



## Orientation-Sheet

# **Applying a Human Rights-Based Approach in Primary Education**

## **Overview and Recommendations to the Education Quality Programme (PACE) in Guatemala**

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## Background

The German Federal Ministry for Economic Cooperation and Development (BMZ) committed itself to strengthen human rights systematically as a cross-cutting issue in German development cooperation and issued an Action Plan on Human Rights in 2004.<sup>1</sup> Guatemala and Kenya were selected as pilot countries to explore and implement a human rights-based approach (HRBA) to development.

The Guatemalan government has ratified all major human rights treaties at the international<sup>2</sup> and regional level.<sup>3</sup> It has thus recognized the obligations to respect, protect and fulfil human rights.<sup>4</sup> In June 2006 Guatemala successfully stood for election to the UN Human Rights Council, and submitted a pledge confirming inter alia the government's "will, interest and commitment to strive for the effective promotion and protection of human rights for all, especially those related to the most vulnerable and unprotected persons."<sup>5</sup>

Major human rights violations occur in Guatemala<sup>6</sup> despite the country's numerous political and legal commitments. This is a particular challenge which makes Guatemala an interesting partner to pilot a HRBA in development cooperation, and to explore how a HRBA can be translated into practice.

This paper is based on an advisory mission to the GTZ-supported Education Quality Programme (PACE) in Guatemala, which took off in January 2005. The mission took place in April 2006. It aimed at assessing the programme from a HRBA perspective, at familiarizing the programme team with the key elements of a HRBA in education and facilitating a critical reflection on the current human rights orientation of PACE. The assessment focused on on-going activities and the working methodology of the programme and – due to the programme being established only in early 2005 - did not cover impacts.<sup>7</sup>

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<sup>1</sup> See BMZ (2004) [Development policy action plan on human rights 2004 – 2007 / Every person has a right to development](#), Bonn.

<sup>2</sup> Guatemala has signed the following international human rights conventions: [ICERD-International Convention on the Elimination of All Forms of Racial Discrimination](#), [ICESCR-International Covenant on Economic, Social and Cultural Rights](#), [ICCPR-International Covenant on Civil and Political Rights](#), [CCPR-OP1-Optional Protocol to the International Covenant on Civil and Political Rights](#), [CEDAW-Convention on the Elimination of All Forms of Discrimination against Women](#), [CEDAW-OP-Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women](#), [CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment](#), [CRC-Convention on the Rights of the Child](#), [CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict](#), [CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography](#), [CMW-International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), see the [Ratification of International Human Right Treaties by Guatemala](#) hosted at [www.bayefsky.com](#)

<sup>3</sup> See the text of the treaties, [American Convention on Human Rights](#), [the Additional Protocol to the American Convent on Human Rights in the area of Economic, Social and Cultural Rights "Protocol of San Salvador"](#); [Inter-American Convention to Prevent and Punish Torture](#); [Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará"](#).

<sup>4</sup> For more detailed information, please see GTZ (2006) [The ABC of Human Rights for Development Cooperation](#), in Spanish at: [http://files.institut-fuer-menschenrechte.de/576/ABC\\_spanisch\\_update\\_August06.pdf](http://files.institut-fuer-menschenrechte.de/576/ABC_spanisch_update_August06.pdf)

<sup>5</sup> See the [pledge](#) Guatemala made as a candidate for the UN Human Rights Council.

<sup>6</sup> See for example the recent publications by Amnesty International, [Annual Report 2006](#) and Human Rights Watch, [Events 2006](#) as well as the 2006 Report of the UNHCHR on the situation of human rights in Guatemala, accessible on this [page](#) (click on: UN Doc. E/CN.4/2006/10/Add.1).

<sup>7</sup> For the full report of the advisory mission see: GTZ, Strengthening the human rights-based approach in German development cooperation with Guatemala / Final report of the advisory mission to the Education Quality Programme (PACE), Guatemala in April 2006, by Dr. Hilde Hey on behalf of the GTZ cross-sectoral project "Realising Human Rights in German Development Cooperation, September 2006.

This orientation sheet consists of two major sections. Section one describes the core elements of a human rights-based approach and how these apply in the area of education. Section two assesses the current human rights orientation of PACE in its various components and makes suggestions for a more systematic use of human rights in the program.

