

**RIGHT TO EDUCATION IN ARGENTINA, BRAZIL AND MEXICO:  
BETWEEN REGULATION AND PRACTICE**

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**Abstract**

This paper examines the right to education in Argentina, Brazil, and Mexico, offering a comparative analysis of its regulation and practice. The study investigates how the right to education has materialized in their national legislation. Similarly, analyzes data on access to school and quality of education. This qualitative research uses the methodological approach of comparative analysis, through documentary and bibliographic analysis. By examining the educational regulations and data of these three Latin American countries, the study provides an understanding of the particularities and similarities between them. Among the particularities, the large data gap to support public educational policies in Argentina; the strong educational decentralization and the need for coordination of the various education systems in Brazil; and the recent reduction in funding for early childhood education in Mexico. Among the similarities, the challenge of ensuring access to compulsory education for all, in addition to the strong educational inequalities between students.

**Keywords**

Argentina; Brazil; Mexico; Comparative analysis; Education; Educational Data; Educational Legislation.

## **1. Introduction**

This paper examines the right to education in Argentina, Brazil, and Mexico, offering a comparative analysis of its regulation and practice. The study investigates how the right to education internationally provided for in various documents to which these countries are signatories has materialized in their national legislation, specifically in their constitutions and in their main educational laws. Similarly, analyzes data on access to school and quality of education, to observe elements of the reality. Its specific objectives, thus, include critically assess the legal frameworks governing the right to education in these countries; and identify the current situation of access and quality of education in each one of them.

The document is structured in six parts, followed by the references. This first part presents the objectives of the study. The second part is dedicated to reviewing the literature on the right to education and its challenges in Latin America, with a focus on Argentina, Brazil and Mexico. The third part details the methodology adopted by the study. The fourth part analyzes the cases of Argentina, Brazil and Mexico, based on the legislation and data. The fifth part presents the comparative analysis of the three countries. The sixth part, finally, brings the conclusions of the study.

## **2. Education in Latin America**

The right to education is expressed in a series of international agreements, which are reflected in national, regional and local legislation around the world. The Universal Declaration of Human Rights, adopted by the United Nations (UN) in 1948, was a landmark in this regard. In its article 26, it establishes that everyone has the right to education. This right was reaffirmed, among other documents, in the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, in 1960; in the International Covenant on Economic, Social and Cultural Rights, in 1966; in the Convention on the Elimination of All Forms of Discrimination against Women, in 1981; in the Convention on the Rights of the Child, in 1989; and in the Convention on the Rights of Persons with Disabilities, in 2006.

In the field of education, it is important to mention the World Conference on Education for All, that took place in Jomtien, in 1990. The Conference participants adopted the World Declaration on Education for All and a Framework for Action: Meeting Basic Learning Needs. The Declaration emphasized not only the issue of access to basic education, but also the quality of education and actual learning outcomes. Ten years later, during the World Education Forum, that happened in Dakar, in 2000, participants adopted the Dakar Framework for Action. The collective commitment was to achieve the goals and targets of Education for All by 2015.

It is worth to reference that in 2000, building upon a decade of major United Nations conferences, world leaders adopted the United Nations Millennium Declaration, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of targets to be achieved by 2015. They have become known as the Millennium Development Goals (MDGs).

Goal 2 was to achieve universal primary education, with the specific target to “ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling”. The Millennium Development Goals Report 2015 presented as key facts, among others, that: “enrolment in primary education in developing regions reached 91 per cent in 2015, up from 83 per cent in 2000”, and that “in 2015, 57 million children of primary school age were out of school” (United Nations 2015a, 24). The Regional Backgrounder on Latin America, in turn, found that there has been advances in expanding access to primary education, “with the adjusted net enrolment rate growing from 87 per cent in 1990 to 94 per cent in 2015” (United Nations 2015b).

In 2015, all the United Nations Member States adopted the 2030 Agenda for Sustainable Development. This agenda is composed of 17 Sustainable Development Goals (SDGs). The Goal 4 is to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Reports on their partial development around the world were released in 2024. Among other findings, the Sustainable Development Goals Report 2024 stated that universal pre-primary education is hindered by inadequate legal guarantees and financial barriers, which impacts on participation rates, and global upper secondary school completion growth slows (United Nations 2024).

The 2030 Agenda in Latin America and the Caribbean’s Regional Knowledge Management Platform brings relevant information about the challenges and opportunities for the implementation, follow-up and review of SDG 4 and its targets. It brings key messages, as for instance that it is crucial to strengthen education from early childhood onward, observing the criteria of access and service quality, and taking into account territorial inequalities and needs.

