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**University of Glasgow**

**School of Social and Political Sciences**

**Urban Studies**

**Public Policies from a Right Based Approach: Guarantee of Rights?  
A Panorama of Uruguay in the Case of Education**

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## **Abstract**

This dissertation seeks to develop knowledge and debate on the elaboration of public policies with a right based approach. From this perspective, education is addressed as a fundamental right inherent in the human being. The research focuses primarily on the educational policies of Uruguay, although it raises the reality of the system in Latin America in a subsidiary. Reflections on the ideologies used for the creation and subsequent implementation of the policies are carried out. While educational policies represent the foundation for the development of a nation, they also represent the cultivation of traditions and beliefs. Diverse points of view were treated, some in favor others against, showing the advantages and challenges of the right based approach in the public policy making process. In this way, various questions are answered, such as the relationship between this approach and public policies, as well as the implications that may result from it.

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## **Author's Declaration**

I declare that, except where explicit reference is made to the contributions of others, that this dissertation is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Printed Name:

Signature:

## **Chapter One: Introduction**

### **1.0 Research Background & Ratioanle**

In order to review the current situation of education, it is necessary to take as a reference the scope and implications of the right to education. In this regard, Pablo Latapí (2009) wrote sometime ago an essay in which he explores the profound implications of this one. It highlights, among other things, the innfluence of the satisfaction of the same in the exercise of other human rights: *“education enhances the development of the person and therefore is an essential condition for the enjoyment of all of them; therefore, ir is considered a key right. You can not exercise any of the civil, political, social, economic or cultural rights without a minimun of education”* (Lapatí 2009:258). Now this right not only consist in having a classroom bench, it means staying in it and having a successful career in which you learn important things for life. Schooling is not an end in itself, but the medium considered ideal for all students to acquire or develop certain knowledge, skills and values necessary for their social insertion (Ramirez & Chaves, 2006). This dissertation aims to contribute to the discussion on multiple aspects of the governing documents of government actions for the education sector of Uruguay. This, from the rights based approach perspective, to understand from the academic point of view how this approach can serve in the process of creation and subsequent implementation and social effect of public policies. Therefore, provide another key piece for scholars building public policies with rights based approach studies.



## **1.1 What is the Rights Based Approach?**

The rights based approach in public policies, and in development strategies, considers international human rights law as a conceptual framework that offers a coherent system of principles and rules in the field of development. This approach considers this reference as a guide for cooperation and assistance; social participation; the obligations of donor and recipient governments; the evaluation of the actions; and accountability mechanisms both locally and internationally (Abramovich, 2006). This approach emphasizes the recognition of people as holders of rights. This, implies a change in the approach and how they are conceived, going from the perception of people with needs that should be assisted to subjects with the right to demand certain benefits and actions from the state and governments (Ochoa, 2011).

The rights based approach has also been configured as a necessary reference to oppose new avenues of action against the results of the structural reforms applied during the eighties and nineties in Latin America, which transformed the accumulation model, the logic of distribution of wealth and the capabilities and opportunities of the population, today having a strong residual character (Pautassi, 2011). In this sense, the rights based approach emerges as an approach that allows to question the work of the states in the last decade. Likewise, allows a critical approach to the development model, the conception of the role of citizens, and the processes of formulation, monitoring and evaluation of public policies as a matter of interest to the people directly affected (Ochoa, 2011). Moreover, this topic will be extensively developed in our literature review.

## **1.2 Why Uruguay?**

The reforms of educational policies implemented in basic education in Latin America and in the world continue to be the object of study and reflection of multiple results, among which two stand out: low quality and the persistence of inequality (Gajardo, 1999) (Levin, 2010). International experiences and educational policy studies show that the results of reforms tend to be marginal and incremental because of the complexity inherent in education systems (Hannaway, 2009).

However, the education system in Uruguay has achieved good progress in initial and primary education. In primary education, universalization was achieved, in addition, access to early education is good among children aged 4 and 5 years, with coverage rates considerably higher than the Latin American average (Santiago, et al., 2016). Likewise, the recognition of equity problems in education led Uruguay to invest heavily in programs aimed at improving this dimension. In this sense, public financing of education has increased significantly in recent years. In real terms, public spending on education increased at an average annual rate of 10% between 2004 and 2013. This reflects the growing importance of education as a public investment area and a clear commitment by national authorities to increase resources (Santiago, et al., 2016). Due to this, Uruguay has become a model country for the region in the area of education, positioning itself as number one of Latin America. For these reasons we have decided to choose Uruguay as the object of study of this research.

## **1.3 Research Objectives**

This paper aims to address the following research questions:

1. What is the right based approach?
2. What is the relationship between public policies and this perspective?
3. What implications can be drawn from their links for action and intervention by public authorities?
4. How public education policies based on this perspective should be implemented?

#### **1.4 Dissertation Structure**

This dissertation will offer readers new insights on the use of the right based approach in the creation of educational public policies through a literature review in Chapter Two, which discusses the importance of this perspective, as well as its application in public policies and its characteristics. After this, Chapter Three defines the methodology by which this research is developed. Chapter Four highlights the context of educational policies both in Uruguay and in Latin America in general. Chapter Five, through relevant citations, shows the results of the analysis performed. Lastly, Chapter Six shows the reflections that conclude the investigation.

## **Chapter Two: Literature Review**

### **2.0 Chapter Introduction**

Education has ceased to be a service, to formally become a right, so have established several international agreements of legal weight for countries. In this chapter, we seek to define how the right based approach has been exposed by academics, as well as what entails generating public policies based on this perspective. What is explained in this chapter, will lead to the understanding of our results presented in Chapter Five.

