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经济、社会和文化权利，包括发展权

教育权问题特别报告员弗农·穆尼奥斯先生的报告 *

对巴拉圭的访问

(2009年4月14日至22日)

内容提要

教育权问题特别报告员弗农·穆尼奥斯·比利亚洛沃斯先生 2009年4月14日至22日访问了巴拉圭。特别报告员在访问期间考察了在各级教育——学前、小学、中学和大学——的教育权享受情况。

在本报告中，特别报告员探讨巴拉圭教育制度的组织、普及程度、基础设施、国家开支和政府现行政策的主要特点；并研究一些具体方案，如双语文化教育，以及其他几个从事教育的国家机构，如妇女教育机会均等国家方案和Abrazo方案。

特别报告员认为巴拉圭教育制度面临着一些挑战。他关注地注意到基础教育一级的留级率相当高(30%)，完成中学教育的比例相当低(27%)以及农村居民和土著社区在几乎所有发展方面均遭到忽视。特别报告员认为，满15岁的土著人民的文盲率高达40%，令人感到遗憾。

* 本报告的内容提要以所有正式语文分发。报告本身附于提要之后，仅以英文印发。

特别报告员建议，巴拉圭国会应逐步增加教育预算。特别报告员回顾了可在运用的资源中，逐步对教育进行尽可能的最大投资的国家义务和国际义务。在这方面，他建议教育预算在国内总产值中所占比例每年应增长 0.5%，直至达到国际所规定的至少占 6% 的标准。

除此之外，特别报告员认为有必要设法就教育达成一个国家共识，这种共识将促成政府进行变革。应鼓励进行辩论，以使教育问题不会再被视为“政治皮球”。迫切需要将教育作为一国家的当务之急，第一步就应为教育提供它所需的预算，而不只是支付教员的工资。教育制度必须获得经费，解决基础设施问题，并能提供饮用水、学校膳食、多元文化的教材、教师培训，以及各种扶持性措施，以确保社区最贫穷的人可以上学、不辍学并取得好成绩。

Annex

Report of the Special Rapporteur on the right to education, Mr. Vernor Muñoz*

Mission to Paraguay

(14–22 April 2009)

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I. Introduction

1. The Special Rapporteur on the right to education, Mr. Vernor Muñoz Villalobos, undertook a mission to Paraguay between 14 and 22 April 2009. He visited the cities of Asunción and Ciudad del Este and the departments of Presidente Hayes and Central and Alto Paraná. The Special Rapporteur had the honour to be received by the Minister for Foreign Affairs, the Minister of Education, the Minister for Women, the Minister for Children and the Minister Secretary-General of the Office of the President; and by the Ombudsman, the National Council on Education and Culture, the Commission on Bilingualism, the Chair of the Senate Education Commission and other national and local authorities.

2. In the course of some 60 separate meetings, the Special Rapporteur also spoke with more than 300 representatives of civil society, including indigenous leaders, school teachers, students, parents, teachers' unions and representatives of United Nations agencies in Paraguay. The Special Rapporteur had the opportunity to visit primary and secondary schools and evening schools, and Asunción University, a prison, and formal and non-formal education projects run by NGOs, as well as other State agencies working in this area, such as the National Programme on Equal Opportunities for Women in Education (PRIOME) and the Abrazo programme. The Special Rapporteur is grateful to the Government for its invitation and for having made it possible for him to meet all the authorities relevant to his mandate, and to all those individuals he met in the course of his visit.

II. Right to education: principles, norms and standards

A. International legal framework

3. The Republic of Paraguay is party to various international human rights instruments: the International Covenant on Civil and Political Rights (accession 1992); the International Covenant on Economic, Social and Cultural Rights (1992); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1990) and the Optional Protocol to the Convention against Torture (2005); the International Convention on the Elimination of All Forms of Racial Discrimination (2003); the Convention on the Elimination of All Forms of Discrimination against Women (1987); the Convention on the Rights of the Child (1990) and its two optional protocols, on the involvement of children in armed conflict (2002) and on the sale of children, child prostitution and child pornography (2003); and the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries, 1989 (No. 169) (1993). All these instruments contain specific provisions on education and place an obligation on the State to take all necessary steps to protect, observe and promote the exercise of the right to education for all persons in its territory, without discrimination.

4. Under article 137 of the Constitution, "the Constitution is the supreme law of the Republic. The Constitution, the international treaties, conventions and agreements that have been approved and ratified by Congress, the laws adopted by Congress, and other related legal provisions of lesser rank make up Paraguay's corpus of positive law, in the order of precedence in which they appear above". Similarly, article 141 states: "International treaties that have been duly concluded and adopted by Act of Congress and in respect of which the instruments of ratification have been exchanged or deposited shall form part of domestic legislation, with the rank specified in article 137." Under domestic law and the international human rights instruments ratified by Paraguay, the State has an obligation to provide and facilitate education to its inhabitants without discrimination.

B. Domestic legal framework and national policies

5. The three main legal texts relating to education in Paraguay are the 1992 Constitution, chapter VII, on education and culture, the provisions of which are outlined above, the Education Act (Act No. 1264 of 1998) and the Children and Adolescents Code (Act No. 1680 of 2001).

6. Under article 76 of the Constitution, basic education is compulsory and free of charge and the State shall promote secondary, technical, agricultural, industrial and higher or university education, and scientific and technological research.