## Section One: What is a Human Rights-based Approach (HRBA)?

### 1 Key elements of a HRBA

Human rights play an increasingly prominent role in international and national policies, including development cooperation. The most prominent example for this role is the [UN Millennium Declaration](#) which makes explicit reference to human rights as the normative framework for development.

Human rights stem from acknowledging the equal dignity of all human beings. They refer to civil and political as well as to economic, social and cultural rights. The fact that all human beings everywhere, whatever their status in society, have equal dignity and thus human rights, illustrates the universality of human rights. Furthermore, human rights are recognised as being indivisible, interrelated and interdependent. This implies that no category of rights is “more important” than another category, e.g. economic and social rights are of the same legal order and importance as political and civil rights and vice versa. It also implies that for the enjoyment of one right other rights also need to be respected, protected and fulfilled. Acknowledging the interdependence of human rights resonates well with multi-sectoral approaches in current development policies and strategies. At the operational level, human rights have become an important cross-cutting issue for many bi- and multilateral agencies during the past years. Despite a number of differences between agencies,<sup>8</sup> a HRBA to development addresses both the content and the process of development and usually comprises the following key elements.

#### Box 1 Key elements of a HRBA

<b>Standards</b>	Envisaged development objectives and programming take into account or are based on human rights standards.
<b>Principles</b>	Development processes and programming use and support human rights principles contained in human rights standards, such as equality and non-discrimination, participation and empowerment, and accountability.
<b>Analysis</b>	Problem, context and actor analysis make use of human rights and identify human rights violations, right-holders and duty-bearers and their respective capacities or lack thereof. Development programmes support right-holders and duty-bearers to fulfil their respective role and obligations more effectively. <sup>9</sup>
<b>Monitoring</b>	Development processes and results are monitored with the help of human rights relevant indicators. <sup>10</sup>

<sup>8</sup> For a good overview on the different approaches, see: OECD (2006) [The Development Dimension: Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges](#), Brussels; for a concise discussion of different elements of a HRBA, see: OHCHR (2006) [Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation](#), Geneva.

<sup>9</sup> See also: See also: GTZ (2006) [Human Rights-Based Approach in German Development Cooperation](#), Working paper, Eschborn.

<sup>10</sup> See UNDP (2006) [Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide](#), p. 19.

### 1.1 Human Rights Standards

A HRBA to development defines the fulfilment of human rights as a central part and objective of development. The international and regional human rights frameworks provide a guide for the results and impacts that should be achieved with support of development cooperation. Under human rights law, actors in development cooperation are obliged not to infringe human rights, i.e. not to undertake or omit undertaking any action that will violate human rights. Due to Germany having ratified all major human rights treaties, German development agencies are also under an obligation to support partner countries to fulfil their human rights obligations under international and regional treaties.<sup>11</sup> The following table lists some of the key human rights standards:

#### Box 2 Key Human Rights

Civil and Political Rights (based on the ICCPR)	Economic, Social and Cultural Rights (based on the ICESCR)
The equal right of men and women to the enjoyment of all civil and political rights (art. 3); prohibition of discrimination (art. 26); the right to be treated equally before the courts and tribunals (art. 14); the right for minorities to enjoy their own culture, to profess and practice their own religion, or to use their own language (art. 27)	The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3); prohibition of discrimination (art. 2 (2))
The right to life (art. 6)	The right to an adequate standard of living for oneself and ones family, including adequate food, clothing and housing (art. 11); the right to the highest attainable standard of physical and mental health (art. 12)
The prohibition of torture, cruel, inhuman or degrading treatment or punishment (art. 7), and the prohibition of slavery and the slave-trade in all their forms (art. 8)	The right to work and free choice of employment and just and favourable conditions of work (art. 6, 7)
The right to liberty and security of person (art. 9); the right to be protected from arbitrary or unlawful interference with privacy, family, home or correspondence (art. 17)	The right to social security (art. 9); the right to protection and assistance to family, mothers, children and youth (art. 10)
The rights to freedom of thought, conscience and religion (art. 18) and expression (art. 19)	The right of everyone to education; the right to free, compulsory primary education (art. 13), the right to take part in cultural life and to enjoy the benefits of scientific progress (art. 15)
The rights to peaceful assembly (art. 21) and freedom of association (art. 22), and the right to take part in the conduct of public affairs; the right to vote and to be elected (art. 25)	The right to form and join trade unions (art. 8)
The right to an effective remedy (art. 2(3), 9(4), 9(5), 13, 14(5), 17(2))	

<sup>11</sup> See ICESCR, art. 2; UN Charta art. 55, 56.

