

Education is a right, not a privilege

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Education is central to social development, to the construction of more just societies and to the maintenance of democracy. It has been stated that without quality education neither democracy nor economic growth will be possible (Levinson & Berumen, 2007; Tedesco, 2012). For several decades now there has been discussion about the transformative capacity of education and the urgency of improving its quality and ensuring equality to confront poverty and social inequality.

In the agendas for sustainable development and equality, education plays a decisive role: “education is a fundamental strategy to move forward in social cohesion and inclusion”, and along with employment, it is one of the key areas of improvement of social issues (OEI, 2010: 16). “Education is now a key lever for equality and a multiple link in development” in Latin America (CEPAL, 2010). Likewise, the Objectives for Sustainable Development (ODS) set goals for the year 2030 that promote quality inclusive education, gender equality, the reduction of inequality and the strengthening of the global alliance for sustainable development (ODS, No. 4, 5, 6 y 17).

The question about the aims and modes of education has been present throughout history in modern political and social thinking. A salient aspect of it has been its fundamental role in the construction of the State and of societies, which has generated multiple answers in social science as well as controversial political interpretations. The debate is permanent and intensifies in certain sociopolitical junctures in which the definition of the path to be followed by national educational policies is at stake. In democratic societies it is taken for granted that education is a fundamental human right, a social asset, a means of access to other assets and opportunities, a condition for the formation of citizenship and life in democracy, an instrument of social cohesion and an essential process for a person’s fulfillment, beyond the value of education as a key factor for the economy.

Nowadays there is a significant body of legislation that defines the contents and scope of the right to education and a prolific literature on educational matters, both of which underscore the radical importance of this right and its relationship with other human rights, insofar as education promotes a person’s development and is an essential condition for the enjoyment of such rights. No civil, political, social, economic or cultural rights can be exercised without a mini-

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imum level of education.¹ In this respect, for Bourdieu education carries with it the future, and in it lies “the main condition for access to the exercise of citizens’ rights”, with all the contradictions and possibilities of action it entails (Bourdieu, 2008: 90).

A significant part of international agreements and policies related to the right to education, stemming from the Universal Declaration of Human Rights (Art. 26), acknowledges that education is a fundamental human right and that it is essential for the enjoyment of all the other rights, and assumes that this is a key axis of social development. Given their binding nature, these instruments are a parameter of obligation for the Mexican state, which has prioritized education as a social right, encouraging markedly the access and permanence of children in basic education services.

The discourse on human rights, with its inadequacies and challenges, has long been present in different ways in the national and international public agenda. This rhetoric has gained new ground, at the same time that the life conditions of the larger part of the Mexican population, the social groups that have historically and systematically been discriminated, have deteriorated even more, and the social inequality gaps have grown. The fact is that, for millions of Mexicans, education and non-discrimination are still unfulfilled rights.

In this complex environment, the structural inequalities that affect our society stand out. When contrasting the current legislation on human rights with the diagnoses and data available on the national educational system and discriminatory practices, structural obstacles and limitations that prevent the fulfillment of the right to education for groups discriminated against immediately arise.

The recent National Survey on Discrimination (Enadis, 2017) reveals an unequal distribution of rights, resources and opportunities in a country where people and groups of its population are discriminated against for a number of reasons: the color of their skin, their economic status, their physical appearance, their age, their ethnic background, their being disabled, their gender, their sexual identity and their religious beliefs, among others. In spite of the Constitutional injunctions against it, it becomes clear that discrimination is spread heterogeneously throughout Mexico and that multiple forms of prejudice, stereotypes and social markers around individual differences and group identities that feed *heterophobia* (rejection of what is different), intolerance and exclusion still persist, leading to constraints on or denial of rights to those seen as different.