7. The State of Paraguay has adopted the regulatory and legislative measures necessary to establish an education system that seeks to guarantee the exercise of the right to education. The general legislative framework is governed by those provisions of the Constitution that deal with education, and by the Education Act and the Children and Adolescents Code. These general provisions are further developed by other laws and regulations on specific aspects of education. Special mention will be made of these in this report, under the relevant headings.

8. To begin with, the Constitution recognizes the right “to comprehensive, ongoing education realized as a system and a process in the context of the culture of the community” and states that the aims of education are “the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and the integration of peoples; respect for human rights and democratic principles; the affirmation of commitment to the Nation and of cultural identity, intellectual, moral and civic training, and the elimination of discriminatory content from educational materials”.¹ Under the Constitution, primary basic education is free of charge (in State schools) and compulsory.² The Constitution proclaims literacy and vocational training as “standing objectives of the education system” and commits the State to the organization of the school system, with the participation of the various educational communities.³ In addition, with regard to mother-tongue teaching, the Constitution establishes that “instruction in the early stages of schooling shall be in the pupil’s official mother tongue. The pupil shall also be taught and learn to use both of the official languages of the Republic. Ethnic minorities whose mother tongue is not Guaraní can opt for either of the two official languages”.⁴

9. On 5 December 2002 the Children and Adolescents Code was adopted, recognizing children’s and adolescents’ right to an education that will guarantee them full and harmonious development and prepare them for citizenship.⁵ The Code guarantees children and adolescents: (a) the right to be respected by their educators; (b) the right to organize and join student bodies; (c) the promotion and dissemination of their rights; (d) access to free State schools near their homes; and (e) respect for their dignity.⁶ It also recognizes the right of children and adolescents with physical, sensory, intellectual or emotional disabilities to receive prompt, adequate and ongoing care and attention that will nurture their self-respect and enable them to take part in the life of their community on the basis of equality and dignity. Lastly, the Code bans all discrimination or ostracism of persons with such disabilities.⁷

¹ Constitution, art. 73.

² *Ibid.*, art. 76.

³ *Ibid.*, art. 76.

⁴ *Ibid.*, art. 77.

⁵ Children and Adolescents Code (Act No. 1680/01), art. 20.

⁶ *Ibid.*, art. 21.

⁷ *Ibid.*, art. 22.

10. On 26 May 1998, Congress passed the Education Act, which regulates public and private education and establishes “the general principles and aims whereby it should be guided and inspired. The Act regulates the administration, organization and structure of the national education system, general and special education, and the school system and its modalities. It establishes basic criteria for participation and the responsibilities of the members of educational communities and establishments, and the modalities for funding the State education sector and other components of the system”.⁸ The Act recognizes the fundamental principles that every inhabitant of Paraguay has the right to “comprehensive, lifelong education”,⁹ and that the national education system “is designed to benefit all inhabitants of Paraguay”. It also states that the indigenous peoples “shall enjoy the rights recognized to them under the Constitution and this Act”.¹⁰

11. The Education Act sets forth the State’s obligations in respect of education, which include: (a) to guarantee the right to learn and equality of opportunities in access to knowledge and the benefits of humanist culture, science and technology; (b) to promote and facilitate education without discrimination; (c) to guarantee the freedom to teach, with no more requirements than those of suitability and ethical integrity, and the rights to religious education and ideological pluralism; (d) to ensure access to education for the entire population of the country and create the conditions for genuine equality of opportunities; (e) to finance the national education system basically from State resources; (f) to design a basic curriculum that will permit the development of curriculum projects adapted to the characteristics and needs of specific cases; and (g) to promote decentralization of State-run public education services.¹¹ It places an obligation on the State to devise and set education policy through ongoing consultations with the agencies and organizations involved in education, with due regard for the rights, obligations, objectives and principles established in the Act.¹² It also guarantees the inclusion of pupils with special educational needs and commits the State to facilitating access by persons of limited means to free State education institutions and, where such institutions are lacking or insufficient for the demand for places, to fund places in private institutions by means of full or partial scholarships.¹³

12. The Education Act allocates at least 20 per cent of the national budget to education. Based on this allocation, the State commits itself to providing the material and other resources needed for: (a) the operation of the Ministry of Education and Culture and the National Council on Education and Culture, educational research, and other services provided by the Ministry; (b) the operation, fitting, maintenance and development of State educational institutions; (c) the opening of new State educational institutions; (d) support for private institutes; and (e) initial and in-service teacher training and development of the national education system in general.¹⁴

13. The Education Act defines education as “the ongoing process of creative transmission of the culture of a community, in the context of the national and global culture, for the purpose of developing the individual in every dimension”, while the national education system is defined as “a range of interrelated levels and modalities of education, developed by the educational community and regulated by the State”,¹⁵ and comprising a general education system — formal and non-formal — a special education system and other

⁸ Education Act (Act No. 1264), art. 7.

⁹ *Ibid.*, art. 1.

¹⁰ *Ibid.*, art. 2.

¹¹ *Ibid.*, title I, arts. 1 to 6.

¹² *Ibid.*, art. 19.

¹³ *Ibid.*, arts. 23–24.

¹⁴ *Ibid.*, art. 145.