### **2.1 Conception of Rights & Public Policies**

Human needs are prior to any written rule; however, they reach the status of rights from the moment they are “*objectified, institutionalized and translated into norms and laws, converting them into aspirations, and these into obligations*” (Contreras Baspineiro, 2003:83). Consequently, rights are “*non-negotiable values*” (Ibid) that represents a social or historical product derived from social struggles. Positive rights have been extended from the old conception of classic rights (basically civil and political) to a wide variety that, in addition to the previous ones, includes others of an economic, social, cultural and environmental nature (Giménez and Valente, 2010). In the beginnings of the modern state the rights were valid in the scope of the law; however, at present, the relationship has been reversed and the laws are valid in the exclusive domain of rights, that is, that only legal instruments can be created within the framework of human rights (Combellas, 1982). In such a way that public policies, understood as a product of the state that is involved in legal and technical – administrative forms, reflecting a prior process of complex power relations (Salamanca, 1994), be guided by

a normative and operational framework that favors and promotes the universal, integral and progressive exercise of human rights. Public policies include both decisions and courses of action in which various actors participate and where uncertainty, unstructured problems, limitations and asymmetries of information predominate and, therefore, the result initially foreseen by the promoters and decision makers is not guaranteed at all (Mascareño, 2003).

Returning to human rights, regardless of the emphasis that is given to certain elements that make up the concept, these can be defined in two ways (Casal, 2008:16): in a broad sense, as attributes “inherent to the person who is they derive from human dignity and are fundamental in a certain stage of evolution of humanity, for which they demand legal protection”. And, in a strict sense “they are those same rights but insofar as they are recognized and protected in the international sphere”, and that the state has the duty to respect, protect and fulfill. In this sense, the dilemma of human rights today can be addressed at least in two different ways. On the one hand, human rights can be seen as components of a consensual political project established since 1948 through the Universal Declaration of Human Rights of the United Nations Organization (UN, 1948). In this first perspective, we must think that the signatories of the declaration and international treaties that tried to give substance to it are globally in agreement with a common and pacified political horizon (Burgorge-Larsen, Maués and Sánchez, 2014). Likewise, in this perspective, as well representative liberal democracy and the market economy, are seen as a part of global consensus that designs the future of humanity. The achievements of these, depends on the resolution of the problems through the joint effort of the nation-states and international organizations in this regard (Deluchey, 2014; European Comission, 2014).

On the other hand, it can be considered that the principles and norms published in the 1948 declaration are hardly references for political struggles, within a perspective of ideological social conflict whose resolution is impossible, this, being the main motor of history (Deluchey, 2014). In this second perspective, as established by Koerner (2002), the problem of human rights can be addressed from several axes and poles, among which the axis of relationship between subject and norms stands out. In this axis, the two poles are: the one that identifies the right as an autonomous system of norms, that has a relation of mandate over subjects; and another, which conceives of law as an aspect of social normativity, which supports other modalities of relationship with subjects (Ibid). in the first hypothesis, the achievement of the common and universal project would hardly depend, in the signatory countries, on adjusting the national legal system (and/or on the effectiveness of the decisions of international human rights courts), and on formulating and implementing public policies that allow the effective guarantee and protection of the rights at stake (Burgorge-Larsen, Maués and Sánchez, 2014). In the second hypothesis, the 1948 declaration is an object that must be mobilized in the political struggle; a reference that allows social actors to position themselves ideologically in relation to various social conflicts, with the aim of overcoming injustices and inequalities (Deluchey, 2014). We can perceive there, a remarkable difference of ideological position that has innumerable consequences on the epistemological and political approach of the object “human rights”. If, in the second hypothesis, the political treatment of conflicts is the starting point for a reflection of human rights, in the first hypothesis, it is the consensus that prevails.

In our view, as Ranciere (1996) establish, talking about human rights may consist of merging two worlds into one, offering the opportunity to express disagreement. Certainly, the definitions and characteristics of human rights constitute an inconclusive discussion but one

that has reached certain agreement. However, it should be noted that the real debate suggests that, far from what might be expected, the consolidation of an international human rights system is not tangible reality at the time and, therefore, it is a pending task that drives the UN (through different agencies), with special emphasis from its “Reform Program” of 1997 (Giménez and Valente, 2010). This proposal contemplates the incorporation of the rights based approach in all the activities and programs of the organization, as well the exhortation to the member states to respect international legislation on the subject and the gradual adoption of public policies guided by human rights (Ferrer, 2007). In this sense, in the midst of the complexity and uncertainty that characterizes the current world, the search of mechanisms to achieve social welfare is a subject that encourages debate and reflections by politicians, academics, technician and activists. Although inequality and exclusion are present as a tangible in Latin American societies (Calderón, 2000; Güendel, 2000, 2003), there is at least some agreement that they can only be overcome through comprehensive and inclusive public policies that transfer power to communities and encourage citizen participation, understood as the intervention in decision making (Rodríguez and Lerner, 2007).

## **2.2 Right Based Approach**

The human rights approach, or the rights perspective as it is also called, is the result of political and social processes at global and regional level, which expresses the liveliest “struggle for the right”, if the term of Rudolph Von Ihering, German jurist of the 19<sup>th</sup> century (Ihering, 2004). In the legal sphere, the new roles of the state caused the law to evolve towards a “promotional” model or substantive orientation of rights towards regulatory ends and practical results. This, gradually abandoning the previous features that responded to a deeply statist, rational and formal model (Jiménez, 2007). As a result of this, the so-called useful right

or regulative right appears, which is the use of right as a means, oriented towards the attainment of ends, and enriched by criteria of a material nature (economic, political, axiological, ethnic, technical, among others) (Ibid). The first move that incites this regulatory right would have to do with the proper use of the right as a means to carry out interventionist policies aimed at the promotion of social purposes, values and interest. Secondly, as a consequence of this interventionism and the consequent “achievement” of the law, there is an increase in the complexity of its structure and essence, as well as the legal dynamics through which is carried out (Calvo García, 2005). Although this useful or regulative right is not explicit in relation to the achievement of human rights, it is deduced that a right orientated towards the material achievement of goals, values and social interest through public policies is nothing other than a right that opens the perspective to enable a human rights approach as we understand it today (Jiménez, 2007).