However, there is a long way to go between declarations of intent and their materialization in the reality of the countries. The challenges to ensure the right to education in Latin America are still immense, as data demonstrate. Huepe (2024) presents rates of out-of-school children in primary, lower secondary, and upper secondary education in 17 countries of Latin America and the Caribbean, including Argentina, Brazil and Mexico. The analysis of rates of out-of-school children in primary education shows that “a favorable evolution is observed between 2015 and 2019, with countries reaching this last year, on average, an out-of-school rate of 3.5% (...). The reduction recorded reaches 0.4 percentage points, equivalent to 15% of the level observed in 2015” (Huepe 2024, 39). Rate analysis of out-of-school adolescent in lower secondary education, by its turn, indicates that “on average, for all countries analyzed, the rate (...) fell from 7.2% to 5.3% between 2015 and 2019” (40). Finally, rate analysis of out-of-school adolescents in upper secondary education expresses that there has also been progress at this stage, but the challenges are even greater. In summary, “the simple average of the out-of-school adolescent rate in 2015 reached 25.7% and fell to 20.2% in 2019, representing a drop of 5.5 percentage points in 5 years (1.4 points of average annual reduction)” (40).

As can be seen from these brief considerations on education in Latin America, the right to education for children and young people is facing challenges. This is why there have been so many educational reforms in these countries, many of them covering similar themes (Rivas et. al. 2020).

### **3. Methodology**

This is a qualitative study that uses the methodological approach of comparative analysis, through documentary and bibliographic analysis.

Qualitative research seeks, among other purposes, an in-depth understanding of the phenomena studied, based on consideration of the complexity and diversity of different social, cultural and individual contexts. Among its main foundations “are the search for a contextualized understanding of phenomena, the valuing of subjectivity and diversity of perspectives, and the emphasis on the flexibility and adaptability of the research process” (Guerra et al. 2024, 3).

Comparative analysis, by its turn, allows to compare multiple units of study for the purpose of scientific discovery and for informing policy decisions (Blair-Walcott 2023). It has been applied to study places, systems, times, races, class, gender, cultures, policies, values, curricula, pedagogical innovations, ways of learning, and educational achievements (Bray et al. 2014).

As stated in the introduction, this paper examines the theme of the right to education in Argentina, Brazil, and Mexico. The study investigates how this right is expressed in their national legislations and practices. The first specific objective is to critically assess the legal frameworks governing the right to education in these countries. The second, to identify the current situation of access and quality of education in each one of them.

To achieve these objectives, documentary and bibliographic analysis were used, and the following activities developed: research and analysis of the main educational laws in Argentina, Brazil and Mexico, at the national level, that guarantee the right to education in these countries; and research and analysis of educational data in the same countries, particularly those related to access and quality of education.

The normative framework of a country's education, although it does not in itself exhaust the whole picture of educational experiences in that territory, is an important benchmark to be considered when we want to reflect on reality and eventually propose ways forward.

It is important to bear in mind, however, that the scope of this study does not intend to cover the entire legal framework for education in Argentina, Brazil and Mexico. The aim is, based on specific dimensions, to identify the extent to which the main normative documents of the countries under analysis have already established conditions which, if applied, could make it feasible for all individuals, especially those from marginalized and vulnerable populations, to have equal access to quality education. These categories will include guaranteeing the right to education, the structure and functioning of education, educational funding and the quality of education.

Whenever possible, these dimensions will also be understood on the basis of the data available for each of the countries under analysis. Therefore, it is also important to consider aspects relating to whether what is laid down in the regulations under analysis has been materialized, based on data available in these countries and those made available by various international organizations.

## **4. Education in Argentina, Brazil and Mexico**

### **4.1. The case of Argentina**

#### **4.1.1. Normative horizon**

The National Constitution of the Argentine Nation of 1853 addresses education in Articles 14 and 75. The universal right to education is provided for in Article 14, which states that the right to teach and learn is the prerogative of all inhabitants of that country. In this context, it is also worth mentioning the provision, in item 17 of Article 75, of the right of Argentina's indigenous peoples to intercultural bilingual education (Article 75, item 17).

The guidelines set out in Argentina's Magna Carta have been regulated by Law 26.206 of December 29, 2006 (LEN) and a series of other federal regulations.

According to Article 2 of the aforementioned LEN, education and knowledge are a public good and a personal and social right, guaranteed by the State. Article 3 reiterates this perspective, establishing that education is a national priority and constitutes a state policy, aiming to build a fair society, reaffirming sovereignty and national identity, deepening the exercise of democratic citizenship, respecting human rights and fundamental freedoms, as well as strengthening the economic and social development of the Nation.