Data such as those shown below illustrate the way in which the multiplication of characteristics and identities susceptible of discrimination, such as gender, ethnicity, disability and others, impose barriers to the access to the educational system and increase the gaps of inequality between people and social groups: whereas 3% of the total population between the ages

¹ For instance, freedom of speech: what use is it if the person does not have the ability to make a personal judgement and communicate it? Or the right to work: how does it help if one is not qualified enough to get a good job? (Latapí, 2009: 258).

of 15 and 59 in Mexico cannot read or write, illiteracy reaches levels as high as 20.9% among people with some disability, 13.3% among speakers of indigenous languages, 6.9% among the population that identify themselves as indigenous and 4.7% among people of African descent.² In each one of the discriminated groups, with the exception of the population with a disability – who show no gender differences – women have a higher rate of illiteracy: 16.1% of the female speakers of indigenous languages, 8.4% of women who identify themselves as indigenous, 5.8% of women of African descent and 4.1% of the women of religious diversity (Enadis 2017: 29-31).

On the other hand, the most recent report of the National Institute of Educational Evaluation (INEE, 2019: 16) states that, although the coverage of elementary education that corresponds to children and adolescents (CH/A) from the ages of 6 to 11 is practically universal, after the age of 12 the rate of attendance to school decreases, especially among the population in conditions of vulnerability. In the case of CH/A in extreme poverty, the rate of attendance falls from 77.5% for those between the ages of 12 and 14 to 48.4% for those between the ages of 15 to 17. This situation worsens for CH/A in rural communities, where dropout rates increase to 90.4% between the ages of 12 to 14, and 63.2% for those between 15 and 17. According to data from the Inter-Census Survey, in 2015 almost 4.8 million CH/A between the ages of 3 to 17 did not attend school. Compared to the girls (2.3 million), it is the boys who attend school the least (2.5 million). By 2016, only 87.5% of the population between the ages of 17 to 21 had completed their elementary education.³

The expansion of coverage and the increase in the access to education have been two central objectives in the commitments made for Mexico's educational development. In spite of the noticeable progress in the coverage of elementary education, many problems remain unsolved: the disparity between genders, illiteracy, early school dropout, child labor, low student performance, limited access to middle education and even more restricted access to higher education, low quality of the public education offered, and lack of relevance and adequacy of the curricula vis-à-vis the diversity of populations, circumstances and needs. What can be observed is that the differences in the access, progress and completion of education deepen and widen through the levels of education and the chain of inequality is reproduced in the educational system itself, with a negative effect on discriminated groups in the exercise of their right to education.

2 A person is considered illiterate if he or she cannot with understanding both read and write a short simple statement on his everyday life (absolute illiteracy), or who cannot engage in all those activities in which literacy is required for effective functioning of his group and community and also for enabling him to continue to use reading, writing and calculation for his own and the community's development (functional illiteracy). According to UNICEF (2000) "no less than five years of schooling are required for a person to be considered truly literate".

3 Educational coverage is just one of the indicators that show to what extent society guarantees equality of opportunities; now, educational inclusion has become one of the challenges, not only technical but also conceptual and political, for the country's development.

Given its nature and implications, the educational agenda is complex and becomes even more complicated in contexts of social inequality such as the one in Mexico. On the one hand, the accumulated historical lag and persistent problems have to be solved; on the other, it is urgent to deal with the current challenges raised by the access to knowledge through the use of new information technologies and communication networks. In short, in order to make the right to education effective in conditions of equality it is necessary to settle some historical and present educational debts with discriminated groups that are at a clear social disadvantage from those in situations of privilege, but it is also necessary to keep inequalities from increasing and the digital gap from growing between social groups and generations of the population.

Education and discrimination are sociocultural phenomena that affect people's conditions of life and determine decisively the necessary inclusion of all sectors and groups in the development of society. In the analysis and discussion of their close linkage, but also in the design and instrumentation of public policies, it is essential to take into account the fact that Mexico's social issues have been addressed around two phenomena: inequality and poverty from the perspective of economic analysis, both in its classical liberal version or from the perspective of political economy (Fuentes, 2018). Most studies have focused on the analysis of the causes (income level) and the distribution of different resources among the people and how this has an effect on unequal outcomes, putting aside other social, political and cultural conditions that generate social inequalities.