From a more circumstantial and contemporary point of view, the rights based approach, comes from the literature and practice development (Alza, 2014). It emerged towards the beginning of the 1990s after the end of the cold war and took on greater relevance with the Copenhagen Declaration on Social Development in 1995 (UN, 1995). In the form of “vindication of rights”, the rights approach has been a permanent discourse on Latin American countries, where a nationalist and anti-colonialist tendency was built to define the limits of domination and abuse (Alza, 2014). Guendel (2002) tell us that the processes that generated, in the same way, the emergence of the rights based approach in Latin America, began with the re-democratization of the South American countries and the peace agreements in Nicaragua, El Salvador and Guatemala that promoted a broad discussion about the strategies for the construction of social order the role of civil society and the very concept of democracy. In this sense, there was a strengthening of communal or local movements that claimed access to basic



resources, market opportunities and the design of public social policies. Similarly, the resurgence of neoliberal (economically) and neoconservative (politically) currents, promoted from another perspective the discussion on human rights rescuing the typical concerns centered on the market as a principle of social organization and respect for negative freedoms. Likewise, the imperatives to achieve social equilibria (re-democratization) on the one hand, and macroeconomic adjustment and on the other, caused the neo – institutionalist concerns related to the issue of governance to arise. (Guendel, 2002).

The United Nations Declaration on the Right to Development of 1986 (UN, 1986) was a very important initial milestone in the rights based approach matter (Alston, 1988; Kébam 1972; Sengupta, 2002). Resolution 41/133 of December of the same year, which detailed a plan to put into practice the right to development, generated conflicts due to the ideological burden that it seemed to contain. Therefore, the industrialized countries refused to accept it because they saw it as a one – sided imposition for the solution of debt problems, elimination of trade barriers, promotion of monetary stability and scientific development and technical cooperation (Brownlie, 1989). It was not until the World Conference on Human Rights in Vienna in 1993 (OHCHR, 1993) that the principle of indivisibility, interdependence and nonhierarchical nature of rights began to expand, even though in Latin America, the focus on development rights remained more marked by then called “first generation” rights. It was the development cooperation agencies that highlighted (in the 1990s) this approach, both in their practices and in their relations with states and civil society, in particular, in the developing countries to which they lend help (Nyamu-Musembi and Cornwall, 2004). Large NGOs such as Amnesty International and the main development cooperation agencies such as DFID incorporated this discourse more forcefully, only towards the beginning of the 2000 (DFID, 2001). Economic

and social rights were gradually regaining their importance, although certainly placing greater emphasis on its enforceability, only towards the end of the nineties and the beginning of 2000.

It is within the frame work of this discussion that the so-called “rights based approach” arises. This, far from being more of the same (vindication of rights, constitutional theory or international law of human rights), is rather constituted as a conceptual framework for the process of human development that, from the normative point of view, is based on international human rights norms and, from the operational point of view, is oriented to the promotion and protection of human rights (OHCHR, 2006). In this sense, it should be noted that the rights based approach is a methodological instrument that uses the discourse of the constitutional and international human rights theory, but at the same time incorporates a political dimension. This is, that of the public decision adopted through public policies of the state, who is primarily responsible for the enforcement of rights and puts the citizen at the center of any decision (Alza, 2014).

However, this conceptual and methodological framework has not been free from difficulties in its application. Abramovich (2006a) has synthesized some of the most important objections. Firstly, establishing that basing the design of public policies on human rights can be too rigid without understanding that rights are a conceptual framework for their formulation that does not intend to assign contents to human rights policies, but on the contrary to guide them taking into account that each state owns its own development strategy. Similarly, the lack of clarity about the contents of state obligations regarding rights (especially economic, social and cultural) (Abramovich, 2006b). However, this is a situation that has been resolved through the development of the so-called “general observations” on the international agreements of rights, such as the International Covenant on Economic, Social and Cultural Rights (OHCHR,

1966), that allow defining their normative components (Giménez and Valente, 2008) and scopes. In this way, a greater understanding of the dimensions that entail compliance with the law is generated.

The rights based approach is also an ethical criterion since it constitutes a particular way of assuming the role of the state and a way of activating and mobilizing machinery and state power to achieve development (Eyben, 2004). This development model responds to the expansion of capabilities or freedoms proposed by Amartya Sen, which was formulated in the Human Development Report of the UNDP (UNDP, 1990), which differs from radical needs approach (needs-based approach) and the utilitarian (cost-based analysis) in the criteria for adopting public policy decisions (Eyben, 2003; Eyben and Ramanathan, 2002). In this sense, the rights based approach is a transforming instrument of development practices that allows agencies, governments, civil society and social organization to modify their views and actions. Thus, the development agencies allocate resources to areas other than those previously given; governments review their public policies, making them more participatory; civil society and social organizations appropriate rights, demand compliance with state obligations and also assume proactive work in solving problems (Nussbaum, 1998). All these actors carry out actions that allow people to recognize and claim their established rights as human rights, rather than merely focusing on the needs that have to be met. It goes from the mere space of strategies of development of satisfaction of needs, provision of services and generation of infrastructure, to a deeper one of appropriation of rights, and therefore, generation of citizenship (Nussbaum and Sen, 1993).

### **2.3 Implications of the Right Based Approach in Public Policies**

From these arguments, a common question arises, and that is, what value does the rights based approach add to development? This question relies primarily on the instrumental argument<sup>1</sup> in favor of the human rights based approach (OHCHR, 2006). It is important to point out that the human rights based approach intends to take advantage of the lessons learned from good development practices, instead of discarding them, and to reinforce the arguments in favor of more uniform application of these teachings (Ibid). Both objective data and practice, demonstrate the critical importance of many human rights outcomes for development, such as improving girls' education (Bhalla, Saigal and Basu, 2003), improving security of tenancy (World Bank, 2003), as well as the importance of civil and political rights for good governance (Kufmann et al., 2000; Isham et al., 1998). For a better understanding of the human rights perspective it is important to differentiate human rights, understood as result-goal, that is, as an aspiration (objective) and a requirement (subjective) to achieve or obtain the legally recognized good, and the approach of human rights, understood as process-means, as a way of seeing and way of doing to achieve those rights (Jiménez, 2007). We can point out some elements present in the approach of rights. Firstly, the mainstreaming in the conception of human rights in all areas of the state and society. It means thinking and acting in the sense that human rights are the ethical-moral foundation and the very object of state action and a prerequisite for the well-being of society (Bernales, 2004). Likewise, the principle of human dignity. This has its emphasis not so much on social structures but on people and their relationships. Social integration involves then, the incorporation of people as subjects in social action networks (Guendel, 2002).