These standards are codified in international and regional human rights law (see above, footnote 2, for the treaties binding upon Guatemala). Most of the human rights codified in international law find resonance in domestic constitutions.

### 1.2 Human Rights Principles

Human rights standards contain important cross-cutting principles, namely equality and non-discrimination, participation and empowerment, and accountability (see above Box 2). A HRBA to development cooperation implies making use of these principles.

### Box 3 Human rights principles and how they translate into development

Human Rights Principles	What do they mean in development?
<p><b>Equality</b> as an entitlement addresses the prohibition of discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, economic position, birth or other status. <b>Non-discrimination</b> is key to all human rights.<sup>12</sup></p> <p><b>Participation</b> in the conduct of public life is an important human right,<sup>13</sup> and not limited to having the right to take part in elections. Participation extends to the rights to organize and assemble, to voice political or religious views, and to partake in political, social, economic and cultural life. Participation may lead to empowerment, another key human rights principle. In a political sense, <b>empowerment</b> refers to the ability to effectively organize for and articulate one's rights in the political process, be it on the family, community, regional or national level.</p> <p><b>Accountability</b> is a key element in all human rights guarantees, and includes <b>transparency</b> and <b>means for redress</b>. Legal provisions without structures and institutions securing accountability and redress tend to be meaningless. Human rights law envisions a wide array of such institutions, e.g. judicial remedies, independent committees overseeing political procedures or those investigating complaints. Respecting the rights to assembly, organization, and a free media are important ingredients to secure channels of accountability.</p>	<p><b>Equality and non-discrimination</b> translate into a focus on tangible results and positive impact for vulnerable or marginalized groups, e.g. poor, indigenous populations, or other groups discriminated due to their status in law and/or society.</p> <p>The principle of non-discrimination gives legal force and legitimacy to pro-poor strategies and to temporary affirmative action measures to overcome past discrimination.</p> <p><b>Participation</b> is more than a method of good development practice but a right of individuals and groups in the development process. A HRBA to development emphasises the support - at an institutional level and in terms of capacity development – for the participation of those social groups who are excluded and marginalised. It thus ties in with the principle of <b>non-discrimination</b>, and as the latter, participation has a distinct political sense.</p> <p>Duty-bearers, i.e. the state and its organs on different levels, have to provide accessible information on and to account for policies and decisions they have taken. This includes their policies and measures geared towards development. Apart from supporting transparent, accountable behaviour in government bodies, the principle of <b>accountability</b> entails strengthening the capacity of institutions like community councils, regional or national legislatures, the judiciary or comparable institutions facilitating redress should rights have been infringed.</p>

<sup>12</sup> See Human Rights Committee, [General Comment 18/1989](#), para 10.

<sup>13</sup> See ICCPR, article 25 (to take part in the conduct of public life) and Human Rights Committee, [General Comment 25/1996](#), focusing on participation in public life.

### **1.3 Analysis: Right-Holders and Duty-Bearers**

A HRBA identifies existing human rights violations due to either acts of commission or omission. When analysing the lack of respect, protection or fulfilment of human rights, the HRBA also identifies the respective right-holders and duty-bearers.

The predominant duty bearer is the state with all its organs.<sup>14</sup> The state can delegate human rights related responsibilities to governmental bodies, semi-state run entities or even private companies by means of policy or law. However, the state remains responsible for regulating and monitoring whether other institutions comply with their responsibilities.

In programming, a HRBA to development endeavours to support duty-bearers, i.e. government employees and institutions on all levels, to deliver on their obligations and thus exercise their functions effectively and efficiently. A HRBA strengthens the capacity of duty-bearers to consistently concentrate on results for disadvantaged groups in society during the formulation, implementation and review of government policies. A HRBA also supports right-holders and their capacities to articulate their rights. This entails not only support for rights-awareness, but also support for the organisation of civil society and its capacity to monitor state policies. Overall, a HRBA is thus concerned with strengthening mechanisms for voice and response by working with duty-bearers and right-holders simultaneously.