The Law 26.061 of October 28, 2005 (Law on the Comprehensive Protection of the Rights of Children and Adolescents) establishes, among the rights of this population, free public education, in all state services, levels and special regimes, in accordance with the legal system in force (Article 16), in addition to defining a series of parameters to guarantee the right to education (Article 15), as for instance "the right to access and remain in an educational establishment near their residence" (Article 14).

In terms of structure and operation, Argentine education is organized, according to Article 14 of the LEN, on the basis of a backbone called the National Educational System, which is defined as "the organized set of educational services and actions regulated by the State that enable the exercise of the right to education". This System, according to the law in question, consists of four levels of education, with mandatory enrollment from 4 to 17 years of age: initial education (from 45 days of life to the age of 5); primary education (from 6 to 11 years old); secondary education (from 12 to 17 years old); and higher education.

In addition to these four levels, the National Educational System also comprises eight educational modalities (Article 17), defined in the provision as organizational and/or curricular options for common education, within one or more educational levels. These modalities, without prejudice to others the specific educational jurisdictions deem pertinent, are as follows (Article 17): Technical-Vocational Education; Artistic Education; Special Education; Youth and Adult Continuing Education; Rural Education; Bilingual Intercultural Education; Education in Contexts of Deprivation of Liberty; and Home and Hospital Education.

It also should be pointed out, in terms of the structure and functioning of education in Argentina, that according to Article 6 of the LEN, those responsible for educational actions in the country are: the National State, the provinces and the city of Buenos Aires; the municipalities;

officially recognized religions and social organizations; and the family, understood as the natural and primary agent of education.

Responsibility for funding Argentina's national educational system, in turn, lies with the State (Article 9). It should be mentioned, in this context, the relevance of Law 26.075 of January 9, 2006, which was accepted by the LEN and makes express mention of it, providing that the resources allocated exclusively to public basic education by the National State, the provinces and the city of Buenos Aires cannot be less than 6% of the Gross Domestic Product (GDP).

Articles 4 and 5 of Law 26.075 of January 9, 2006, set annual targets for increasing consolidated spending on education, science and technology. These provisions also refer to the respective increases that the national government, the provinces and the city of Buenos Aires must make in terms of investment in education in order to achieve these targets.

Article 14 of this law establishes that certain criteria must be taken into account when distributing resources earmarked for educational systems. In summary, this provision is concerned with linking investment in education not only to the financial capacity and effort of each province, but also to items that are closely related to the quality of education, such as age-grade distortion, failure and dropout rates.

This aspect related to the pursuit of quality standards in education is present in the Constitution (Articles 14 and 75.19) and in various other norms and different provisions of Argentine educational legislation. The LEN, for example, establishes (Article 11), among the aims and objectives of national policy, the guarantee of quality education with equal opportunities and possibilities, without regional imbalances or social inequalities (paragraph "a") and the guarantee of comprehensive education, which develops all dimensions of the person and enables both social and work performance and access to higher education (paragraph "b").

Article 16 of the same provision also addresses the issue, determining that the Ministry of Education, Science and Technology, as well as the competent legal authorities shall ensure compliance with "compulsory education through institutional, pedagogical and rights promotion alternatives, which are adjusted to local and community, urban and rural needs, through actions that allow achieving results of equivalent quality throughout the country and in all social situations."

#### **4.1.2. Data horizon**

According to data from the "Educational Statistical Yearbook 2023", released by the Secretariat of Educational Information and Evaluation, of the Ministry of Human Capital of Argentina, there are 11,524,435 students enrolled in the country, distributed in around 50 thousand schools, of which 1,663,674 students are in early education; 4,523,553 in primary education and 4,336,839 in secondary education. The number also includes higher education, where there are 991,369 students. There are around 811 thousand teaching jobs in the country (Argentina, Anuarios Estadísticos Educativos 2023).

As in the other target countries of this article, in Argentina the issue of poverty is linked to that of education, according to the 2023 edition of the "Continuous Household Survey" (EPH), from

the National Institute of Statistics and Census (INDEC), which showed that 58.4% of children and adolescents between 0 and 14 years old in Argentina are living in poverty (Argentina, INDEC), which has a very negative impact on the educational access of this most vulnerable public to the educational rights provided for in the country's legislation.

This EPH finding was highlighted in the 2024 publication “Agreement for Education”, by the organization “Argentines for Education”, which also noted the regional disparities across the country in relation to 6th grade students finishing school at the right age: Jujuy (99.3%), Neuquén (99.2%) and Córdoba (98.7%) have the highest percentages, while San Juan (77.5%), Corrientes (78%) and Misiones (82.2%) have the lowest rates.