¹⁵ *Ibid.*, art. 11.

modalities of educational provision.¹⁶ The functions of the State in respect of education in Paraguay are exercised by the Ministry of Education and Culture.¹⁷

III. Main features of the Paraguayan education system

A. Structure and organization

14. Paraguay's present national education system is the product of the education reform launched in 1994 and comprises a general education system (formal and non-formal), a special education system and other forms of educational provision. The education system has the following levels: preschool education, basic education, secondary education and higher education; a proposed new modality is lifelong education. The Ministry of Education and Culture regulates, organizes and administers the education system, through the Vice-Ministry of Education and its various departments, and in coordination with departmental and municipal governments. As a support body to the Ministry, the National Council on Education and Culture (CONEC) is responsible for the formulation of proposals for educational and cultural policies, the reform of the education system and monitoring of implementation.

1. Preschool and basic education

15. Preschool education comprises two cycles, the first for children aged up to 3 and the second for 3- to 4-year-olds. At the age of 5, "preschoolers" move into basic education. Basic education is compulsory and free of charge in State-run public schools. For peoples of limited means school meals and materials are also free of charge, on a progressive scale. Basic education comprises nine years of schooling, divided into three cycles, and is available to children aged 6 to 14.¹⁸

16. Preschool and basic education are structured by compulsory subject areas, the definition and content of which are decided and regularly reviewed by the Ministry of Education and Culture. Under the Education Act, education shall be conducted in the pupil's official mother tongue when they start school or from first grade onwards. The other official language shall also be taught from the time they start school, using a method appropriate to the teaching of a second language. Programmes to prevent learning difficulties will be applied in preschool education, along with assessment systems for the early detection of advanced and below average intellectual capacity, and sensory deficiencies, in order to take appropriate steps in good time in each case.¹⁹ In practice, both Guaraní and Spanish are generally taught in basic education, an approach that gives Spanish a head start as the principal teaching language in secondary education and later on. In preschool education, programmes to prevent learning difficulties are applied, along with assessment systems for the early detection of advanced and below average intellectual capacity, and sensory deficiencies.

17. On completion of the third cycle of basic education, at the end of ninth grade, pupils receive a certificate of basic education, which gives them access to secondary education. The school day is five hours.

¹⁶ Ibid., art. 26.

¹⁷ Ibid., art. 18.

¹⁸ Ministry of Education and Culture, "Estadística Educativa" (Education statistics), Asunción, Paraguay, 2008, Introduction.

¹⁹ Education Act, art. 31.

2. Secondary education and secondary vocational training

18. Secondary education comprises either the *bachillerato* (baccalaureate) or vocational training. It lasts three years and is for students aged 15 to 17, who can take general subjects, subjects specific to a given vocational or baccalaureate course, and optional subjects. There are two main options, the science baccalaureate and the technical baccalaureate.²⁰ A student who successfully completes three years of secondary education in either baccalaureate and obtains a pass in all subjects prescribed in the curriculum receives the title of *bachiller*. The school day in secondary education is between five and six hours.

19. Secondary vocational training offers an education in areas related to the production of goods and services. To qualify for secondary vocational training, students must have completed nine years of basic education or, if they have not, may qualify by passing a test set by the Ministry of Education and Culture. Students must also be 17 years of age or over. On completion of vocational training, students receive a certificate in their specialism.

3. Higher and postgraduate education

20. Higher education is offered in universities and higher education institutes, and in other tertiary-level professional training institutes. Universities offer a wide range of high-level specialisms, whereas higher education institutes work in one particular academic field. Tertiary-level professional training institutes offer technical and practical training leading to the practice of a profession.

21. Postgraduate education is offered by universities and higher education institutes. Students wishing to enter postgraduate education must have a first degree or be able to demonstrate the level of knowledge and experience required to follow the course.

B. Coverage

22. In terms of coverage, Paraguay has an enrolment rate of around 90 per cent in primary education, which means that virtually everyone aged 6 to 11 attends school.

23. Of Paraguay's total population, 57.4 per cent are urban dwellers and 42.6 per cent rural dwellers. Preschool enrolment is higher in urban areas (63 per cent) than in rural areas (33 per cent). There is wide coverage in basic education, particularly in the first two cycles, with 46.5 per cent of enrolled students from rural areas and 53.5 per cent from urban areas. The gap between rural and urban rates widens in the third cycle of basic education, with urban areas accounting for 66.5 per cent of enrolments. As to secondary education, there is a considerable difference between enrolment in urban areas (75.6 per cent) and rural areas (24.4 per cent).²¹

24. As to the male-female shares of educational coverage, there is little difference in enrolment rates in preschool, where net enrolment is 66.9 per cent for boys and 67.5 per cent for girls. In the first two cycles of basic education, net rates for boys and girls are the same, 89.9 per cent. Rates for girls in the third cycle of basic education are slightly higher, with a net rate of 58.5 per cent as against 53.6 per cent for boys. This gap persists into secondary education, where the net enrolment rate for boys is 38.1 per cent and for girls 43.3 per cent.²²

²⁰ Ministry of Education and Culture, "Estadística Educativa" (Education statistics), Asunción, Paraguay, 2008, Introduction.

²¹ *Ibid.*, p. 11, table 5.

²² *Ibid.*, p. 10, table 4.

