

Chile Brief 2016

Introduction

This document summarizes the main findings and reflections related to the Right to Education in Chile, examined through key dimensions proposed by the Right to Education Index (RTEI) initiative¹: Governance, Availability, Accessibility, Acceptability, and Adaptability. This brief was prepared by researchers from the Financing and Privatization workgroup of the Forum for the Right to Education in Chile².

The Forum considers essential to continue mobilizing reflections and actions in various fields of society in order to position the Right to Education as a social right that involves different spheres of State's work and citizens' rights, including civil, social, cultural, economic, and political rights. Therefore, reductionist solutions are not enough; instead progressing towards the fulfillment of the Right to Education demands a respectful and comprehensive approach guaranteeing the active participation of citizens living in an increasingly diverse society.

	Chile
Governance	67
International Framework	100
National law	43
Plan of Action	0
Monitoring and Reporting	100
Financing	75
Data Availability	83
Availability	68
Classrooms	72
Sanitation	96
Teachers	83
Textbooks	21
Accessibility	78
Free Education	68
Discrimination	96
Participation	71
Acceptability	52
Aims of Education	68
Learning Environment	67
Learning Outcomes	20
Adaptability	64
Children with Disabilities	45
Children of Minorities	75
Out of School Education	50

Key findings

Subsidiary role of the State in education

The structural transformations experimented by the educational system in Chile during the dictatorship period (1973 – 1990), and the subsequent reforms carried out during post-dictatorship governments (1990 – 2015), significantly transformed the role of the state in education.

The state has gradually abandoned its role in guaranteeing the Right to Education, reducing itself to a subsidiary role³. This change allows that different areas of the education system, previously managed directly by the State, are now administered by the private sector by introducing mechanisms of market regulation. This has contributed to the resignification of the right to education as a consumer good rather than as a social good, with a strong regulation by the market in the education system.

The Forum considers that guaranteeing the Right to Education is intrinsically related to the role of the State in this matter. At present, this role is reduced to the existence of a national regulatory framework constituted by institutions, which have little articulation between them.

This situation is possible because the Right to Education is not guaranteed constitutionally. The Constitution of the Republic, grants a constitutional guarantee to the freedom of education, which has supremacy over the Right to Education. This "legal anomaly" (Sader, 2006) makes it impossible for citizens to demand in courts education as a fundamental human right.

Lack of a National Plan of Education

¹ This global initiative seeks to assess the extent to which governments fulfill the Right to Education

² The Forum for the Right to Education in Chile created a proposal of indicators to the fulfillment to the Right to education based in the 4A's proposed by Unesco (Tomasevki, 2004), including an accountability mechanisms considering the participation of Education actors. For more information see the Propuesta de Financiamiento Participativo: <http://educacionparatodos.cl/wp-content/uploads/2015/10/Cuadernillo-Liviano1.pdf>

³ Marcel (2004) defines the subsidiary role as a logic through which Education policy is reduced to a treasury function, administrating a voucher system. It results in problem as state renounces the possibility of governing the education system from the authority, giving such function to the 'invisible hand' of the market.

The absence of an education plan with the participation of the organized society in the definition of the central aims of the educational system has deeply affected the relevance and projection of the Chilean educational system.

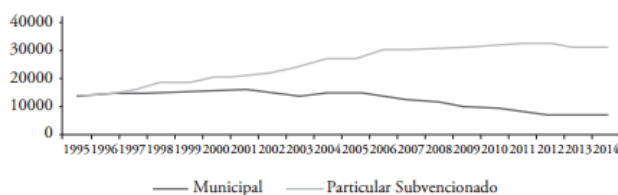
Since 1973, Chile does not have a National Education Plan with objectives and goals that are subject to democratic deliberation with the participation of citizens and representative authorities. There is no understanding education as a social good or a democratic social commitment.

In its absence, since the 1990s, governments have implemented reforms and initiatives related to the objectives and principles of the government in power. The lack of a participatory designed-plan specifying medium and long-term represents a major problem to ensure the Right to Education, constituting at the same time a trampling of the rights of citizens, as the proposals and reforms promoted by different governments have failed to guarantee social demands of a quality and equitable education for all.

Privatization

The right to freedom of education means "the right to open, organize and maintain educational establishments" (Art. 19, item No. 11) by the private sector, which is guaranteed by the constitution.

Gráfico 1
Matrícula en educación pública y privada
de la comuna La Pintana, en Santiago de Chile, 1995–2014.



This, along with the subsidiary principle of education financing above addressed, has contributed to the growth of education provision primarily under private administration, which reaches to almost 70% of compulsory education, which goes hand in hand with the decrease of public education and the roles of the State in the provision of educational services.

Source: González & Parra (2016)

Privatization of education also affects compulsory education through other means, such as teacher training. Teacher training programs are provided in a highly privatized higher education system (85% of the enrollment is in private institutions), lacking national regulations to organize initial and continuing training of teachers. In 2013, Chile had more than 900 different initial teacher education programs and an enormous supply of continuing education initiatives, which are carried out by a wide variety of providers, including universities, consultancies, and private advisory agencies.

The stern privatization of education in different spheres of system affects the capacity of the State to guarantee the Right to Education in practice, generating other serious consequences such as the segregation of education, mainly according to social class of the students and their families. According to the OECD (2004) Chile is the country with the greatest socio-educational segregation in Latin America.

As discussed above, the phenomenon of privatization intersects a number of dimensions, including governance and accessibility among others.

Financing

The Chilean educational system is characterized by the implementation of financing via voucher, which is an issue associated with freedom of education, which also affects education accessibility. This type of funding mechanism promotes the uptake of public resources by private parties through the state



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subsidy to educational demand, which is fundamentally associated to market principles, as it promotes schools competing for students' enrollment and retention.

The Forum considers that this financing mechanism does not contribute to ensuring the Right to Education because it operates on the mistaken assumption that making schools to compete for resources (enrollment) would raise the quality of education for the whole system. This financing formula has shown to have serious consequences for public education, given the lack of structural resources that support, grow and strengthen it.

Low participation of citizens and high incidence of the market

As the previous sections describe, Chile's education system faces significant challenges in regards the direct participation of citizens in educational decision-making. Both the social movement and civic organizations have supported the demands for participation as a fundamental element to fulfill the Right to Education (UNESCO, 2007).

Adding to this, the liberalization of the provision of educational services by private organizations complicates the aim to construct an education system that is equitable, and value de needs, expectations and motivations of students and families in a variety of social, cultural, and geographical contexts.

Recommendations

As a Forum for the Right to Education in Chile, we consider essential to propose actions to advance the realization of education as an inclusive social right, that fosters a democratic and cohesive society around the common good.

To this end, we believe it is fundamental to generate a national and democratic discussion about the aims of education, and the goals and objectives that our educational system should have. The result of this process must be a participatory creation of a National Plan of Education that promotes a social consensus of education is a social right guaranteed by the State.

It is essential to make evident and discuss about the different mechanisms of privatization that are reproduced in the Chilean educational system, that are not reduced to the privatization of schools, but includes complex relationships between educational services, constituting what is called endoprivatization of the educational system (Ball and Youdell, 2007).

In addition, it is necessary to design and implement a new financing system for public education, which secures baseline resources for schools and ending competition mechanisms.

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