With regard to secondary education, the situation is more complicated, since, according to the same document, out of every 100 students who started the first year in 2011, only 61 managed to reach the final year of secondary level in 2022. Although there has been an improvement compared to the period between 2009 and 2020, when the percentage of students who made it through school without any impeding events was only 53%, it is important to note that in this case too, the disparity between provinces and within provinces is usually associated with the socio-economic level of the students, i.e., in any province, poorer students are more vulnerable to school dropout mechanisms.

The issue of learning is, according to the aforementioned “Agreements for Education”, an additional challenge for Argentina. In the 2019 UNESCO Regional Comparative and Explanatory Study (ERCE), 46% of students in the third year of primary school are at level I in Reading, that is, they are unable to locate the information presented and make inferences based on that information. In this case also the issue of inequalities comes to the fore: Argentinian students in the most favored socioeconomic tercile manage to score higher than the country's average, achieving scores similar to those in the middle tercile of the best-performing countries in the region, such as Peru (761), Brazil (746) and Costa Rica (746).

In addition to these data showing the dimensions of education in Argentina, it is also important to bring, to the scope of this study, some findings that can contribute to understanding the scenario of Argentine education today. In order to do this, we will look at the evidence provided in the annual publication called “Education at a Glance” (EaG). The first of these relates to the issue of spending: between 2015 and 2021, Argentina's spending on public education, as a proportion of GDP, fell from 5.2% to 4%, in contrast to other countries (OECD 2024).

A second interesting piece of information about Argentina brought by EaG refers to the following: although coverage rates in the country are very broad, with almost universal attendance of children in primary education and relevant advances in early childhood education and secondary education, older women (55-64 years old) are on average more educated than younger ones (25-34 years old), a factor that differs from all other countries analyzed by EaG, where younger women tend to be more educated than older ones.



## **4.2. The case of Brazil**

### **4.2.1. Normative horizon**

The Constitution of the Federative Republic of Brazil mentions education in the list of social rights in Article 6 and details the topic in Articles 205 to 214. Article 205 reiterates this guideline, by establishing that “education, a right of all and a duty of the State and the family, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, their preparation for the exercise of citizenship and qualification for work”.

Article 206 also lists, among the principles that govern education in Brazil, free education in official establishments (section IV) and the guarantee of the right to education and lifelong learning (section IX). Article 208, in turn, provides that the State's duty with education must be carried out through the guarantee of free and compulsory basic education from 4 to 17 years of age, including the provision, also free of charge, for all those who did not have access to it at the proper age.

The Law 9.394 of December 20, 1996 (Law of Guidelines and Bases of National Education – LDB) is a fundamental norm for Brazilian education, as it details the contours outlined by the 1988 Charter and therefore dialogues with it, by reaffirming, in various provisions, the constitutional mandates, among which is that of education understood as an inalienable right of all, without exception.

In this sense, Article 5 of the aforementioned law reiterates paragraph 1 of Article 208 of the Federal Constitution, by determining that access to compulsory basic education is a subjective public right, that is, that any citizen, group of citizens, community association, trade union organization, class entity or other legally constituted entity, and also the Public Prosecutor's Office can take action against the public authorities to demand it.

Still in the Federal Constitution, it is also worth mentioning item VII of Article 211, which establishes, among the State's duties with regard to education, the guarantee of supplementary programs for teaching materials, transportation, food and health care, which enable the most vulnerable to receive assistance that creates the conditions for learning, without limitations related to the social starting point implying inequality in access to the right to education.

In Brazil, the issue of rights is intertwined in the country with that of guaranteeing quality standards, which is also one of the principles of education in this country (Article 206, item VII of the CF). In order to guarantee this minimum quality standard, as well as equalizing educational opportunities, the Union, according to paragraph 1 of Article 211, must exercise a supplementary and redistributive function in relation to other federated entities (States, Federal District and Municipalities), through technical and financial assistance.

In this sense, Constitutional Amendment (EC) number 108 of 2020 was a major milestone for Brazilian education, since, among other high-impact changes on national public education, which we will present later, it included paragraph 7 to Article 210 of the Federal Constitution to provide that the minimum quality standard should take into account the conditions of supply and have as reference the so-called Quality Student Cost (CAQ). The provision also states that the definition of these parameters should be carried out through a collaboration system, in accordance

with a complementary law which, it should be noted, more than 4 years after the approval of the aforementioned Amendment, is still not part of the Brazilian regulatory framework.

Still in relation to the issue of quality of education, it is worth noting the recent approval of Law 14.333 of May 4, 2022, which in line with the CAQ provision in the Constitution, changed the wording of section IX of Article 4 of the LDB, to provide, among the State's duties towards public school education, that of guaranteeing “minimum standards of education quality, defined as the minimum variety and quantity, per student, of inputs essential to the development of the teaching-learning process, appropriate to the age and specific needs of each student, including the provision of suitable furniture, equipment and teaching materials”.