25. Repetition rates are highest in the first and second cycles of basic education (4.1 per cent), chiefly in rural areas and State schools. Repetition as a consequence of dropping out of school is more common in the third cycle of basic education, particularly in rural areas.²³

C. State expenditure on education

26. The budget allocation to the Ministry of Education and Culture as a percentage of Paraguay's GDP has fallen in the last 10 years, from 4.4 per cent in 1997 to 3.5 per cent in 2007. The budget allocation to the Ministry was highest in 2000, when it stood at 5.3 per cent of GDP.²⁴

27. In 2007 Paraguay invested 20 per cent of its national budget in education and culture. Allocations under this heading as a percentage of the national budget have varied in the last 10 years, the lowest being 16.4 per cent (1999) and the highest 20.1 per cent (2006).²⁵ In the last five years investment in education and culture has risen to an average of 18.5 per cent per year.²⁶ Around 80 per cent of the funds allocated for use by the Ministry of Education and Culture is spent on teachers' pay. In 2007 the Ministry's budget was 2,004,691,000,000 guaraníes (approx. \$398 million).

28. Total expenditure on education by the Ministry covers, in addition to teachers' pay, school construction and the provision of basic equipment, mainly in urban areas. Yet in many State schools it is the parents who have to pay for materials (books, textbooks and other school equipment), uniforms, enrolment fees and other expenses, including ongoing maintenance of schools. In 2005 families spent an average of 1,103,080 guaraníes per child on education in urban areas and 114,895 guaraníes in rural areas. The Special Rapporteur was told that, in remote villages, parents had to build the school with their own hands, as a requirement for getting a teacher.

IV. Best practices

A. Living School programme

29. Escuela Viva Hekokatúva (Living School) is a programme aimed at strengthening the reform of basic education. It works on an individual basis with schools that cater for the neediest population groups to provide experiences that will instil a culture of cooperation in which every child, teacher, head teacher and parent will be aware of their role and able to give of their best in pursuit of a shared goal.

30. The aim of the programme is to improve both teaching and administration in the schools, help children to benefit more from their learning, open schools up to families and the community, reduce inequities in the education system and improve teacher training.

31. The Living School programme operates along various lines of action. It works with basic schools, funding specific initiatives in 150 urban schools, 1,000 rural schools and 27 indigenous schools and providing comprehensive teaching support; it is carrying out

²³ Ibid., p. 14.

²⁴ Hugo Royg, "El Presupuesto Público y el Financiamiento de la Educación en Paraguay" (State budget and education funding in Paraguay), Foro Derecho a la Educación en Paraguay (Forum for the right to education in Paraguay), Asunción, June 2008, ch. 6, sect. 1, p. 24.

²⁵ Ibid., pp. 24–25.

²⁶ Ibid., ch. 6, sect. 2, p. 25.

educational improvement projects in 600 schools across the country; it focuses on improving initial teacher training, strengthening the system by providing teacher training institutes with resources and creating conditions that will enable them to improve performance; and it addresses questions of infrastructure and equipment in the expansion of the third cycle of basic education (seventh to ninth grades) by investing in the construction of classrooms in 280 central schools and in educational areas and associated schools in eight of Paraguay's departments.

B. PRIOME Programme

32. During his visit the Special Rapporteur learnt about the National Programme on Equal Opportunities for Women in Education (PRIOME), which was launched in 1995 by the Secretariat for Women. The programme comes under the Directorate-General for the Development of Education (Ministry of Education and Culture). Its aims are to establish national coordination and advice on gender for the Ministry of Education and Culture, with NGO help, to incorporate the gender perspective in teacher training, to assist in the analysis and reform of the curriculum and the production of textbooks and teaching materials that incorporate the gender perspective, and to raise public awareness of the need to eliminate discrimination in education.

33. PRIOME has been instrumental in the great strides made in gender issues in the design of the new curriculum, textbooks and teaching materials, and also in teacher training curricula, thanks to its treatment of areas such as gender roles and equal treatment in family structures and tasks, sex education, promotion of health and rights, including sexual and reproductive health, prevention of sexually transmitted diseases and HIV, violence and respect for cultural and religious diversity.

34. Despite these efforts, sexism has not disappeared from the hidden curriculum, which shows that girls' and women's rights have still not found a place in teachers' thinking or behaviour. With women firmly established in the labour market, and migrating abroad in search of better earnings, it has become necessary to place greater emphasis on the gender perspective in technical and professional training.

35. The Special Rapporteur was informed that the Secretariat for Women of the Office of the President also awarded scholarships to secondary school and university students to enable them to attend seminars at the Women's Leadership Centre. Under the Technical and Financial Support Programme for Young Women of Limited Means, agreed by the Peace Corps, the Unión de Profesionales y Empresarios Jóvenes (Union of Young Professionals and Entrepreneurs, UPEJ) and the Secretariat for Women, a group of women was provided with technical and financial support in the amounts of \$500 for university education, \$250 for tertiary education and \$100 for vocational/secondary education.

C. Abrazo Programme

36. The Abrazo Programme was set up in 2005 by the Secretariat for Children and Adolescents, with support from the United Nations Children's Fund (UNICEF), to provide a comprehensive service for children working in the street and their families, in order to help the children gradually stop working. The Abrazo Programme reaches some 1,200 children, who attend the 15 open centres to be found in Asunción, Ciudad del Este and other major cities, as well as in 10 municipalities of Central department. They are given help with school work, school attendance is monitored, and they are fed and given paediatric and dental care and opportunities for sport and recreation. In parallel, their families are given training and support in income-generating activities to make up for the

money the child was bringing in. Some families, those living in extreme poverty, also receive “solidarity vouchers” on condition that the children attend the open centres and schools.