Unlike the abundant and historical literature on education from different scientific disciplines and analytic perspectives, theoretical and empirical studies of discrimination are relatively recent, and their emergence in Mexico coincides with the acknowledgement of discrimination as a public problem and the deployment of norms that forbid it. Inequality in treatment as a social reality or phenomenon, and non-discrimination as a right, are part of an interdisciplinary area of study under construction that already has some diagnoses and empirical studies – such as the one mentioned above – about their causes, modalities, effects and impacts, but the meaning of the concept, the categories associated to it, the contents and scope of the right to non-discrimination, as well as their intersections with the enjoyment of other rights and circumstances of social life are still subjects of research, academic discussion and political deliberation.

The exercise of the right to education without discrimination

Education is a fundamental human right that all States must guarantee. The scope of this right is wide because it depends and has an effect on culture, on the economic situation and in political decisions, and also because the enjoyment of this right will have an effect on the social life of people from an early age (INEE, 2019). In this respect, it has been stated that “it would not be possible to repair the damage caused to a person in his or her life because of the lack of an education; whoever lacks an education in their childhood and youth will for that reason be ex-

cluded from society, exposed to poverty and relegated in comparison to other citizens” (Latapí, 2009: 258).

The right to education is universal and for every person, regardless of his or her age, gender, language, social or ethnic background, condition of disability, religious belief, sexual orientation, political preference, social position or any other personal or group attributes, and it is the obligation of the State to provide education to all the population without discriminating against anyone. Education is a progressive right, in the sense that it must progress gradually to achieve its effectiveness and there can be no setback or decrease in its contents, at the same time that it is demandable and enforceable, since it can be claimed before a court and be the subject of legislative, political, administrative or social measures leading to make this right enforced.

However, enforcing the full enjoyment of this right for everyone, at all times and/or in all its dimensions (recognition, protection, guarantee and demandability) under the principle of equality in a national context of inequalities and system of privilege, limited State resources and institutionalized discriminatory practices, raises serious ethical dilemmas and problems of application of administrative criteria for governments. All this and more has been at the center of an intense and polemical public discussion that starts with the current normativity around human rights (including international commitments) and the alarming evidence of a reality of exclusion from education, but also, significantly and decisively, are the historical struggles for power among the actors who participate in educational processes (government, labor unions, civil society, parents and academia, among other agents). Nonetheless, it cannot be overlooked or denied that now the debate over education y la equality is within the framework of human rights, and that the contribution of the thinking and the non-discriminatory outlook in and from the social sciences is very important.

In Mexico, education is a fundamental right enshrined in Article 3 of the Mexican Constitution, from which the General Law of Education emanated to regulate the education provided by the State (the federation, the states, and the municipalities), its decentralized agencies and the private organizations authorized or recognized through the official validation of their programs. In tune with international organizations (UNESCO, OCDE, CEPAL and UNICEF, among others), the Mexican government and its educational sector institutions coincide in asserting that education must be universal, inclusive and of good quality (INEE, 2019).

According to international standards, the education provided by the State in all its forms and levels must be attainable, accessible, acceptable and adaptable. These four elements constitute the essential components of the right to an inclusive education. Attainability refers to the obligation of the State to guarantee the availability of schools, teachers, curricula and educational materials, among other resources. Accessibility involves three dimensions: non-discrimination, physical accessibility and economic accessibility, and implies that all the people, especially those who live in conditions of vulnerability, may participate in the educational system. Accep-

tability refers to the obligation of ensuring that the curricula and pedagogical methods follow the minimum norms established for teaching, and that these are acceptable both for the CH/A and for their parents. Finally, adaptability implies a flexible education that responds to the needs of the communities and the students in different cultural and social contexts to guarantee, among other things, the permanence of the CH/A in the educational system (Tomasevski, 2004).

Although the right to education is one of the basic obligations of the State and “it is increasingly recognized as the starting point and ultimate foundation of the educational policies of the States,” Mexican legislation does not impose any sanction on the authorities who constrain or violate the right to education (Latapí, 2009: 256). On the other hand, it must be mentioned that, besides the State, other actors take part who are also responsible for fulfilling the right to education, which means that its fulfilment depends on the combination of governmental policies in the first place, but also of actions undertaken by society as a whole (families, economic forces, churches, civil society organizations and the media, among others).