Brazil structures its education systems in two levels (Article 21 of the LDB): basic education and higher education. Basic education is divided into three stages: early childhood education (0 to 3 years of age in daycare centers; 4 to 5 years of age in preschools), primary education (initial and final years) and secondary education. In addition to the levels and stages, the LDB provides for and details specific modalities: youth and adult education; special education; professional and technological education; rural education; indigenous school education; quilombola communities school education; and distance education.

Article 211 of the CF also establishes that the organization of the respective education systems must be carried out in collaboration between the Union, the States, the Federal District and the Municipalities. The Federal Government is responsible (Paragraph 1 of Article 211) for organizing the federal education system and that of the Territories, financing federal public educational institutions and exercising a redistributive and supplementary role in educational matters in relation to sub-federated entities. Paragraph 2 of the same provision states that Municipalities should give priority to early childhood education and primary education. States and the Federal District, in turn (Paragraph 3), shall act mainly in primary and secondary education.

The way in which these different federated entities should carry out their tasks and competencies, within the specific scope of action of each territory, while acting collaboratively with other entities, is outlined in Article 214 of the Federal Constitution, which deals with the National Education Plan (PNE) and the National Education System (SNE), which has not yet been regulated in the country.

According to Brazilian standards, inter-federative action in a cooperation model must also take place in the field of educational funding. According to Article 212 of the Constitution, the Federal Government must invest no less than 18% of its tax revenue, including revenue from transfers, in the maintenance and development of education per year. States, the Federal District and municipalities, in turn, must spend at least 25% of these revenues on education.

Most of these resources is organized in a set of 27 funds, called Fund for the Maintenance and Development of Education and the Valorization of Education Professionals (FUNDEB), based on a logic defined in Article 212-A of the Constitution and regulated in Law 14.113, of December 25, 2020. This Article was included in the Federal Constitution by the aforementioned EC No. 108 of 2020. As of that Amendment, FUNDEB, which since 1996 has been, with modifications over

time, the main mechanism for funding public basic education in the country, became permanent. In addition to this important aspect, one of the most significant changes brought about by the so-called New FUNDEB concerns the increase in the Union's complementation to those federated entities that do not reach a certain amount per student. Thus, as of 2021, the Union's supplement was increased (item V of Article 212-A), gradually until 2026, from 10% to 23% of the total basket of resources for each state (or each municipality, in the case of the annual value per student). To get an idea of the impact of this increase on the national public education budget, it is enough to say that, while in 2020 this supplement amounted to 15.6 billion (in Brazilian Real), in 2024 these resources could reach around 45.8 billion (Estimate available in Interministerial Decree Number 1 of March 23, 2024).

The country is therefore experiencing a key moment in terms of investment in basic education, with the possibility of boosting infrastructure, increasing the salary floor for education professionals and therefore increasing the quality of education on offer. This movement is in line with and will probably contribute to achieving Goal 20 of the PNE, which establishes the need to increase public investment in public education in order to reach 10% of GDP by the end of the decade (currently, this investment is 5%).

#### **4.2.2. Data horizon**

According to the Basic Education School Census – 2023, by Anísio Teixeira National Institute of Educational Studies and Research (INEP), there were 47.3 million enrolments in basic education in Brazil in 2023. Of this total, around 9.5 million were in early childhood education; 26.1 million in primary education and 7.7 million in secondary education (Brasil, INEP 2024a). Other enrollments include students in professional and technological education, youth and adult education and special education. It is worth noting that, in relation to youth and adult education, the number of enrolments fell by 20.9% between 2019 and 2023, reaching 2.6 million people.

There are 178,000 basic education schools in the country. Almost 1/3 of these schools are run by municipal authorities, which are also the ones where there are fewer technological resources available to students, such as desktop computers (39.6%) and internet access (36.7%). Still according to the aforementioned Census, in 2023 there were 2.4 million teachers working in basic education in Brazil, with emphasis on primary education, which concentrates 60.3% of them (1,419,918 teachers).

In the case of Brazil, as we pointed out, an important set of educational data is compiled in INEP's "Report on the 5th Cycle of Monitoring the Goals of the National Education Plan - 2024". There are 56 indicators, from which data and information were gathered for each of the PNE Goals, in all the country's educational stages and modalities.

In relation to Goal 1 of the PNE, for example, which seeks to universalize early childhood education for children aged 4 to 5 years old by 2016 and expand the supply of early childhood education in daycare centers so as to serve at least 50% of children up to 3 years old by 2024. The

percentages achieved were, respectively, 93% (down 1 p.p. on the previous evaluation cycle) and 37.3% (Brasil, INEP 2024b).