37. The Special Rapporteur was informed that, in 2008, 1,150 children alternated between an open centre and school, and 795 families received family support. He was also told that 75 per cent of the children taken into the programme stopped working in the streets, 25 per cent cut down the time they spent on the streets and more than 500 families were given help with income-generating alternatives or microcredit. The Special Rapporteur visited the Abrazo Centre in the Chaquarita district of Asunción and talked to youngsters who were using the programme’s services, including recreational and academic activities and meals such as lunch and snacks.

38. In the course of his conversation with the Minister responsible for the Secretariat for Children and Adolescents, the Special Rapporteur was also told of other programmes run by the Secretariat, including the Child Rights Counselling Service (CODENI), which has an officer in every municipality, and the Learn without Fear campaign launched in April 2009 jointly with the Ministry of Education and Culture. The aim of this campaign is to eradicate all forms of violence from schools and create a positive learning environment that will make it possible to learn without fear.

39. There are nearly 300,000 working children in Paraguay, including babies who spend their days on the street, and thousands of girls who cannot study because they have to do domestic chores at home, in some cases for up to seven hours a day. The Special Rapporteur visited several schools where every single child worked before or after school. Efforts to combat poverty and promote education must therefore include coherent, persistent and tough policies and initiatives to root out child labour.

D. National literacy campaign

40. The Special Rapporteur was told that the national literacy campaign organized by the Directorate-General of Lifelong Education in the Ministry of Education and Culture was about to be launched.

41. This campaign is a short-term, intensive pilot programme run by the Social and Civil Cabinet of the Office of the President, and in the longer term will be underpinned by a model of lifelong literacy education developed by the Ministry of Education and Culture, which aims to consolidate the achievements made in the initial pilot programme. A cohort study on literacy for development showed that Paraguay’s rate of absolute illiteracy is 5.1 per cent. The absolute illiterate population numbers 191,683, so the goal is to teach literacy to 179,900 persons during 2005–2008.

42. The national literacy campaign is conceived as an educational initiative designed in Paraguay by Paraguayan experts, to meet the real needs of society. It will focus not only on reading and writing and basic numeracy, but also on other key content such as human rights, the environment, health and gender equality. The reading and writing and basic numeracy component is modelled on the “Yo sí puedo” (Yes I can) method of audiovisual resources and workbooks, albeit adapted and adjusted to the situation in Paraguay, where, for example, Guaraní is spoken.

43. The Special Rapporteur was told that this method makes it possible to reach large numbers of people in a relatively short time, yet there is already a trial under way that allows for Paraguay’s bilingual culture: the non-formal “Yo sí puedo” video learning project launched in 2004, had reached nearly 17,000 people by 2007.

44. The Special Rapporteur applauds the decision to launch the national literacy campaign as a government project for an entire sector of society. The main focus of the campaign should be the indigenous peoples, however. To ensure lasting results, the campaign should link in to the notion of lifelong learning and to the work of the schools, and should mainstream the gender perspective.

E. Pa'i Puku

45. The Special Rapporteur visited the Pa'i Puku centre and school. Pa'i Puku is in the Paraguayan Chaco, a sparsely populated region inhabited mainly by ranchers, far from urban centres. Pa'i Puku School provides preschool, basic, secondary and technical education, and vocational training. The school's philosophy builds on the principles of "learning to learn" and "learning by doing", and extra support is provided as a strategy to help children with special learning needs.

46. The school currently caters for a population of 15,000, scattered over an area of 30 km². It has 600 youngsters aged 5 to 18, children of ranch hands, labourers and timber workers, most of them of limited means, who cannot pay much for each child they have at school during the nine months of classes, and who always have to travel long distances, some as much as 400 km.

47. The Pa'i Puku centre houses a small population of around 700 and its geographical location means it has to aim for self-sufficiency. This is one of the reasons why students are taught a sense of responsibility and self-management. Everyone has to carry out their task responsibly and efficiently, applying the values and principles of equity and solidarity. Funds are allocated according to a strict work plan, for the needs of Pa'i Puku are many and varied. However, parents must pay a small monthly fee for each child, although this can be a payment in kind.

V. Challenges to the education system

A. Rural dwellers

48. With 42.6 per cent of Paraguay's population living in rural areas, a significant proportion of Paraguayan students live in the country and attend rural schools. There is a high level of poverty in country areas and access to basic health and transport services is extremely limited. There are numerous deficiencies in the rural education infrastructure, including a lack of water and electricity. In many cases, it is up to students' families to build and maintain the schools, and they also have to pay for materials, food and uniforms. As so much of the responsibility for education rests with parents' associations and teachers and head teachers themselves, the families have to make near-heroic efforts to meet many of these needs – needs that should be met by the State of Paraguay but are not. What is more, the teachers assigned to rural schools have no support from the central Government: many of them are isolated in the village where they have come to live and teach and never see Ministry supervisors or advisers. Access to higher education is virtually non-existent in country areas, so students are forced to move to towns to pursue further training, with all that that entails in terms of board, lodging and transport costs, among other things.