## **2 A HRBA to Education**

In a HRBA to education the main objective is to effectively contribute to the progressive realization<sup>15</sup> of the right to education, and thus to contribute to an improvement of the education system as a whole.<sup>16</sup> For this, the duty-bearers and right-holders of the right to education need to be identified as well as their respective rights and obligations.

The main duty bearer will always be the Ministry of Education and its regional branches; if the ministry has delegated responsibilities to other institutions (e.g. independent commissions or councils; private institutions offering education etc.), they need to be regulated by the state and their performance be monitored. In addition to the state and its organs, parents are also duty-bearers. With primary education being compulsory under art. 13 of the ICESCR, parents have a duty to send their children to school. At the same time, they are right-holders since they may choose the type of education for their children. Teachers are also in a double position: they have a duty vis-à-vis the state, parents and children to teach the school curricula, and a right to be adequately educated for their job and receive fair and adequate compensation. Teachers and parents are thus duty-bearers in relation to their students and children and at the same time right-holders vis-à-vis the state.

Duty-bearers associated with the state have to respect, protect and fulfil the right to education. Respect for the right to education *inter alia* means not to exclude certain groups from education, by law or by fact. The protection of the right to education requires

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<sup>14</sup> With the exception of right to education: parents are both right-holders vis-à-vis the state and duty-bearers with respect to their children's rights.

<sup>15</sup> According to art. 2 of the ICESCR, all social, economic and cultural rights are to be fulfilled progressively, depending on national and international resources.

<sup>16</sup> The right to education is provided for in the ICESCR (art. 13), the CRC (art. 28) and CEDAW (art. 10); it is also guaranteed in the San Salvador Protocol (art. 13) and in articles 71-76 of the [Guatemalan Constitution](#). The right to education comprises that education shall be 1. directed to the full development of the human personality and the sense of its dignity; 2. compulsory and available, free to all; and 3. parents have the freedom to choose a school for their children.



the duty-bearers e.g. to guarantee that all parents send their children to school, including girls. Fulfilling the right to education entails making sure that education is available, accessible, acceptable and adaptable for all.<sup>17</sup> These “four A’s”, as they are known in the pertinent literature, form the core elements of the right to education.

**Box 4 Core elements to realize the right to education: the four A’s**

<b>Availability</b>	Functioning educational institutions and programmes have to be available in sufficient quantity. Primary education needs to be available free of cost. Standards may differ according to context, but all educational institutions will need qualified teachers, educational material, protection from the environment, sanitation for both sexes, and drinking water.
<b>Accessibility</b>	Educational institutions have to be accessible to everyone geographically and financially. Financial accessibility covers the elimination of school fees in primary education but also the often substantial indirect fees of education, like fees for registration, uniforms, books and exams, and indirect costs incurred by the loss of children’s incomes. Accessibility may require the establishment of scholarships to facilitate the access to education for poor or otherwise disadvantaged groups.
<b>Acceptability</b>	Form and substance of education, i.e. curricula and teaching methods, need to be of high quality, culturally relevant and appropriate to children.
<b>Adaptability</b>	Education needs to be flexible and able to adapt to the needs of and changes in a society. Education needs to respond to the needs of students in diverse social, economic and cultural settings.

**Section Two: Overview on PACE components and recommendations**

**1 Description of the five PACE components**

The PACE programme was initiated in early 2005, in cooperation with the Guatemalan government. The programme comprises the following five components:

- The **curricula innovation component** supports the transformation of primary school curricula by introducing inter-cultural and bilingual education as well as topics such as democratic awareness, peace education and conflict mediation. To this end, curricula are revised, materials and methods are developed and teachers trained. Currently, 20 pilot primary schools receive continuous assistance. Furthermore, participatory school projects are supported. These are projects that integrate parents, teachers and local authorities in a participatory manner. The project aims to define the school as part of the community and make education more adequate to the needs of the children in the community. PACE trains trainers from other organizations on the methodology of participatory school projects, thereby reaching out to some 2,000 primary schools.
- In the **participatory and effective education management component**, PACE supports the Ministry of Education in its education reform. This reform comprises: a) bilingual and inter-cultural education; b) decentralization and the participation of

<sup>17</sup> See for details: ICESCR Committee, [General Comment 13/1999](#), Katarina Tomasevski (2004) [Manual on Rights-Based Education](#), UNESCO; A thorough overview on the right to education is given at: [www.right-to-education.org](http://www.right-to-education.org), a site hosted by the late Katarina Tomasevski, the former UN Special Rapporteur on Education.



teachers, technical supervisors, school directors, parents, local authorities and civil society in the schooling system; c) legal reform; d) curricula development adapted to the reality of Guatemala; e) teachers' capacity building; f) improved supervision of schools and teachers; and g) the opening of more schools as a means to achieve Millennium Development Goal 2 - universal primary education - before 2015.