Goals 2 and 3 seek to universalize access to primary (6 to 14 years old) and secondary (15 to 17 years old) education, respectively. According to the same report, the percentage of the population aged 6 to 14 who attended or completed primary education was 95.7% in 2023. The percentage of the population aged 15 to 17 who attended or completed basic education was 94% in the same year (Brasil, INEP 2024b).

Goal 7 of the PNE deals with promoting the quality of basic education in all stages and modalities, with improved school flow and learning, in order to achieve certain national averages for the Basic Education Development Index (IDEB) in 2021, namely: 6 for the initial years of primary school; 5.5 for final years and 5.2 for secondary education. According to the 2023 data, the target average for the initial years was achieved. The average for secondary education, however, was still far from the target (4.3 in 2023), and the average for the final years of primary education fell between 2021 and 2023, from 5.1 to 4.7.

Regarding education financing, the publication “Education at a Glance 2024” shows that the average annual government expenditure per student in public primary institutions in Brazil is 3,668 dollars compared to an average of 11,914 dollars in OECD countries. In this country, government spending per student in public institutions is 3,745 dollars at lower secondary level (compared to an OECD average of 13,260) and 4,058 dollars at upper secondary level (compared to an OECD average of 12,713).

### **4.3. The case of Mexico**

#### **4.3.1. Normative horizon**

The Political Constitution of the United States of Mexico of 1917 contains three articles that make direct reference to education (Articles 3, 31 and 73), especially Article 3. Regarding the right to education, the Mexican Charter is quite precise, stating in Article 3 that “every person has the right to education” and that education, the responsibility of the State, must be mandatory, universal, inclusive, public, free and secular.

The guiding criterion for education in the country includes, among others, the assumption of equity (Article 3, item II, paragraph “e”), defined from the perspective that the State implements measures that favor the full exercise of the right to education and combat socioeconomic, regional and gender inequalities in access to and permanence in educational services, guaranteeing socially vulnerable students the establishment of inclusive and transversal policies. It is important to record the mention made of adult education and indigenous education, which in the country has been, since the promulgation of the Constitution, a matter of considerable consideration in Mexican educational standards, as is well summarized in the following excerpt, from the same paragraph “e” of item II of Article 3: “plurilingual and intercultural education based on respect, promotion and preservation of historical and cultural heritage will be imparted to indigenous people and communities”.

Article 5 of the General Education Law of July 13, 1993, is also worth mentioning, as it states that everyone has the right to education, which is a means of acquiring, updating, supplementing and expanding knowledge, skills and attitudes that enable individuals to achieve their personal and professional development. The same provision also states that such development will contribute to their well-being and to the transformation and improvement of the society of which they are a part.

The General Law on the Rights of Children and Adolescents of December 4, 2014, also reiterates the Constitution, by including education among the rights of children and adolescents (Article 13, item XI). Article 57 lists, among the strategies to guarantee quality education and substantive equality, the adoption of measures aimed at the full exercise of the right to education (section I) and the establishment of measures to guarantee the quality of compulsory public education (section II).

In terms of structure and functioning of education, basic education (Article 37 of the LGE) in Mexico, which is compulsory from the age of 3 to 14, is made up of the following levels: initial (0 to 2 years old), pre-school, primary and secondary.

Educational services available in the Country are the following: initial school and non-school education; general, indigenous and community pre-school education; general and community primary education; general, technical, community secondary education and other authorized regional modalities; secondary education for workers; and “telesecondary” (technology-mediated teaching”).

Article 37 also includes institutions for special education in the Mexican educational structure, mentioning in particular the Multiple Attention Centers.

Once basic education is over, students go on to upper secondary education (Article. 44), which is also compulsory in Mexico from the age of 15 to 17. Upper secondary education comprises bachelor's degree, technical-professional bachelor's degree and professional education levels (without a bachelor's degree requirement).

Educational services linked to higher secondary education are listed in Article 45 of the LGE. These include, for example, distance higher secondary education, the artistic bachelor's degree, the community tele-bachelor's degree and the intercultural bachelor's degree.

The duties of education authorities are established under federative logic. Thus, there are specific responsibilities for each of the federated entities. It is exclusively the responsibility of the federal authority (Article 113), for example, planning and programming the National Educational System (item I); establishing a school calendar for basic education, applicable throughout Mexico (section III); and authorizing the use of textbooks for primary and secondary education (section V).

Only local authorities (Article 114) are responsible, for example, within their jurisdiction, for providing basic education educational services (including indigenous and special education, as well as normal education and other teacher training courses (item I).