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<sup>1</sup> The instrumental argument recognizes that a human right based approach leads to better and more sustainable results in human development (OHCHR, 2006).

Based on the studies on the rights based approach and public policies, the following can be deduced. Human rights constitute the ethical foundation of the formulation and execution of public policies (Jiménez, 2007; Bernales, 2004). In this sense, human rights are the very object of public policies insofar as they are aimed at the achievement, protection or defense of socially relevant situations that involve violation of human rights (Garretón, 2004; Bucci, 2001). Therefore, public policies in the social sphere that are orientated by human rights can be understood as positive action aimed at overcoming serious situations of exclusion and structural inequality of vast sectors of the population (Abramovich, 2006a), guaranteeing universal, integral and progressive access to the exercise of their rights. Social policy, therefore, must express the specific essence of services, benefits and social protections; financing to guarantee access for those who lack of resources; the assurance of individuals, families and groups against certain risks; and the protection of those who are in situations of specific vulnerability (Rico de Alonso and Delgado, 2002). From a historical perspective, it can be pointed out that public social policies have traditionally fulfilled two fundamental roles, one of a political type as a mechanism that legitimizes systems and another of a sociological nature, based on a process of integration and social cohesion (Lacruz, 2006). Following this, the basis of rights based approach is the construction of the active and integrated subject. Building a new social and institutional culture that guarantees the individual rights of excluded groups involve articulating the ethical and moral dimensions of the classic approach to human rights with more operational aspects aimed at recognizing and overcoming inequalities (Guendel, 2003).

It is understood then, that the contents of the social policy are the set of transfers in the form of financial resources, regulatory measures, distributive and redistributive of services in the areas of education, health, social security, housing, labor protection and assistance to the

families (ECLAC, 2002, 2003). For this reason, public social policies are increasingly located in terms of rights, legal ascriptions and positive action policies, with respect to certain categories of individuals (Rosanvallon, 1995); and / or population groups that for various economic, social and political conditions, are exposed to risks and contingencies and, therefore, subjects of public regulation, transfers and services<sup>2</sup> (Lo Vuolo, 1999). In this sense, social policy in Latin America has faced paradigmatic changes, as the struggles for recognition are mobilizing alternative and innovative ways around conditions such as nationality, ethnicity, race, gender and sexuality (ECLAC, 2002). As proposed, the group identity replaces class interest as the main mechanism of political mobilization. Cultural domination replaces exploitation as fundamental injustice, of course, the struggles for recognition in this case take place in a region of exaggerated material inequalities (Fraser, 1997). In other words, social policy acquires nowadays, in addition to its distributive or intervention functions to counteract market failure, an integrating functions of welfare rights (social, economic and cultural) (ECLAC, 2002). In order to fulfil this second function, the state must also seek, through its social policy, to overcome the restrictions of democracy that impede the real exercise of welfare rights, this is, those system failures that exclude the most disadvantaged groups from politics and of the public matters (Young, 2002).

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<sup>2</sup> The objective of providing security is not limited to the typical welfare state model. The classic liberal state postulated, from an important current of political philosophy, the search for security of individuals in society. See, Claus Offe, in “Non-Productivist Design for Social Policies”, in Rubén Lo Vuolo (1999). *Against Exclusion, the proposal of citizen’s income*, Buenos Aires, p.83

## **2.4 Universalization & Focalization/Targeting**

It is important to explain the political tension that historically has existed between the universality and focalization of social policies in the rights based approach. Universality is one of the fundamental principles of social policy based in a rights approach (OHCHR, 2006). This, implies the responsibility of the state with all the peoples to guarantee them “the adequate supply of meritorious goods, that is, those goods and services that are essential for the welfare and participation in democratic life (Ocampo, 1995). Focalization or targeting is, in turn, the decision of the state to concentrate its action and its resources on the attention to particular groups of the population, for example, the poorest, the excluded, that is, the people in situations of vulnerability and social risk (Lamas, 1995). Some authors, such as Cardarely and Rozenfeld (1998), have seen a contradiction between the targeting decision and the universalization that the state must seek through social policy. They argued that the concentration of social spending, for example, on the poorest, denies the universalization of the rights of all citizens (Ibid). However, it is important to note that this criticism emerges mainly from those authors who see targeting as a political decision of neoliberal governments to justify cutting social spending, focusing symbolically on the poorest (Delgado, 2002; ECLAC, 2002).

Targeting has not only been criticized for refuting the principle of universalization. It has also been questioned because it can generate four dangers from the social point of view: the legitimization and institutionalization of the exclusion of selected groups (Lamas, 1997). Ignorance of the multi-causality of the phenomenon of poverty, since they focused policy tends to ignore the need to take measures in the field of economic policy and market (Cardarely and Rozenfeld, 1998). The discouragement of participation, since the beneficiaries can end up

assuming the passive role of simply being taken care of in their lack (Vilas, 1995). And, the disintegration of the social fabric, since targeting runs the risk of avoiding society in general being reflected in the selected groups, thus, losing “the public support that derives from the calculation of the probability of self-interest of each one” (Offe, 1985 in Cardarelli and Rozenfeld, 1998, p. 86). However, targeting can also be understood as a complement to universalization, an issue assumed by other scholars of social policy. Such is the case of Rawls (1970, 2005) and Sen (2009) who affirm that targeting is an instrument that allows the theoretical principles of justice that favor the poor to be put into practice and that if the universalization of a basic service is to be achieved, it is not to disqualify targeting but to devote efforts to find the best way to do it. This, in order to ensure that the processes and practical procedures are coherent with the philosophical statements (Sarmiento and Arteaga, 1998).

