



Defensoría del Pueblo de Ecuador

National Directorate on Research of Human and Nature Rights

Contribution about practices to promote and protect the right to education, including efforts to mitigate the effects of the Covid-19 pandemic on the enjoyment of the right to education.

Requested by: Office of the High Commissioner for Human Rights

Date: 20 March 2021



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The National Human Rights Institution of Ecuador, within the framework of its mandate, prepared this document in response to the request made by the Office of the High Commissioner for Human Rights on practices aimed to promoting and protecting the right to education, including those to mitigate the effects of the Covid-19 pandemic on the enjoyment of the right to education.

If you require more information, please contact the National Directorate on Research of Human and Nature Rights at dniipp@dpe.gob.ec

Questionnaire

1) Job stability

The Office of the Ombudsman of Ecuador through the National Directorate of Education on Human and Nature Rights (hereinafter National Directorate of EHR) has made efforts since 2015 to influence the public policies of the Ministry of Education of Ecuador (in forward MinEduc), which is the body responsible for the education in the country. There are many reasons, comparable to the reality of other countries in the region, that motivate to consolidate a technical cooperation in a sustainable way through an inter-institutional agreement between Defensoría del Pueblo and MinEduc. The reasons are:

- Changes of governments: in Ecuador the presidential term is 4 years.
- Changes in the highest authority of the MinEduc.
- Changes in the main authorities within the MinEduc.

This situation is the same for all State institutions, also for the Ombudsman's Office, as the country's National Human Rights Institution (hereinafter NHRI-Ec); but, it stands out as one of the good practices in favor of education, that in 2015, the NHRI-Ec began a process of merit and opposition competition at the national level, which resulted in job stability within the institution. In this sense, between 2015 and 2021, most of the staff of the National Directorate of EHR have not changed, and this allows the planning of the objectives and strategies for advocacy with the Ministry of Education to be sustainable.

2) Optimizing the role of the NHRI: education

According with the Paris Principles, the NHRI-Ec has designed and prepared educational resources in line with the provisions of the United Nations Declaration on education and training in human rights of 19 December 2011 (A / RES / 66/137) reaching the following products:

- I live my rights! Facilitation Manual (DPE, 2016)

- I live my rights! Student log (DPE, 2012)

These products made it possible to carry out, together with the MinEduc, some training projects with teaching staff within the framework of the second stage of the World Program for Human Rights Education (A / RES / 59/113). Human Rights Education actions were developed at local level in Pastaza (2015), Manabí and Esmeraldas due to the earthquake (2016), Quito (2017) and Esmeraldas (2018).

Likewise, these actions are aligned with the State's international obligations within the framework of international treaties in accordance with the following table:

No.	Treaty	Legislation
1	International Covenant on Economic, Social and Cultural Rights	Artículo 13, number 1.
2	Convention on the Rights of the Child	Artículo 29, number 1, letters a, b, c, d, e.
3	Convention on the Elimination of all forms of Discrimination Against Women	Article 10, paragraph 1, letter c.
4	International Convention on the Elimination of All Forms of Racial Discrimination	Article 7, paragraph 1.
5	Convention on the Rights of Persons with Disabilities	Artículo 8, number 2, letter d.
6	Convention against torture and other cruel, inhuman or degrading treatment or punishment	Artículo 10, number 1

Elaborated by: National Directorate of Education on Human and Nature Rights, 2020

3) Coordination and cooperation:

In compliance with the attributions and mandate of the NHRI-Ec, there have been approaches with partner organizations of the MinEduc, such as the Organization of Ibero-American States (hereinafter OEI, for its acronym in Spanish). The General Secretary of OEI is in Spain. This organization is one of the main partners of the MinEduc.

On August 28, 2019 the NHRI-EC signed an agreement with the OEI to implement the project "Education and Human Mobility in 2019", which had two components: research and implementation. During the first quarter of 2020, the first component was executed correctly in collaboration with the Auschwitz Institute for the Prevention of Genocide. However, for the execution of the second quarter of 2020, the health emergency of the Covid-19 pandemic forced a reorientation of the objectives and actions of the program that are detailed in the following section.