In addition to these attributions, according to Article 115, the federal entities can also act concurrently to provide educational services not listed in the aforementioned provisions.

Article 118 of the LGE makes mention of the National Council of Educational Authorities, whose main objective is to agree on actions and strategies to guarantee the right to education, as well as compliance with the purposes and criteria of education established in the country's regulations. The aforementioned Council will be chaired by the Secretariat, which will propose general guidelines for its operation.

In relation to educational funding, the LGE establishes, in Article 119, that the financing of public education and educational services is the responsibility of the government of each federative entity. The annual amount of funds to be directed to education must be at least 8% of GDP, and spending on higher education, scientific and humanities research, technological development and innovation in public higher education institutions shall constitute at least 1% of this amount.

The General Education Law also provides for the federal government to finance, on a supplementary basis, basic education and normal education for other federated entities (Article 125).

When it comes to funding Mexican education, one cannot fail to mention the Fiscal Coordination Law, which regulates three important funds for financing basic education: the "Contribution Fund for Educational Payroll and Operating Expenses"; the "Multiple Contributions Fund"; and the "Contribution Fund for Technological and Adult Education".

Article 28 of the same Coordination Law provides for meetings to be held at least annually to analyze alternatives and proposals that promote greater equity and encourage better use of transferred resources. The provision thus addresses the issue of educational quality in some way.

In this regard, it is important to quote once again the important Article 3 of the Mexican Constitution, which provides, among the guiding criteria for education in that Country, the criterion of excellence (item II, paragraph "i"), understood as "the constant integral improvement that promotes the maximum learning achievement of students, for the development of their critical thinking and strengthening bonds between school and community". The same applies to Article 119 of the LGE.

In Mexico, there is provision for a National System for Continuous Improvement of Education (Article 3, item X), responsible for, among other tasks: carrying out studies, research and diagnostic, formative and comprehensive assessments of the National Educational System; determining indicators of results for continuous improvement in education; and generating and disseminating information that contributes to this improvement.

Still on the subject of educational quality in Mexico, it is interesting to mention Article 57 of the General Law on the Rights of Children and Adolescents, which establishes the State's obligation to public education, which must be achieved through strategies by establishing the necessary conditions to strengthen educational quality, such as the relevance and pertinence of the curriculum, the provision of adequate infrastructure and equipment for learning and teaching practices and teacher evaluation, among others; the allocation of adequate and sufficient human, material and budgetary resources to guarantee quality education for children and adolescents; and the adaptation

of the education system to the specific conditions, interests and contexts experienced by these people, guaranteeing their permanence in the education system.

#### **4.3.2. Data horizon**

According to data from the Mexican Public Education Secretariat, referring to the 2022-2023 cycle, there were 4,334,938 students enrolled in pre-school education in the Country, distributed among 87,185 schools. The number of teachers working at this stage was 229,972. The average schooling rate at this stage, in turn, was 66.6%. There was an increase in all educational indicators, compared to previous cycles, with the exception of those related to attention and coverage (number of children assisted in relation to the population in the age group), which declined from 71.7% and 71.4%, respectively, in 2019-2020, to 66.9% and 66.6% (México 2024).

In the same 2022-2023 cycle, primary education served a population of 13,345,969 students, in 96,005 schools, by a contingent of 571,832 teachers. The net enrollment rate was 95.8% (in 2019-2020, it reached 98.3%).

In the case of secondary education, the number of enrolled students was 6,210,924. There were 412,559 teachers, distributed in 41,522 schools. Failure rates at this stage fell significantly from 2019-2020 (5%) to 2022-2023 (0.7%). In the case of school dropout, the percentage went from 4.2% to 2.7%.

Higher secondary education assisted 244,352 students, in 21,277 schools, where 419,739 teachers worked. The 396 normal schools, in turn, had 124,742 enrolments, served by 14,028 teachers.

Still from this perspective of providing relevant data on the Mexican educational scenario, the data from Education at a Glance (EaG) from 2024 are quite enlightening. A positive result was obtained by Mexico in relation to the provision of early childhood education (pre-school, in this case): Mexico reaches 98% of the population of children up to 5 years old, while in the OECD the average provision of early childhood education among countries evaluated is 96% (OECD 2024). Furthermore, compulsory schooling in Mexico lasts 14 years (from 3 to 17 years of age), while in the OECD the average is 11 years.

An important finding of the EaG for Mexico has to do with the inequality between indigenous and non-indigenous people. In all the countries evaluated (Australia, Canada, Mexico, New Zealand and United States), indigenous people are less likely to complete secondary education. In Mexico, this difference is 17 percentage points.