## **2.5 Chapter Summary**

Without going any further, the change of perspective (rights based) would imply strengthening the idea that individuals and groups are holders of rights and at the same time intends to provide those who suffer the consequences of taking positions of the state (both per action as by omission) the necessary potential to generate social changes<sup>3</sup> (Abramovich, 2006b). In this sense, thinking about social policy from a right based approach does not imply only incorporating a discursive change but requires thinking in a different way both the contents and the process of policy construction. It implies putting another public policy device

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<sup>3</sup> Consequently, this view of the role of the recipients can be framed within another guiding principle of the rights based approach, “participation in public policies”, as it is key in the development strategies and policies, at the same time that it results as a method to identify social needs and priorities (Arcidiacono, 2008; Arcidiacono and Zibecchi, 2007).



to work, placing rights in the center of the scene not only from its possibility of judicialization, but fundamentally as protagonist when thinking about the design and implementation of public policies (Arcidiacono, 2008).

## **Chapter Three: Methodology**

### **3.0 Chapter Introduction**

This chapter outlines and explains the research framework, as well as the method used for the development and subsequent analysis of this research. In this sense, it is established why it is understood that the use of the critical discourse analysis is the appropriate method for this paper. Finally, the arguments that were identified in the analysis of each text are enunciated.

### **3.1 Research Framework**

This research aims to contribute to the academic debates on the creation of public policies based on a rights approach. The essential questions, as stated in the introduction are:

5. What is the right based approach?
6. What is the relationship between public policies and this perspective?
7. What implications can be drawn from their links for action and intervention by public authorities?
8. How public education policies based on this perspective should be implemented?

Critical Discourse Analysis (CDA) was used as the research analysis of this work. CDA is a beneficial strategy to adopt since it is the extensive, interdisciplinary methodological approach to language and society that focusses on discourse as social exercise. CDA uses analysis at a micro-level of discourse, with the purpose of uncover the processes through which

ideologies are shaped and communicated, involving hidden dimensions of power, control, injustice and inequality, which represents, in this case, biases (Strauss and Feiz, 2014). Therefore, CDA allowed us in first place to identify those biases in the public policies that are object of study of this work, policies that will be identify in our next section. Analyse the discourses that circulate in our society has become an important objective and a clear trend of social and human sciences. This has a lot to do with the epistemic assessment of language and the theoretical-methodological importance that discourse studies have acquired, within the framework of what is known as the “linguistic turn” (Santander, 2011). According to Toolan (2002) “a text is a product rather than a process-a product of the process of text production”, for this reason we must be aware of every element that makes up this product.

### **3.2 Methods**

The CDA is a perspective that takes a more political stance and analyses the role of discourses in the reproduction of domination and abuse of power as well as its resistance against domination (Mills, 2002; Wodak and Krzizanowski, 2008; Wodak and Meyer, 2009). Theoretically, Fairclough (2001) postulates that language is a part of the social world of irreducible dialectic that is interrelated with other elements of life and stresses that language is connected with the social because it is the primary domain of ideology, therefore it is the main interest and where the power struggles are. Therefore, there are asymmetries of power and resources between those who speak and those who listen, between readers and writers, and thus have unequal access to linguistic and social resources (Urrea, Muñoz and Peña, 2013). For this reason, the CDA describes and explains how the abuse of power is represented, reproduced or legitimized by the conversations and texts of the dominant groups and social institutions (Fairclough, Mulderrig and Wodak, 1998). Methodologically, there are different approaches to

CDA that emerge from the theoretical issues and aspects of where the researchers situate themselves, however, Wodak, according to Kendall (2007), maintains that all CDA approaches have their own theoretical positions combined with methodology and methods, position that we attach ourselves.

Taking into account that discourse analysis is a highly interpretative process that recognizes the multiple interpretations that emerge from the data, we were aware that the findings needed to be rigorously supported by this data. For this reason, a process of monitoring the coherence between data and the findings of the study was held (Haidar, 2009). Therefore, according to what was established by Antaki et al. (2002) after analysing several investigations with CDA, they argue that in interpretative discourses or great discourses bad analysis, mere summaries, taking some part or citations, or identify circles of false discourses in surveys or samples, and finally, analyses that only expose and list characteristics should be avoided. In this sense, the reliability and validity of the findings rest on our strength and argumentative logic as researcher in the reports relevant to the findings. The report consisted of a series of assertions of the study data with total description of our interpretation, where we may make some interpretation or explicit conclusion to the readers. The final objective of the report is to present the analysis of the data and conclusions in such way that the reader values our interpretations.

We have resorted to CDA as technique of analysis because the object of study asks for it, that is, because it is the most appropriate way for its analysis. This, for reasons that are strictly methodological, as it follows from the requirements of an ongoing research process (Sayago, 2014). In this sense, what we studied was the discursive representation of communicative events in certain kind of journals, governmental publications, publications of

international organizations, among others. The selection of publication was the data collection technique used and therefore, CDA the most appropriate analysis technique. In this sense, we focused primarily on a social problem and political issues, instead of just studying the discursive structures outside their social and political contexts, thus being this critical analysis of social problems, a multidisciplinary one. Likewise, instead of merely describing discursive structures, we intended to explain them in terms of their properties of social interaction and, especially, of social structure. More specifically, through the use of CDA as an analytical technique, we focused on the ways in which discursive structures represent, confirm, legitimize, reproduce or challenge relationships of power abuse (domination) in society.