While it becomes clear in this discussion that education is not a merchandise and that the right to education is not restricted to the provision of a public service, the fact is that state education has been valued and legitimized as the most efficient means to achieve social development, and multiple expectations for change in society in a democratic direction are placed on it. It is widely acknowledged, and with good reason, that schools are the only institutions with the capacity and the mandate to reach all people in a systematic and direct way, and also that they represent the fundamental space for citizen socialization and for learning what is common to all (González Luna, 2010).

Indeed, from a sociological standpoint, it is asserted that education “is a part of or almost a synonym of socialization” and, since the second half of the twentieth century, the educational system (schooling) is considered the “main distributor and legitimizer of the differential social positions of people” (Planas, 2018: 33-34). Thus, to the culture of privilege referred to by several analysis of discrimination, we must add the instrumental and utilitarian culture characteristic of educational systems, and especially of schooling.⁴ The fact is that changes in social life, in particular those that have to do with the world of labor, have repercussions in the field of education (both formal and informal) and give rise to new educational rationales within and without the school system, which must be managed. As Planas (2018) correctly suggests, it is necessary to move from the sociology of the school system to a sociology of education that incorporates the diversity of people, rationales and methods, but also the risk. The point is then to dimension the

4 Jordi Planas (2018) finds that few studies on education are not about the educational systems, schooling and educational institutions as a subject of study, hand in hand with the prevailing theory of human capital, which underscores the relationship between level of education, salary, and professional category. From a functionalist perspective, it has been suggested that the school system, given its expansion, is an instrument for the equality of opportunities and a social mobility based on a person's merit. However, opposing theories with a Marxist perspective interpret that in capitalism the school functions as an instrument for the legitimation and reproduction of inequalities of origin.

right to education and consider the different modalities and times in which its recognition and enjoyment are at stake, beyond schooling.

In this respect, what makes school education democratic is its concretion in a place and a service in which all people find the space for the full development of their capacities. In this context, education “is public because it does not exclude anyone, and ceases to be public at the moment it segregates those who do not fit certain homogenizing purposes that seek to equal everyone into a student-type that does not exist in reality. What exists in reality is diversity and difference. They exist among students, just as they exist among teachers” (Sansano, 2014: 39).

However, insofar as inequality in treatment finds its strength in the symbolic representations that individuals have of human groups, in prejudice and the processes of stigmatization of the “others”, education plays a crucial role. The facts show that discrimination is learned through the early socialization of individuals that takes place in institutions and through informal practices, but also through formal processes such as elementary education and religious indoctrination (Rodríguez, 2011).

From this perspective, education is the most important right in the struggle against discrimination. It is the social right par excellence, since it synthesizes significantly the modern notions about liberty and equality, visibilizing and invigorating the exercise of all rights as a whole and of all people without any kind of distinctions.

Although the phenomenon of discrimination has been present for centuries in Mexico, it was not until the early twenty-first century that it appeared in the public sphere as a major social and political problem, and also as a juridical injunction after the Constitutional recognition of the right to not be discriminated against. The process of the construction of this right has been gradual and has had to overcome different kinds of difficulties, resulting in a legal definition:

all discrimination motivated by ethnic or national origin, gender, age, disability, social status, health conditions, religion, opinion, sexual preferences, marital status or any other that infringes upon human dignity and seeks to nullify or undermine the rights and liberties of people is forbidden” (Article 1 of the Mexican Constitution).⁵

Without a doubt, the normative structure of society is historically variable and has an influence on the ideas people have about human rights, equality and education.

The right to education and the right not to be discriminated against form an essential combination for the construction of a democratic society. These rights share principles and complement

⁵ In the case of Mexico, according to Kaufman (2010), a legally typified “discrimination per se” has been defined to describe the magnitude of the phenomenon towards certain social groups, as opposed to the imprecise definitions in which any kind of differential treatment is encompassed in a “generic discrimination”, which blurs prosecutable situations and leads to demagogic positions. Indeed, these juridical instruments (both the clause against discrimination and the law on this issue) have contributed to making discrimination visible and giving it the character of public issue, as well as to dismantling some of the normalized prejudice and stigmas in order to propose new conceptions of equality.

each other on the level of discourse and the norms that regulate and support them, but the fact is that their relationship is difficult and not without dilemmas and problems that generate tension in their fulfillment, putting their effectiveness to the test. The contents of both rights is complex, especially the analysis of their respective scopes given their close connection to each other and to other human rights, in particular the social rights that are a condition to make their fulfillment possible (Gutiérrez y Salazar, 2011).