4) Covid-19 pandemic



The Covid-19 pandemic has raised many challenges which have been used as an opportunity. The NHRI-Ec motivated the signing of an agreement that MinEduc had to fulfill in order to anchor the actions of Human Rights Education in a sustained manner. In this framework, the NHRI-Ec assists MinEduc in compliance with the recommendations made to the country by the Committee on Economic, Social and Cultural Rights on November 14, 2019 (E / C.12 / ECU / CO / 4), specially relating those established in paragraphs 55 and 56 on Access and quality of education, paragraphs 57 and 58 on Education of migrants and indigenous peoples and in particular the recommendation of paragraph 56.b in which indicates "b) Guarantee that human rights education is taught in schools of all levels and in universities, and that it includes economic, social and cultural rights; " and para. 67 that states "(...) The Committee encourages the State party to collaborate with the Office of the Ombudsman, non-governmental organizations and other members of civil society in following up on these concluding observations and in the consultation process at the national level before the presentation of its next periodic report " .

In this context, the NHRI-Ec released a statement on December 21, 2020, alerting and expressing its concern regarding the reopening of 204 public schools. In order to protect the rights of the students and of the other members of the educational community, the NHRI-Ec requested the Minister of Education to publicly report the actions that will be applied to guarantee:

- The health and life of the entire educational community facing COVID-19.
- Safety conditions for children and adolescents returning to face-to-face education.
- High quality virtual education in rural and marginal urban areas where there is no digital connection
- National and international standards to ensure quality education.
- The participation of children and adolescents as fundamental actors in the educational process.
- Effective compliance of the Organic Law of Humanitarian Support regarding the reduction of school allowances of up to twenty-five percent.

Also, the Ombudsman's Office, in response to the people's request regarding the International Baccalaureate diploma, through Official Letter No. DPE-DDP-2021-0029-O dated February 04, 2021, requested the Ministry of Education to report clearly and specifically on:

1. The mechanisms that will be applied to avoid regression of rights in the execution of the International Baccalaureate programs for level 1 in the Andean-Amazon regime.
2. The criteria to optimize public resources regarding the International Baccalaureate program at the national level.
3. The content of the curriculum for the first year of International Baccalaureate in the Andean-Amazon region.



4. Adequate and timely information mechanisms provided to students and parents of the International Baccalaureate program.

It should be noted that no response was received to this request, which constitutes an act of disinterest regarding the situation of violation of rights suffered by high school students and their families who demand a response to remedy this situation. In this way, the Ombudsman's Office, through Official Letter No. DPE-DDP-2021-0151-O, of March 04, 2021 issued measures of Mandatory and Immediate Compliance for the protection of the right to education, legal security, the good living, the emotional health of the students who are studying the International Baccalaureate 1 program in the Andean-Amazon Region.

The NHRI-Ec provided: That the Minister of Education should immediately withdraw all the administrative provisions that caused the suspension of the International Baccalaureate Program 1 in the Andean and Amazon region, and therefore, order the immediate continuity of this program in all educational institutions that at the beginning of this school year were authorized to execute it, in order to protect the rights of students who are in a similar situation as the one stated by the Constitutional Court ruling No. 10-20-IA / 20 of August 31, 2020.

Moreover, during the Covid-19 pandemic, the establishment of inter-institutional agreements was suspended indefinitely, however, international cooperation actions were implemented. In this context, the NHRI-Ec designed and developed an Open and Massive Online Course (Mooc) on "Human Rights and Human Mobility" directed to teaching staff. The course was formally delivered on January 20, 2021 to MinEduc.

Finally, the NHRI-Ec participates actively in the Education Cluster led by UNICEF established to guide the actions of the Ministry of Education in matters of the right to education. The cluster includes the participating of international cooperation agencies and civil society organizations. During the health emergency, this space has allowed a smooth flow of information and actions aimed to better respond to the situation.

Bibliography

Ecuador. Defensoría del Pueblo de Ecuador. (2016); Vivo mis derechos! Manual de implementación para facilitadores y facilitadoras. <http://repositorio.dpe.gob.ec/bitstream/39000/2130/1/RE-DPE-001-2016.pdf>

Ecuador. Defensoría del Pueblo de Ecuador. (201); Vivo mis derechos! Bitácora personal. <http://repositorio.dpe.gob.ec/bitstream/39000/2130/3/RE-DPE-002-2016.pdf>