### **3.3 Analysis**

This research focuses on a number of basic concepts and, thus, contributes with a triadic theoretical framework that relates discourse, cognition and society (including history, politics and culture), understanding them as the main dimensions of the CDA and discursive studies in general (Van Dijk, 2016). In this sense, policy is understood as a discourse: this is, as presented and constructed in speeches, texts and other public forms – discursively. Policy texts conduct definitions of problems, reference specific classes of evidence and argument, and construct ‘knowledge’ of precise types to guide the application of policy solutions (Byrne & Ozga, 2008; Ozga, Grek, & Lawn, 2009). In the development of our approach we have relied deeply on the labour of Norman Fairclough (1992, 2001, 2003), who seizes the prolific nature of discourse in the following words:

*“Discourses not only represent the world as it is (or rather is seen to be), they are also projective, imaginaries, representing possible worlds which are different from the actual*

*world, and tied in to projects to change the world in particular direction. (Fairclough, 2003, p.124)”*

The analysis of texts and their interrelation constitutes the main tool for the identification of perspectives or ways of seeing a certain phenomenon, for which the discursive space assumes the form of an intertextual field in which the position of each text is defined in relation to the other texts (Gorostiaga and Tello, 2011). In this sense, for the identification and characterization of the perspectives, we have carried out an iterative process of: careful in-depth reading of the texts, with special attention to the central arguments or ideas; provisional identification, through the reading of the texts, of the main perspectives; a selection of the illustrative texts of each perspective, which involved reducing the number of texts under analysis, eliminating those that presented arguments already developed by the other texts; in-depth reading of the selected texts focused on arguments, worldviews and rhetorical characteristics; incorporation/elimination of illustrative texts. This is, again, a highly interpretative exercise and “marking the limits of textual orientations or generic categories is, of course, controversial” (Paulston, 1995, p.174).

In this study, two texts were analysed:

- “The Uruguayan Educational System: a study of diagnosis and proposal of public policies of the sector”
- “National Education Plan 2010-2030: Contributions for its Elaboration”

published between 1998 and 2016 that discuss the relations between the processes of public policies and rights, and the educational reforms implemented in Uruguay during the last twenty years. For the search of the texts, different bibliographical sources were used (Google Academic, Virtual Libraries of University of Glasgow, OECD library, Scielo bases,

Government Documents, Dialnet) and databases of international organizations websites were consulted. Texts produced by academics are included, in the form of articles in specialized magazines, books, book chapters and conferences; and documents prepared by governmental and non-governmental organizations of a regional nature. Since a key factor of the discourse is comparison (Arnott and Ozga, 2010), we focus both on texts that refer to Latin America as a region of to a group of countries, and as individual country of the region, with special focus on Uruguay. The analysis of each texts was made by identifying the arguments on:

- Rights Based Approach in Public Policies
- Human Rights (Education)
- What are Public Policies and what is their social purpose
- What are their general effects with a right based approach on education and society
- Citizens advocacy and the process of re-politicization of public policies for the guarantee of rights
- And; how both processes are interrelated in education (public policies and rights)

Searching for these themes means that where they are identifiable, we will be able to discern the level of rights guarantees, through the implementation of public policies by the states, knowing their effects in the region, providing an effective analytical framework for the dissertation.

### **3.4 Reflexivity & Bias**

It is very important to present the reader personal assumptions that can represent biases to our investigation. I am a young person who shows ideological principles referring to the social democracy and left-wing ideas. In this sense, throughout this paper I have tried to

separate all preconceptions from our analysis. It is important to emphasize that to combat this, we have limited ourselves to remain within the academic debate without personal precepts.

Doing this exercise to not adhere to personal principles, I seek to safeguard the impartiality of this document. Thus, I studied a model country for the Latin American region, which does not represent any conflict with my nationality or cultural traditions. Therefore, this paper aims to analyse the educational reality from a right based approach, without any type of personal interest, rather than contributing to the improvement of public policies in this sector.

### **3.5 Chapter Summary**

The discursive analysis of the documents in question gave rise to the use of this methodology. My personal biases were set aside as much as possible, as documented. The social, political and cultural interpretation inherent in the methodology used, leads to a deeper analysis of the origin of public policies in a certain context. In the next chapter this context will be explained, to show, after this, the findings.



## **Chapter Four: Policy Context**

### **4.0 Chapter Introduction**

This chapter of the dissertation presents the context in which educational policies were developed in Latin America as a region and in Uruguay in a particular way. Consequently, in order to adequately assess the degree of progress of the countries in fulfilling the objectives set out in the national action framework, it is important to consider the context of basic social and economic conditions in which the educational systems have been operating in the countries of the region. Given that this context imposes different levels of difficulty to achieve the goals of education for all in each society, later in this investigation we analyze the relationship between some of these variables and the degree of compliance with the educational objectives by the countries.

### **4.1 Educational Development**

The educational progress of the countries is only a component of the process of improvement of living conditions of societies, that is, their development, and it maintains with it a relationship of reciprocal influence: although a more extended and better education is expected contributes to general progress, the very absence of progress is in turn an obstacle to the expansion of educational opportunities (UNESCO, 2013). Indeed, although the academic literature shows a relationship between the advances in education and the economic, political and cultural development of the countries, the “*causal*” relationship seem to go both from education to development and vice versa (Chabbott & Ramírez, 2006). One of the reasons that explains this fact is that, increasingly – especially during the twentieth century – the expansion

of access to education has been conceived by societies as one of the characteristics, defining features of modern national states (Meyer, et al., 1992).

In the dissemination of this concept, international rights treaties and international organizations themselves have played an essential role, with the education for all movement (from Jomtien to Dakar) being the most consolidated point of this process (Chabbott & Ramírez, 2006). Therefore, the contemporary perspective that seems better adjusted to human rights principles as to scientific evidence, is not much that education is cause or effect of development, but that education is development. (UNESCO, 2002).

#### **4.2 Public Social Policies in Latin America**

After the deep economic crises of the 1980s, the theoretical contributions on economic and social development begin to disappear, giving way to the promotion of the establishment of market economies led by international financial institutions that began to perceive a fertile ground to develop their policies (De Boni, 2015).