As can be seen in the criteria of Mexican and international educational policies, to the traditional claims for access to education other demands have been added regarding the inclusion of differences and the quality of education to make the full enjoyment of this right effective. In recent decades, great efforts have been made in Mexico to ensure access to education, improve its quality, extend the years of compulsory education, increase its coverage, fight school dropout, upgrade the infrastructure, design new curricula and train teachers, among other things. However, major problems persist to make the education to which everyone has a right to be a quality education, based on the respect of differences, the freedom of people and a plurality of educational possibilities that reflects the diversity of people, aspirations and projects (INEE, 2019). The opposite of equality is inequality, not social diversity.

Inclusion vs. exclusion: a dilemma between objectives and educational inequalities

The terms 'poverty', 'inequality' and 'exclusion' are revealing of a serious problem in contemporary societies, and they become clearly manifest in the realm of education. They have become commonplace in the political, academic and media discourse as the "breakage of links" that puts social cohesion in question. 'Rights', 'development', 'equality' and 'inclusion' are some of the words that express, to the contrary, the intention and the public objectives to revert and solve these social issues. But these structural phenomena are not limited to the dimension of the economy: it is necessary to include in the debate, the studies, the public policy design and the educational processes themselves other cultural, educational, social, political and even identity factors that are decisive to understand the reality and be able to transform it. After admitting that social inequalities and imbalances are also culturally produced, new conceptual knots and problematic practices arise in the current educational scenarios and policies that must be considered when addressing the link between the rights to education and non-discrimination. Among them, and especially, is the growing inclusion/exclusion tension between the human rights being asserted (recognition, deepening and/or extension) and the forces in the economy that prevail, do not decrease, and tend towards exclusion.

In this respect, Autés points out that "exclusion is a name given to the misfortunes of our times, which damage the articulations between the different spheres of social life, between different universes, between the different worlds" and appears as an "imaginary of social fall".

In short, 'exclusion' refers to a breakage between the economic and the political spheres that takes place in the symbolic one, and its result is the inability to produce meaning and subjects or actors. In this context, "inclusion" appears as a new management category that responds to this evil (exclusion) and penetrates public policies, creating complex problems for the State (Autés, 2004: 17 and 24). One of the risks pointed out by the author and worth reflecting on is the pretense of classifying or categorizing the population, which is already heterogeneous, and giving rise to legitimized and stigmatizing statutes ("the poor", "the disabled", "the women", "the minors", "the migrants" or "the indigenous people", etc.) in order to be able to deal with diversity and manage from the public power the differences it may find unbearable.

Exclusions are forms of direct or indirect discrimination, intentional or by neglect, personal or institutional, situated or multiple, regulated by laws and/or normalized and legitimized through cultural practices. Nevertheless, Castel refuses to call all forms of social imbalance 'exclusion' and warns about a careless, even dangerous, use of this notion that characterizes certain populations that are or have been on the margins of society, thus naming a multiplicity of diverse situations whose specificity becomes diluted, making more penetrating analysis of the different situations of people impossible and resulting in "dealing separately with certain borderline situations that only acquire meaning when they are inserted in certain processes. The 'excluded' are the result of histories, all of them different. No one is born excluded: one *is* excluded" (Castel, 2004: 57).

In this view, generic references to exclusion and inequality of treatment in education may become a trap for the thinking on and the analysis of reality, giving rise to interim and focalized insertion or inclusion policies that help or may be used to cover up a false understanding of these social phenomena. It is not about dispensing with these policies that respond to groups of the population characterized by a specific problem or shortage and given a special status – which seems necessary – but about warning of the risks and preventing them from increasing or leading to new forms of discrimination.