49. Many of the families who live in rural areas have no land of their own, which exacerbates their social vulnerability. The situation has deteriorated as land ownership has become concentrated in the hands of foreign companies that accumulate holdings (often through coercion or forced eviction of peasant families) for growing soya. Soya farming has expanded rapidly in recent years, taking over arable land and concentrating production

in large plantations measuring more than 100 hectares. Most soya farming is carried out in industrialized monocultures for export.

50. The Special Rapporteur was told that toxic agricultural chemicals used in soya cultivation are applied indiscriminately and unchecked in rural communities where schools are located. He was concerned to note that soya farming makes intensive use of herbicides and that this has provoked numerous cases of acute and chronic poisoning in communities adjoining soya plantations. As yet it seems that poisoning cases are not recorded systematically, even though they have a serious effect on victims' health. Spraying of these monocultures, many of which are sited close to villages and schools, disrupts the school day and further exposes the communities to agricultural chemicals. This is particularly important for children, and it also affects their access to education.

B. Migration

51. The factors described above put enormous pressure on peasant families, forcing them to move to urban areas. Many of them settle in the two major cities of Asunción and Ciudad del Este. Rural-urban migrants are a growing sector of the population living on the periphery of these cities, in poor living conditions and with a lack of basic services. Like rural schools, the schools located on the outskirts of these cities are seriously disadvantaged compared to urban schools, and their maintenance depends largely on the goodwill and efforts of the parents' associations.

52. In addition to internal (rural-urban) migration, the Special Rapporteur was informed of an increasing influx of Brazilian labourers, who come to Paraguay for the soya harvest. Many of them come with their families; few of them speak Spanish. Their children lack adequate access to education, partly because they live in remote areas, partly because they do not understand or speak Spanish. The Special Rapporteur also learned that, in the border areas with Argentina, many Paraguayan children go to Argentine schools, which are nearer to where they live and do not limit admission on grounds of their migrant status.

53. Lastly, crop spraying also affects the schools in these communities, seriously jeopardizing pupils' health and children's access to education in those areas.

C. Education of the indigenous peoples

54. Paraguay's indigenous population is around 2 per cent of the total population, numbering around 108,300. Paraguay's indigenous people belong to 20 nations and five language groups. They live in 414 communities, 92 per cent of them rural; 45 per cent of the indigenous population do not own land; 77 per cent live in poverty and 63 per cent in extreme poverty. Children and adolescents account for 54 per cent of the indigenous population: 45 per cent of them live in poverty and 26 per cent in extreme poverty.²⁷

55. Some progress has been made in realizing the right to education of Paraguay's indigenous peoples. There is now a Directorate-General of Indigenous Education in the Ministry of Education and Culture and the Indigenous Education Act was passed in 2007. It remains to be seen whether the Act will have any impact on indigenous students' limited access to vocational training and higher education (only 14 per cent of the population aged 18–24 who are eligible to study are enrolled at university).

²⁷ UNICEF, Paraguay, "Situación de la Niñez Indígena en Paraguay" (Situation of indigenous children in Paraguay), 2009.

56. There is evidence of serious, persistent inequalities with regard to the realization of the right to education of indigenous children in Paraguay. Whereas, on average, the non-indigenous population aged 15 or over has eight years of schooling, the indigenous population in the same age group has only three. Regrettably, 40 per cent of Paraguay's indigenous population remains illiterate, a rate nearly eight times as high as the overall illiteracy rate, which is 5.4 per cent. In addition, school attendance by indigenous children is far lower than that of their non-indigenous peers: whereas between 85 per cent and 94 per cent of children in the population as a whole go to school, only 79.5 per cent of indigenous children do. These disparities are more pronounced at the secondary level, where only 2 per cent of indigenous adolescents are enrolled.²⁸

57. There are indications that the teachers of indigenous children have limited qualifications: only 30 per cent of the approximately 900 teachers working in indigenous schools have completed basic education. There are also significant inequalities in the provision of school materials: 9 per cent of indigenous students have no materials in the official language and 70 per cent find the provision inadequate; 91 per cent of indigenous people have no materials in other languages and 9 per cent find access to such materials inadequate.²⁹

58. The infrastructure of indigenous schools is also seriously deficient. Only 25 per cent have electricity and only 5 per cent have mains water supplied from a public or private grid: most of these schools obtain water from village wells (36 per cent) or cisterns (23 per cent). Only 7 per cent have toilets with septic tanks, while 49 per cent have latrines; only 23 per cent have separate toilets for boys and girls.

59. At the time of the Special Rapporteur's visit, Government support to the indigenous peoples focused on the provision of specific services for specific purposes. There are no plans to strengthen indigenous associations or to build up their own conceptions of development and of indigenous education as such.

D. Bilingualism and education in Guaraní

60. In the Special Rapporteur's view urgent action is essential to save and develop the Guaraní language, which is one of the official languages and is spoken by more than 80 per cent of the population. Paraguay is the only truly bilingual country in Latin America and, more than that, Guaraní is one of the cultural treasures of the Paraguayan nation. Yet much of the time this beautiful and deeply-rooted language is shunned by teachers, and younger people are shy about speaking it in public, even though it is protected under the Constitution.