It is from this decade and as a consequence of the increase in poverty, the deepening of social inequality and the exclusion of hundreds of thousands of inhabitants, that an important alert emerged for international agencies; the new regional scenario began to become a limiting factor for economic growth. That is why a series of social reforms began to be proposed slowly with an agenda led mainly by multilateral credit organizations as the World Bank (Barba, 2004). The governments in turn in Latin America aligned themselves with the so-called

Washington Consensus<sup>4</sup> (Williamson, 2004), which attempted to impose a hegemonic strategy that contains a series of economic and social measures that included strategies for the design and implementation of public social policies. For some authors, the latter, are nothing more than compensatory policies to the processes of economic adjustments applied in the countries of the region (Chiara & Di Virgilio, 2005) (Corragio, 1999).

The official documents of the World Bank and authors of the Washington Consensus emphasized the exhaustion of the strategy based on the expansion of the domestic market, and the failures of nationalist and populist regimes (Barba, 2004). In this sense, it is emphasized that the vulnerabilities of the Latin American economies were, above all, a result of the excessive protectionism that characterized the “ISI”<sup>5</sup> model (Ibid). This approach promoted the free market along with a much more permissive role of the state to foreign investment and governments willing to comply with the provisions of the international financial organizations, which landed with their “*package*” of measures that included social policies in order to mitigate the impact of the proposed economic adjustments (De Boni, 2015). Thus, in a context where external debt was “*asphyxiating*”, unemployment rates were rising and poverty reached some of its most worrisome figures in Latin American history. Financial organizations rethought the forms of application of the public social policies. In this sense, the international financial agencies began to acquire a preponderant role, offering fresh funds for the countries to apply their adjustment policies and at the same time comply with their own criteria for the

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<sup>4</sup> Term used by the economist John Williamson to refer to the package of economic measures defined by the United States Treasury and supported by multilateral credit organizations based in that city, such as the World Bank, the International Monetary Fund and the Inter-American Development Bank (Pierri, 2014).

<sup>5</sup> ISI is the acronym of “Industrialization by Substituting Imports” in Spanish. It is an economic model promoted by ECLAC in Latin America where they stop exporting and the consumption of products elaborated in the countries of origin is promoted (Barba, 2004).

design and implementation of public social policies. This, understanding that the reform processes promoted since the nineties by the multilateral organizations in Latin America were basically oriented to achieve fiscal adjustment (Chiara & Di Virgilio, 2005).

In this way, as pointed out by Poggiese (2000) and Barba (2004), the conditions for the development of social policies are subject to the conditions imposed by the investment agents, in agreement with the acting governments. This is how they prepared an investment plan that was presented to the governments, led by them, and, for these authors, with absolute power in the negotiations. Consequently it became a “*consultation with the benefit of inventory and reservation of rights*” (Poggiese, 2000, p. 16). In the last fifteen years, with many efforts and ups and downs, the new currents of thought that proclaim another approach in the public social policies are slowly gaining ground. They reject the model proposed in the Washington Consensus and assume the problem as a complex interaction between the market, social policies, domestic and community strategies who question the approach of the region as a whole (Barba, 2004).

### **4.3 Educational Reforms and the Rights Based Approach**

During the first fifteen years of the 21<sup>st</sup> century, Latin America experienced a triple joint process of expansion of educational rights. Access to education was expanded at all levels; state funding grew and rights were granted to excluded and marginalized populations, expanding the boundaries of traditional education (López, 2007). Not all countries did so by appealing to the same strategies or advancing at the same pace, but a convergence can be identified in assuming the challenge of guaranteeing education for all and extending it to the end of the secondary level (Rivas & Sanchez, 2016).

In terms of access, all the countries studied extended the years of compulsory schooling at both the initial and secondary levels. On average, it went from 10 to 13 years of compulsory schooling between 2000 and 2015. The significant increase in educational spending also marked the period. In the countries studied, the investment per student went from 1,261 dollars constant in 2002 to 2,084 in 2011. Spending on education compared to GDP went from an average of 4.04% in 2000 to 5.44% in 2011. This large growth of the educational budget accompanied and exceeded the period of notable GDP growth in the region, as well as an increase in public spending, with more efficient tax collection thanks to more orderly and thriving economies. In particular, Uruguay was the one that increased their educational investment the most (Rivas & Sanchez, 2016).

The description of these auspicious tendencies cannot leave aside the great social and educational debts that the countries of the region still have pending. The increase in financing and the expansion of rights were parallel tendencies to the structural support of unequal societies and were not enough to reverse the great needs of the schools, which were more acute in rural areas and in the poorest countries.

#### **4.4 Chapter Summary**

The context in which educational policies were developed in the foreground after the 1980s was documented. The educational advances of the region, especially in Uruguay, were described. In our next chapter, we will present the results of our analysis.

## **Chapter Five: Discourse Findings**

### **5 Chapter Introduction**

This chapter of the dissertation presents the results of the investigations and discusses the main findings. The findings will be presented through major themes that have been developed from a discourse analysis of the data collected.

Firstly, the basic information about Uruguay education policy will be presented. In this sense, this work makes a diagnosis of the Uruguayan educational system. The analysis was structured in two dimensions, one for each document. To each of these dimensions a section is dedicated, in which the findings are delineated from selected indicators, where the most determining characteristics of the conception that this country have of education and educational management from the points of view of rights are established. Subsequently, the way this conception is applied to the creation of public policies, specifically education, is analysed, using different approaches from the government and international organizations such as the OECD and the Inter-American Bank of Development. Next, the implications of this particular form of educational policy on the praxis of public schools and the logic of education in general are discussed. In this sense, an interpretation of the ideological and sociological used at the moment of creating educational policies by the governments of the country studied is made. Finally, some basic conclusions are presented based on what was studied throughout the document.

## **5.1 Basic Findings**

One country took part of this investigation. It went through processes of reforming its educational policies and its development programs at the national level. This country belongs to Latin America, specifically belongs to the south cone. Uruguay has experienced large growth in its GDP, like most Latin American countries in the southern cone, where, as our policy context has explained, and as we will detail in each section, all suffered interventions by international loan agents. This, determined at the end of the 20<sup>th</sup> century, how to reformulate the educational system of this country. After this, Uruguay varied their educational policies until they reach what we have today.