- The **quality of education as part of the social dialogue component** facilitates discussions on the quality of education through the media. PACE works with the CNEM (National Council for Maya Education) and "Community Radios" to mediate and enable discussions on topics such as the right to education, educational reform and bilingual education at community level.
- In the component covering **technical assistance for PRONADE schools**, the focus is on developing materials for bilingual intercultural education and training teachers in the application of the material. PRONADE schools (Programme of Independent Management for Educational Development) are managed by the community, that is the communities partake in their construction and parent committees hire and pay the teachers. They are financially supported by the World Bank and the German Development Bank (KfW).
- In the component on **youth and entrepreneurial attitudes**, PACE will work in 50 pilot schools with children from 4<sup>th</sup> to 9<sup>th</sup> grade addressing topics of productivity, development and subjects regarding education for the labour market. These activities are meant to encourage entrepreneurialism and pro-active behaviour amongst youth, improving their opportunities on the labour market.

## **2 Human rights-based assessment of PACE's components**

### **2.1 Human rights standards**

So far, PACE does not explicitly refer to human rights standards. Human rights language does not appear in the programme documents, neither is it used in PACE activities. However, in terms of substance the programme addresses the core elements of the right to education since it aims at improving the availability, accessibility, acceptability and adaptability of education at the primary level. The latter two core elements are addressed by adapting the content and language of education to the local needs and respective cultural contexts.

Without mentioning it as such, PACE also intends to contribute to the right not to be subject to physical or mental violence (art. 19 CRC) by introducing peace education and conflict mediation at schools, aiming at the reduction of violent behaviour. It is assumed that less violence at school and home will create a more enabling learning environment for children which will keep them in school longer.

Depending on how PACE succeeds, it should be considered whether and how explicit human rights references may enhance the programme's activities. On the local level, such direct references should be used if useful, and not if complicating communication with communities and individuals. On the national level, human rights language may appear to be less prone to cause confusion, and the use of it should be continued in governmental negotiations and with the Ministry of Education staff. To this end, PACE could use the recommendations issued by several UN experts recently, which refer to the right of education in Guatemala.<sup>18</sup>

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<sup>18</sup> For the reports of the different Special Rapporteurs, see: <http://www.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm>; for the concluding observations of the different treaty bodies, see: <http://www.bayefsky.com/docs.php/area/conclobs/state/70>. The most recent references from the UN human rights system are also found at the [UNHCHR's Guatemala page](#).

## **2.2 Human rights principles**

PACE adheres to important human rights principles in its implementing strategy namely, equality and non-discrimination, participation and empowerment. Accountability features less prominently.

### **2.2.1 Equality and non-discrimination**

Educational opportunities in Guatemala vary extremely according to ethnicity and gender. The failure to guarantee the same educational opportunities for all, regardless of their status in society, constitutes de facto discrimination and is a fundamental violation of the right to education. PACE operates in the departments of Alta and Baja Verapaz, Huehuetenango and El Quiché, mainly inhabited by indigenous and extremely poor population. These departments have the lowest education indicators nationwide.<sup>19</sup> By choosing these departments, PACE focuses on a severely discriminated group.

### **2.2.2 Participation and Empowerment**

Participation as a human rights principle entails that right-holders and duty-bearers are involved in the programme planning, implementation and monitoring as actors, not as passive beneficiaries (see above, Box 3).