61. The Special Rapporteur was told that, while there are plans for Guaraní to be taught in formal education, in practice this is viewed as a subsidiary issue. In the Special Rapporteur's view any improvements in educational processes and teaching methods in Guaraní will have a positive impact on the development of students' cognitive processes. The enactment of the Languages Bill submitted to Congress in 2007 will pave the way for effective mother-tongue teaching to numerous children in preschool and for the teaching of both languages in basic and secondary school.

62. The promotion of Guaraní should be a matter for the State, for a public policy on Guaraní and the other languages spoken in Paraguay is urgently needed. Such public policy, and the establishment of a language academy, should flow from the early enactment of the

²⁸ Ibid.

²⁹ Ibid.

Languages Bill, along with urgent measures to train teachers in the teaching of Guaraní and the other indigenous languages.

E. Privatization of higher education

63. The Special Rapporteur noted that most higher education (university and technical education) is provided by the private sector; many private universities were set up in the 1990s and there are apparently more than 40 private universities and higher education institutes. These institutions are run with no quality control of the services they provide. The Special Rapporteur finds this commercialization of higher education regrettable; moreover, the decoupling of these universities from the education system means the courses they offer bear no relation to young Paraguayans' reality or aspirations.

64. The Special Rapporteur has no complaints about the accreditation systems for education providers, but they should be linked to improvements in in-service training. The Special Rapporteur does not consider it acceptable for private universities to operate with no control of the quality of the service they provide, the fees they charge their students or the qualifications of their teaching staff.

65. The Special Rapporteur also emphasizes the need to guarantee public university-level education, for that is where the scientific, technological and cultural skills the country needs for high-quality development can be fostered. For that reason, as well as in the interests of progress in the enjoyment of the right to education, the Special Rapporteur recommends that the plans for expanding and reinforcing high-quality State university education that is accessible to all should be supported.

F. Inclusive education

66. More than 10,000 students aged between 6 and 18 in Paraguay's education system have some form of diagnosed disability or impairment.³⁰ The illiteracy rate among the population with disabilities is 43 per cent as compared with 7 per cent for the general population aged 10 or over with no disabilities. Many disabilities are the result of accident or illness or of malnutrition in early childhood. Many of the children who live with disabilities do not go to school, in some cases because schools are not equipped to cater for them, in others because their parents prefer to keep them at home.

67. It is estimated that only 36 per cent of persons aged 6–18 with a disability attend some kind of educational establishment, as compared with 82 per cent of persons without a disability. Disablement is an important factor in exclusion from education: 83 per cent of the population with disabilities have no more than six years of basic education and only 8 per cent have some years of secondary education, while a tiny minority (2 per cent) have completed higher education.³¹

68. The Special Rapporteur notes that there is a need to set up special programmes for students with disabilities, run by specialist teachers and with materials adapted to their special needs.

69. The Special Rapporteur emphasizes the need to formulate and apply a new approach to education based on knowledge and experience of human rights. In that context, the

³⁰ Carmen Frutos de Almada, *Discapacidad en el Paraguay* (Disability in Paraguay), Asunción, Paraguay, April 2002.

³¹ *Ibid.*

Special Rapporteur notes that it is necessary to include the gender perspective in educational policies so that sex education programmes can be provided as part of the curriculum. This is important because of the high maternal mortality rates and the incidence of sexual and gender-based violence against women, younger girls and teenage girls in order to build human relations based on respect for all.

VI. Conclusions and recommendations

70. **The Special Rapporteur wishes to thank the Paraguayan Government and civil society, and United Nations bodies, for their cooperation in what was a successful visit. The Special Rapporteur applauds the Government's determination to try to improve the resources available for education and the self-criticism it has shown in acknowledging the great challenges it still faces.**

71. **The Special Rapporteur notes with satisfaction the progress made in school enrolment rates (68 per cent net enrolment in preschool and 92 per cent in the first and second cycles), and in budget allocations, which in the early 1990s were barely 1.9 per cent of GDP but in recent years have exceeded 4 per cent, despite demographic growth. He also notes the progress made in eliminating stereotyping in textbooks, and in the dynamism of civil society organizations, which have taken over many of the State's responsibilities.**

72. **The Special Rapporteur thanks the authorities for their frank acknowledgement of the challenges and problems, such as the high repetition rate in basic education (30 per cent), the grave problems regarding the quality of education (reading comprehension and reading and writing skills in general), the low completion rate in secondary education (27 per cent), and the neglect into which rural dwellers and the indigenous communities have fallen in nearly all aspects of development, including education (40 per cent illiteracy among persons aged over 15).**

73. **Such frankness on the Government's part should be seen, not as an expression of contrition, but as a statement of principle, which should now be matched by concrete action in many areas of education, such as the literacy campaign; the establishment of departments of inclusive education and indigenous education; the reinforcing of bodies to promote equality of educational opportunity for women and the improvement of resources for very young children and adolescents; the creation of a unit for social monitoring and social policy; and above all the revival of the Social Cabinet, which is vital for the coordination of education policy with other sectors.**

74. **The Special Rapporteur is nevertheless concerned at problems relating to the poor quality of education; the lack of resources to underpin compulsory enrolment in school; the high repetition and dropout rates and the poor condition of the infrastructure. The rural populations still have no viable options in terms of higher education.**

75. **Paraguay urgently needs resources to solve infrastructure problems and for drinking water, school meals, culturally diverse teaching materials, teacher training and affirmative measures of all kinds to ensure that the poorest members of the community can get into educational establishments and stay there (the university gives certain indigenous people immediate access but does not meet their needs). It is necessary to step up efforts to build a national consensus on education, one that will transcend changes of government. Debate should be encouraged, so that the problems of education are no longer seen as "political footballs".**

76. Clearly, education reform in isolation cannot solve the problems of society. Thus rural education cannot improve if the indiscriminate, unchecked application of toxic agricultural chemicals in the communities where rural schools are located is not stopped. The migration of peasant families is causing schools and indeed whole communities to disappear, so the lack of support for indigenous and rural communities threatens the very existence of many cultures.