According to the latest EaG, the average annual expenditure per student in Mexico is 3,513 dollars (the OECD average is 14,209 dollars). In primary education, the average expenditure per student is 2,933 dollars; in secondary education, it is 3,130 dollars. In higher education, 6,093 dollars.

Mexico's spending on education in relation to GDP is 4.2% of GDP, lower than the OECD average of 4.9%. It should be noted that, according to the EaG, there has been a decrease in this

percentage, which was 5.1% in 2015. There has also been an 18% decrease over the period in public investment in early childhood in relation to GDP. In the OECD, this investment increased by 9%.

### 5. Comparative analysis

Latin America is a culturally diverse and rich region, but socially very unequal. This social inequality leads to unequal access to quality education, contrary to what we seek to achieve with Sustainable Development Goal 4, which focuses on the right to education for all. This situation becomes more pressing when one considers that access to education under inequitable conditions is predictive of the maintenance of this inequality.

Specifically analyzing the case of Argentina, Brazil and Mexico, it is possible to state that these countries have significant differences in terms of territory, population and economy. In the field of education, they also have very particular trajectories and political priorities. In Argentina, for example, there are major challenges surrounding the issue of data availability to support public educational policies, especially in relation to the reality in the provinces. There is still an absence of an institutionalized evaluation policy.

Brazil, in turn, faces a lack of regulation of a National Education System. This is a long-standing demand in the field of education. The 1988 Magna Carta, as the country's Constitution is known, determined that such a system should be set up, something that has not materialized to date. In the bills that have already passed and are still pending in the Brazilian National Congress, the idea is to establish a system focused on governance and management of the public sector.

Mexico faces, in addition to the gap between the education offered to indigenous and non-indigenous people, a significant decrease in public GDP investment in early childhood (18%). Considering that the average of OECD countries increased this investment by 9% over the same period, as we have shown, and that educational access in early childhood is predictive of school success and better living conditions, this is an enormous challenge for the country to overcome.

Despite these specificities, Latin America's three largest countries share common characteristics and challenges. One common feature, for example, is in the field of standards. In their constitutions and general education standards, all three countries stipulate that education is a right for all.

A common challenge, by way of illustration, is overcoming the immense educational inequalities of their populations, a reflection, to a large extent, of their profound socio-economic inequalities. Over the course of their educational journey, a significant number of students are expelled from school, mainly due to social issues, reinforced by an education system that still fails to meet the demands of children and young people. Many young people drop out of school and head for the job market, usually under unsatisfactory conditions of salary and opportunity for growth. Clearly, this situation causes long-term damage not only for the young person, but above all for the country, which misses out on a precious chance to harness potential and even boost its productivity.

Everyone's right to education, as seen, is guaranteed in international reference documents, as well as in national regulations in Argentina, Brazil and Mexico. There is reference to education in



the Constitution of the three countries, as well as general education laws that regulate this right, in addition to subnational regulations. Its materialization, however, is permeated by challenges of different orders, such as political, financial, management issues, among others, as pointed out in the section on data.

## **6. Conclusion**

The objective of this study was to examine the right to education in Argentina, Brazil, and Mexico, offering a comparative analysis of its regulation and practice. To achieve that goal, initially we conducted a literature review on the right to education in Latin America, and then proceeded with an analysis of this theme in each one of the three selected countries. Regarding the countries, we initially analyzed some aspects of the educational legislation in force at the national level, and then focused on the real data.

By examining the educational regulations and data, the study provided an understanding of the particularities and similarities between them. Among the particularities, the large data gap to support public educational policies in Argentina, especially in relation to the reality of the provinces; the strong educational decentralization and the need for coordination of the various education systems in Brazil; and the recent reduction in funding for early childhood education in Mexico, in contrast to studies that show that this stage of education is decisive for the future educational success of citizens. Among the similarities, the challenge of ensuring access to compulsory education for all children and young people, in addition to the strong educational inequalities between students, due to regional and ethnic-racial issues, among others.

In an attempt to address these challenges, many educational reforms have been proposed, government after government, in each of the three countries. Analyzing them one by one, it is possible to find reflections and efforts to improve the quality of teaching, to guarantee minimum funding for the education sector and to value education professionals, who are responsible for leading the teaching-learning process. However, it is necessary to note that reforms do not always move in the same direction, which often leads to strain on education networks and high costs, both financial and human.

The formulation, implementation, monitoring and evaluation of educational policies are tasks of the utmost importance. It is necessary to clearly define the problems to be tackled, strategically define the path to be followed and find the resources to implement the actions properly, without forgetting to monitor and evaluate the process. On this journey, scientific evidence on which measures have a greater or lesser impact on the educational reality of countries and their education systems is fundamental.

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