñoz Villalobos, analyzes with all its complexity both the recognition and the provision of the right to education of migrants and refugees. This article gives recommendations that include the protection of cultural and linguistic diversity and the amplification of education levels covered for these migrant and refugee populations. This is an important issue as it is related with the exclusions caused by borders and with the vital trajectories crossed by multiple discriminations, among which the access to education and equality on education opportunities are fundamental issues.

The text "The rights of childhood in a speech about education policies and attention to the first childhood", by Ana Ancheta Arrabal, tackles the rights of childhood in educational policies and attention to the first childhood with a supranational view. This work presents the limits given in the treatment of these rights by the ideologies with an economic ground as they base them on

future potential; human rights in the future instead of starting with the current rights and the consideration of children's human rights.

In the article "The right to education and education for diversity: the case of hospital classrooms and schools in Europe", Antonio García Álvarez y Guillermo Ruiz, question the instruments from the international law of human rights from a case that, in its particularities, leads to the understanding of the scope and limits of those rights: the case of development of hospital classrooms and schools within the European context. This right, which was recognized and partially implemented in relation to children exclusively, is characterized and delimited exclusively.

In "The right to education in Latin America: an analysis from the possibility and the accessibility of the grammar of education", Marco Vinicio Méndez Coto points out the great distance perceived in Latin America between the positivism of rights and the international commitments that the States have assumed on educational issues and in its implementation. That insufficient universal human right to education evidently results on the exclusion of an important part of the population. This can be mitigated with the replacement of economic criteria in the access to education by principles of social equality, bringing a mandatory, free and universal education.

The work "International flows, structural developments, national preferences and the implementation of education policies: findings in El Salvador along the period 1990-2005", by Brent Edwards Jr., Julián Antonio Victoria Libreros y Pauline Martin, tackles the analysis of three implementation processes of education policies in El Salvador, emphasizing the elements that foster or prevent reaching the goals of those policies. The analysis of the influence of the international and internal elements and players regarding the paths of these three cases leads to an anticipation of possible implementation levels of an education policy.

Finally, the article "The influence (insufficient?) of the International Law in the right to education: a look at the conditions of free and secular from the principle of equality" (Liliana Ronconi) approaches the principles of free and secular in basic education from an angle of equality and non-submission. Even though these principles have full legal recognition, the study of Argentinean legal cases shows the limits given by the implantation of this challenge that would imply its strict enforcement with regard to the limitation of other rights.

The theoretical considerations and empirical data collected in this volume allow us to reaffirm that, even though we are still far from reaching the goals proposed in relation to the well known approach of the four or five A by Karina Tomasevski, the activity deployed by the States around those dimensions is extensive and varied and also that there is a deep void in the recognition sphere and, above all, in the implantation of a right whose validity and efficacy determines the future that we build. In that construction, the field of research in education proves a high level of reflection and generation of theory and also of production and analysis of data. We understand that this volume covers this issue extensively.

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