77. It is not possible to solve the problems of security and of exclusion from school without school meal, health and community development programmes. The school is not separate from the social and cultural context in which it exists, and central and local governments' social policies must therefore link in with educational needs. Education is what truly drives development, and to privatize education is to condemn people to poverty.

78. In the Special Rapporteur's view it is important to consolidate conditional transfer programmes for the poorest families — they should target indigenous women and women in rural and marginal urban areas in particular — and to include the indigenous communities in all priority initiatives on lifelong education, given that 48 per cent of the indigenous communities have no land of their own and these communities are the primary conservers of the forests.

79. The Special Rapporteur noted that free education is not yet a given in Paraguay and that a sizeable share of the State's obligations has shifted to families, who in many cases have to bear the cost of building the school, as well as paying for examination fees, teaching materials, transport, uniforms and related costs. The school at San Isidro de Cedrales, for example, was built by the peasants. It took them 10 years and now it stands as a living testimony to their solitary struggle.

80. In terms of teacher training, the Special Rapporteur believes that the recent revelations regarding teachers' qualifications show that there is an urgent need to strengthen teacher training institutions and universities, starting with the formulation and implementation of a State policy on research, which will make it possible to bring educational theory up to date.

81. The Special Rapporteur welcomes the decision by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to appoint a resident adviser in Paraguay in the coming months and to consider opening an office in Asunción alongside the other United Nations agencies with offices in Paraguay. Given the Government's willingness to meet its obligation to bring domestic law into line with international human rights standards, this decision provides a unique opportunity to develop a national human rights plan and, in that framework, to make education a national priority and assign it the budget it needs to solve the problems mentioned.

82. In light of these conclusions, the Special Rapporteur recommends that the Government of Paraguay should:

(a) Give education a leading role in the fight against poverty. That means, to begin with, giving it the budget it needs. Appropriate steps should be taken to increase the budget allocation to education, and notably to improve the infrastructure in schools by providing a budget that will make it possible to meet that obligation (giving priority to water and electricity supplies to schools). The education budget should grow by at least 0.5 per cent of GDP per year until it reaches at least the level of 6 per cent established by international standards;

(b) Consolidate conditional transfer programmes for the poorest families — they should target indigenous women and women in rural and marginal urban areas

in particular — and include the indigenous communities in all priority initiatives on lifelong education;

(c) Enact as a matter of urgency the Languages Bill, which has been before Congress since 2007, and establish and implement modalities for the use of the official languages, i.e., Spanish and Guaraní, in all State initiatives and policies, including education, as provided in the Constitution;

(d) Promote the establishment of an academy of languages in the near future, following the early enactment of the Languages Bill;

(e) Introduce in all government departments a requirement of bilingualism, with a view to designing and implementing projects and programmes in Guaraní. These measures should go hand in hand with urgent measures to train teachers in the teaching of Guaraní and the other indigenous languages;

(f) Conduct research as a matter of urgency into the relationship between reading and writing difficulties and problems of educational quality, and the low status of Guaraní. It is known that a lack of mother-tongue teaching may have undesirable cognitive effects throughout a person's education. This requires urgent investigation;

(g) Include a cross-cutting gender plan in education policy in order to encourage the introduction of sex education into the curriculum;

(h) Involve the Office of the Ombudsman more closely in mechanisms for the enforceability and justiciability of the human right to education;

(i) Improve the quality of education in order to meet the objectives contained in article 29, paragraph 1, of the Convention on the Rights of the Child, in accordance with general comment No. 1 of the Committee on the Rights of the Child, on the aims of education, and the concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Paraguay;³² request further technical cooperation from, among others, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF);

(j) Mainstream the rights of the indigenous peoples across all ministerial initiatives so that education becomes a form of affirmative action for indigenous peoples and their cultures and world views are duly represented in the national curriculum;

(k) Develop initiatives to promote and enhance the status of indigenous languages and cultures, so that all social groups, including non-indigenous groups, can see the benefits of intercultural education;

(l) Promote the teaching of Guaraní at all levels through the national literacy campaign. The Special Rapporteur also recommends establishing clear guidelines and ensuring the effective application of bilingual teaching methods in initial teacher training, particularly in the courses offered in bilingual teacher training colleges;

(m) Establish a system for dealing properly with children who for some reason have moved to big cities, particularly the capital, so as to minimize exclusion, poverty and acculturation. To that end the Special Rapporteur recommends that such

³² E/C.12/PRY/CO/3.

children should be provided with schools with adequate infrastructure, with teachers and teaching materials that enable them to exercise their right to education;

(n) Make a start on the design and implementation of inclusive education programmes that will gradually bring students with disabilities into the regular education system.