One of the risks is, according to Castel (2004), to invisibilize or be unaware of the profile and circumstances of the "new publics in trouble" and their irreducible differences from the groups that, for the time being, are part of the typology of the population discriminated against.⁶ Another present risk is that, insofar as the special social treatment stigmatizes the populations involved, other forms of discrimination may be generated based on the labels officially given to certain social groups, even if the purpose of the policies is their inclusion (Castel, 2004: 69). On

⁶ About exclusion, Castel believes that the measures taken to eradicate it fulfill the function of a more general social policy, with preventive and not just repairing goals. "It seems easier and more realistic to intervene on the relatively limited problems posed by the 'excluded' [...] than to control or try to control the processes that led to that exclusion. Attending to the consequences of these processes – that is, attending to the excluded – mobilizes mostly technical responses (albeit not easily found), but controlling the process would demand a political treatment, in the sense of the global policy" (Castel, 2004: 61).

the other hand, it is necessary to avoid situations of “permanently inserted” people who never become integrated and are then stigmatized, and taking into account the fact that a number of people are temporarily excluded, but around whom mechanisms are deployed that are, however, permanent or of indefinite duration.⁷

However, the current paradigm of development in the Latin American region, based on human rights, requires generating new policies that contribute to support and build conditions to overcome social inequalities and structural discrimination. CEPAL (2018) underscored the potential of the concept of inclusion for the design of public policies aimed at social development, since it helps to address the effects of social exclusion as an interlinked phenomenon, gives more depth to the design and implementation of actions seeking to improve people’s quality of life, and engages the institutions.

The notion of inclusion is featured in debates on social development, and it is highlighted in the Agenda 2030 for Sustainable Development. It is a multidimensional concept that involves several realms of action (social, economic, labor, and educational, among others) and whose scope and potential have not been clearly defined. CEPAL (2018) defined inclusion as

The fulfillment of rights, participation in social life, access to education, health and care, as well as the basic services of infrastructure, and the availability of material resources such as housing and income. It involves a process of improvement of the economic, social, cultural and political conditions for the full participation of people in society, which has both objective dimensions and perceptions (CEPAL, 2018: 16-17).

Other international organizations define social inclusion as the process of improving ways of participation in society, especially those of people disadvantaged for reasons of age, sex, disability, race, ethnicity, origin, religion or socioeconomic status through better opportunities, access to resources, expression of their voice and respect for their rights.

Indeed, inclusion in education is one of the main issues in the current debate on education. Its horizon of reference has been gradually widened: at first, inclusion referred to compulsory education for people with disabilities; now it encompasses all levels of education, including higher education, and the groups that for different reasons are at risk of any kind of exclusion (Dovigo, 2014). Consequently, inclusive education seeks to eliminate all excluding processes ex-

⁷ On the same line of thought, Dovigo (2014) argues that the thinking based on labeling is an obstacle to understand the difficulties that students, including the so-called “normal” students, experience throughout their education. The problem lies in the traditional tendency of educational institutions to acknowledge and understand problematic situations only in terms of their classification in a particular category, such as “disability”, “behavioral disorder”, “difficulties in learning”, “cultural origins” or others, which leads to a reductionist view, makes it more difficult to respond to situations with multiple difficulties, and prevents them from identifying needs not classifiable in the existing typologies because they are new, separate or atypical.

pressed in responses towards the different, the alien other, and is justified as a project of broad struggle against failure and exclusion, a cultural change in current and future schooling, a political commitment for a more fair world (Azorín, 2017). Also, based on the principle of education for all, it is believed that *a*) invigorating inclusive processes may be the most efficient means to fight discriminatory and excluding practices and attitudes; *b*) the restructuring of educational institutions is needed to guarantee proper attention to all the students, and *c*) exclusion from school is often a prelude to other stories of exclusion (Gairín & Suárez, 2014).

Inclusive education faces great challenges, among them the institutional exclusion that rests on regulations, rituals, specialized apparatuses and procedures, and the fact that it always appears in a justified and legitimized fashion, which does not mean that it is fair, ethically acceptable or politically defensible. From this standpoint, exclusion is rationalized by mental schemes and consolidated by administrative, institutional and juridical mechanisms, not to forget that it is the State who holds the official and dominant viewpoint (Castel, 2004: 82).