In the planning and implementation of the different PACE components, a number of actors participate. E.g. in its curricula innovation component, PACE has initiated the implementation of the school project. School projects are based on the idea that the participation of the different actors affiliated with the education of children, i.e. parents, teachers, school directors, community leaders and local authorities, will facilitate ownership for processes within a school and lead to a joint planning and implementation process of a vision for a school. PACE's hypothesis is that increased and high-quality participation of the relevant actors in school project will facilitate:

- parents to better articulate the educational needs of their children;
- teachers and school directors to better articulate the pedagogical requirements for children;
- community leaders and local authorities to better articulate the community needs with respect to education and available resources for education;
- children to better voice their educational interests.

If successful, right-holders, i.e. children, parents, teachers and local authorities, will be empowered to articulate their rights vis-à-vis each other and the state. Duty-bearers on the other hand, comprising parents, teachers, local and national authorities, will be enabled to better fulfil their responsibilities and obligations.

In terms of impact, the PACE programme is based on the assumption that:

- teachers and school directors will be in a better position to convince parents of the importance of education and of children remaining at school;
- parents will be in a better position to demand accountability of teachers and school directors as a means to advance the quality of education in school;
- teachers, school directors and parents will be better placed to demand resources from local authorities to ensure the functioning of the school;
- children will remain at school longer in this type of participatory schools and will learn better, because the education will be more in tune with the every day life of children and thereby enable them to acquire the skills needed later in life.

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<sup>19</sup> PNUD (2005) Diversidad Étnico-Cultural: La Ciudadanía en un Estado Plural / Informe Nacional de Desarrollo Humano 2005, Guatemala.

On the whole, the school projects support an educational system that is more accessible and less discriminatory, more acceptable due to its enhanced quality and more adapted to the necessities of the children and the reality of the community. Overall, the principle of participation is rather well developed in the curricula innovation component and should be incorporated in all other programme components in a similar manner.

### **2.2.3 Accountability**

Accountability entails that duty-bearers are to provide accessible information on and are accountable for policies, resources allocated and other relevant decisions they have taken in respect to education. Accountability also entails transparency and mechanisms for redress.

In the **curricula innovation component**, PACE supports accountability, although programme documents do not explicitly phrase it like this. On the local level, participating parents, teachers, school directors and local authorities have the opportunity to request the respective duty-bearers to provide information about the measures they have taken to improve the quality of education. For example, parents may now question school directors about the curricula implemented or the teachers hired. Parents may also ask teachers about the contents and methodology of teaching in class. Vice versa, teachers and school directors may question parents if children fail to attend school. Modest as these innovations may sound, they do form a nucleus for institutionalizing transparency and mutual accountability between school administration/staff and parents on the local level.

On the national level, accountability - including transparency and redress - appears less developed. The Guatemalan Ministry of Education e.g. would need to inform the public and its own staff at different levels about the objectives and envisaged impacts of its education reform, particularly with regard to the reduction of discrimination and inequalities so persistent in the educational system. While the public is indeed informed about the contents of the reform, impacts on the reduction of discrimination and inequality are less visible and there is no systematic information on the local level.

A HRBA in German development cooperation with the Guatemalan government would support the Ministry of Education to improve accountability and transparency. Recent recommendations given by UN-experts could be used in this process.<sup>20</sup> In the long run, mechanisms for redress could be addressed locally and nationally, in cooperation with the decentralisation programme or programmes on judicial reform by other donors.

### **2.3 Right-holders and duty-bearers**

The PACE program has not identified the respective right-holders and duty-bearers within the different project components. By using a human rights analysis of actors, obligations and responsibilities with respect to the progressive fulfilment of the right to education, they would become more apparent.

The programme should identify the right-holders and duty-bearers and their respective rights and obligations in a participatory process. Such a process will also help all stakeholders to become aware of their respective rights and duties. This awareness on both sides is a pre-condition for right-holders to demand their rights and for duty-bearers to provide accountability.

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<sup>20</sup> For references see footnote 18, above.

### **3 Assessment of PACE components in their early stages**

Due to being initiated only in early 2005, three PACE components - social dialogue, technical assistance for the PRONADE schools, and youth and entrepreneurial attitudes – are still in their early stages. The following questions should be addressed in order to reflect a HRBA.