Establishing and disseminating a clear and unequivocal discourse that rejects any kind of discrimination is controversial and generates resistance. According to Aguilar Villanueva (2005: 17), "in the realm of human rights, and specifically of equality and non-discrimination, what is needed is a State that is active, committed, a promoter and a facilitator, not an abstaining State that avoids dealing with the social facts of inequality or a 'police State' that intervenes only when notorious and intolerable violations must be punished". In this respect, what is required is a general directive that reflects the priority and the political willingness of governments to modify a discriminatory reality, i.e., public policies that enable the State to guarantee human rights by linking short-term social needs to a medium and long term political vision in order to eliminate inequities (Aguilar Villanueva, 1993).

In short, focusing on human rights demands a model of State that is not neutral nor blinded to difference; to the contrary, from its "function of effective protection", it cannot remain inactive and must take egalitarian measures to protect the groups of population who are disadvantaged in the exercise of their rights. As Amabrovich (2009: 8) argues, "human rights lead the State to take responsibility, but say nothing about how States should guarantee these rights".

Final considerations

Education is a sociocultural phenomenon crisscrossed by multiple structural determinations that expresses the relationships that take place in the whole of life in society and gives rise to a specific field of study and action. Addressing it as a right opens up possibilities to generate new meanings about the relationship between education, State and society, educational policies, and the obligations of public power to ensure the full enjoyment of the right to education for everyone (Ruiz, 2012).

From the different social sciences and analytic perspectives that have worked with and think about the phenomenon of education (history, philosophy, anthropology, sociology, economy, law, psychology, pedagogy and political science), but especially from recent specific studies that address it from an anti-discriminatory perspective, it seems necessary to believe genuinely that education has a value in itself, beyond schooling (formal education), but also analyzing the central role played by schooling in the educational histories of people and its social outcomes. It is essential to consider the strong links between the educational system and other educational modalities, both traditional (families and communities) and neither formal nor traditional (communication technologies and the media), that socialize and educate people throughout their lives and may take into account the diversity of student and educational processes to become part of the inclusive development of societies.

The causes of inequalities are generally searched for in the different resources and capabilities that people have, in the relationships between them, and in social structures. Although each perspective sheds light on an aspect of the phenomenon of social inequality, it is necessary to combine them and to incorporate new elements in order to have a multidimensional framework that, besides analyzing economic variables, identifies the political, social and cultural factors that intervene, and considers the different types of inequalities (racial, ethnical, of age, gender, class, gender identity, beliefs, etc.) supported by discriminatory prejudice, stereotypes and stigmas (Reygadas, 2004). The goal is to explore the relationships between the right to not be discriminated against and the whole of human rights, especially in the analysis of their contents and scopes, given their close interdependence. Understanding the relationships between human rights from an anti-discriminatory perspective as well as their junctures with and between social issues opens up a field of reflection and action for public policies.

When legally safeguarded, human rights generate opportunities to act and demand from public power equal and effective conditions to fulfill them and achieve new rights. In this respect, the struggle for a right serves as a starting point to conquer others, and once recognized these rights not only protect but also empower citizens. However, we must constantly be alert to the risk that the language of human rights becomes a distraction from attending thoroughly to the problems derived from inequalities and leaving the organization of power and economy untouched. The goal is to go beyond mere political correctness or being rhetorically "right", and preventing them from overshadowing the stereotypes and prejudice that nourish discriminatory practices (personal, social and institutional), concealing the system of privilege that does not allow for the effective exercise of the rights of all the people in conditions of equality. We have seen that constitutional norms have been modified many times to modernize them and add to the list of rights, among them the right not to be discriminated against, but we also notice that the established political and economic order is preserved.

Faced with the wide gap between norms and their concretion, between rights recognized and their actual conditions of effectiveness, it becomes evident that it is not enough to have legislation that, although necessary, has merely symbolic value and may generate or force to make institutional changes, which are not sufficient. It is necessary to work in the realm of conviction and in the cultural dimension through education to make deep transformations and strengthen an inclusive, democratic culture. Specifically, educational policies aimed at the construction of individuals with the capability for agency in a context of exercise and demandability of rights becomes crucial.

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