#### ***Social dialogue***

PACE will work with the National Council for Maya Education and use local broadcast to initiate social dialogue. Based on a right-to-education approach, it should be essential that the different topics relating to the “four A’s” in education (see above, Box 4) are not dealt with in an abstract fashion but rather be framed in locally understood concepts and be explored on the ground. To elicit barriers in the access to and acceptability / adaptability of education from the perspective of marginalised social groups (including children and parents) participatory ‘field studies’ could be conducted by representatives of the Council for Maya Education, and/or by young journalists affiliated with the local broadcast. This kind of dialogue (e.g. making use of focus group discussions) should extend to the respective duty-bearers, since it otherwise fails to engage right-holders and duty-bearers with each other. Thus, it can contribute to building awareness of children, parents and school staff with regard to the right to education and their respective roles and responsibilities.

Apart from participatory appraisal methods in field studies, social dialogue should also use methods strengthening accountability, like score cards and school contracts.<sup>21</sup> Social dialogue activities can also be used to develop participatory indicators for progress in local school projects.

#### ***Technical assistance for the PRONADE schools***

The PRONADE program is a state program; its first two phases have already been completed. The implementation of the third phase was granted by congress in 2005, however the program is still in the process of invitation of tenders. PACE will only be able to fully initiate its work in this component once an implementing agency has been found.

#### ***Youth and entrepreneurial attitudes***

A HRBA in this component would attempt to connect different sets of rights, e.g. the right to education, work and adequate standard of living, and more broadly, the right to participate in economic life. Apart from exploring the central concepts behind these rights in a locally adapted, gender-and age-group sensitive way,<sup>22</sup> pupils can be engaged in small surveys on the whereabouts of former pupils of that school. Who has continued schooling, who has not? What are former pupils’ experiences in the labour market? Little surveys which include personal biographies will help shaping awareness on the importance of education as a basis for economic participation. Surveys in the community may also help to ascertain the job possibilities in the community, and lead to forms of partnerships between the respective school and local small-scale businesses and entrepreneurs.

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<sup>21</sup> See for the use of these methods in the educational sector in Malawi: Crawford, Sheena 2004 [Participatory Rights Assessments \(PRAss\) and Rights-Based Development \(RBD\) in the Education Sector Support Programme \(ESSP\) in Malawi](#).

<sup>22</sup> For possible reference material, see COMPASS (2006) [el Manual sobre Educación en los Derechos Humanos con Jóvenes](#).

#### **4 HRBA in PACE monitoring & evaluation**

The following discussions are examples of how human rights-based monitoring can be introduced in some PACE components.

##### ***Corporal punishment***

In its problem analysis of the rural primary schooling system, the PACE team has identified the use of corporal punishment in schools as constituting a major problem. One of the aims of the programme is to reduce corporal punishment at schools by means of introducing discussions on values in the classroom. There are a number of different ways to monitor the effectiveness of this intervention, given the probable lack of a base line for the frequency of corporal punishment in schools. One option is to integrate corporal punishment as one category in a score card audit of the local school, preferably among other items like child-to-child-violence or parents-child violence if participatory meetings find that this is a major problem. Score cards could be introduced at the same time as children sit for yearly exams. The respective programme indicator for PACE would thus be: "According to score card auditing, there is no/little corporal punishment in the pilot schools."

##### ***Discrimination of indigenous girls***

The PACE team identified the discrimination of indigenous children and especially indigenous girls as a major shortcoming in the rural schooling system. The aim of the PACE programme is to make schools more accessible and adequate for indigenous children and in particular for girls by introducing democratic awareness, interculturalism as a social value, a bilingual curriculum or entrepreneurial attitudes. Adequacy can be monitored by using the score card audit introduced above, which is relatively simple. A more complicated method in terms of data collection consists of a tracking system of pupils after they leave school to assess the relevance of education for what they do next in life. While maybe desirable, the development of a tracking system appears too complex for primary schools. Accessibility can be measured by traditional education indicators, i.e. rates of enrolment and years of schooling. To be meaningful for the right to education, data need to be disaggregated by ethnicity and sex, and the programme should discuss the possibility of introducing benchmarks ("by 200x, x% of all indigenous girls in the community are enrolled at school") with the right-holders and duty-bearers in the community.

##### **Concluding remark**

PACE addresses various elements of a HRBA. Nevertheless, these elements need to be made more explicit and connected to each other. In many cases the human rights principles need to be applied more systematically throughout the various components, particularly accountability. PACE should clarify how its education strategy will facilitate the support for the progressive implementation of the right to education and it should integrate a human rights dimension in the elaboration of its M&E system.