## **5.2 Documents Description**

In this section, we will analyse two documents referring to the educational reforms that have taken place in Uruguay, as well as future development plans in the same area. As the first analysis document, we have selected the work done by the regional operations department in its division of social programs of the Inter-American Bank of Development. This work entitled “The Uruguayan Educational System: a study of diagnosis and proposal of public policies of the sector” (Mancebo & Torello, 2000) allows us to analyse the educational reform promoted in Uruguay between 1995 and 1999. This reform was guided by four objectives defined with precision in the framework of a systematic vision: the improvement of the educational quality, the advance in the equity, the dignification of the function and teaching profession and the modernization of the public management. This reform integrated multiple lines of action aimed at the transformation of primary school, middle school and teacher training. In this sense, the work done by the Inter-American Development Bank proposes an analysis of four aspects:

access, equity, quality, and government and education administration. The 1995-1999 period policies are presented, and conclude with a list of suggested measures to advance the educational development of the country.

The second analysis document, is the “National Education Plan 2010-2030: Contributions for its Elaboration” (ANEP & UNESCO, 2010) of Uruguay, carried out by the ANEP by its acronym in Spanish, which responds to the “National Public Education Administration”. This is the state agency responsible for the planning, management, and administration of public education system of Uruguay. This education plan aims to make viable relevant, transformative and far-reaching educational policies, strategically connected and projected over time to ensure an educational system that is up to challenges of the era. In the same way, it takes into account the current situation, where the education plan appeared as particularly functional to the central place that educational problem had acquired in the political agenda of that country. Therefore, even with partial or even superficial treatments, the place and function given to education in the discourse of main political referents, opened an unprecedented scenario of hierarchization of the importance of educational policies. Finally, it describes the strong financial commitment to education made in the period of government in which the plan was developed, which created material conditions to make viable the transformations, on the one hand, and generating legitimate demands for educational policies, on the other.

We have decided to analyse these two documents, since they encompass the whole process of reforming the Uruguayan educational policy, as well as the approaches that have been used for its creation and subsequent application.



### **5.3 The Uruguayan Educational System: a study of diagnosis and proposal of public policies of the sector**

#### **5.3.1 Presentation of de document**

In general, the document proposes the educational reform carried out by Uruguay at the end of the nineties.

*“Within the framework of the wave of educational reforms that Latin America experienced in the 1990s, Uruguay developed, between 1995 and 1999, an educational reform that was guided by four fundamental objectives: the improvement of educational quality, the advancement in equity, teacher professionalization and modernization of public administration.” P.4*

In this sense, the document begins to suggest how the result of this reform is catalogued, when it establishes that *“this reform has been characterized as ‘successful’ in that it achieved the implementation of a large part of the objectives initially proposed”*. (Inter-American Bank of Development, 2000, P.4). This suggest this work has a level of affinity with the achievement of Uruguay. Likewise, when it establishes that *“in the understanding that the country has made great efforts in the referred process, this document was prepared with a logic of accumulation on the progress already achieved”* (Inter-American Bank of Development, 2000, P.4). With this being said, this study aimed to characterize the current situation of Uruguayan education, at the time it was made. This, from a perspective that recognizes the progress made and presents a set of feasible proposal to develop in the immediate future.

### 5.3.2 Access to education: universalization as a goal of the right based approach

In order to achieve a right based approach in educational policies, it must begin with the universalization of access to it, as we have well established in our literature review. In this sense, *“the educational policies of the 1995-1999 period prioritized the expansion of coverage in early childhood education, focusing especially on lower income sectors, in which, precisely, is the highest percentage of children in that age: 47.3% of children aged 3 to 5 years belongs to households below the poverty line”* (Inter-American Bank of Development, 2000, P.10). Despite the existing tensions in the ideological and political debate on targeting/focusing and universalization as conception of public policies, with regard to the orientation of welfare social policy (Ocampo, 2008), in this case we are not talking about exclusion of both concepts, if not a hybrid, favourable to less affluent sector.

*“Primary education (first to sixth grade) has universal coverage, which is verified both in the high gross enrolment rates and in the net rates, which continue to grow in the period 1990-1997”* (Inter-American Bank of Development, 2000, P.10). This statement begins to suggest a relationship between access to primary education and education as human right and a public and social good in the practice.

*“The reform made the expansion of initial and primary education a central line of its educational policy, placing the state in a very active role in the promotion of supply in these cycles. In a rational approach to maximize existing resources, the adopted strategy was oriented to the inclusion of preschool children in ‘Gardener Classes’ of the common schools, which implied the abandonment of the creation of kindergartens, separated from the schools, that had been historically privileged in Uruguay”* (Inter-American Bank of Development,

2000, P.13). This fragment of the document unquestionably rises the ideological perspective from which the educational policy was applied when the term “privileged” stands out. Likewise, it also proposes the change of this perspective at the moment that established that the “adopted strategy was oriented to inclusion”, suggesting again a relationship with the proposed theme.

*“This successful educational policy came together in the sanction, in 1998, of a compulsory law of initial education for all girls and boys of five years, with a term until 2002 to reach the goal”* (Inter-American Bank of Development, 2000, P.13). At the moment that refers to *“this successful educational policy”*, it does so in quantitative terms and of social recognition at the level of citizenship. After this, *“the creation of a new curriculum can be interpreted as an effort to produce a qualitative leap in three dimensions simultaneously: access, quality and equity”* (P.13). In this sense, another relationship is suggested between access and equity, and the right based approach. *“In this way, the 1996 Plan sought to overcome the great fragmentation in subjects that had been diagnosed as a central problem of the 1986 Plan, both at the curricular level and in the organizational. For this, it created a new ‘centre model’ with students staying longer in the educational centres... the operation of the schools with these new ‘structural arrangements’ found potential in the new plan for the pedagogical transformation”* (P.14). In terms of access, as it was seen, the 1996 Plan showed a greater retention capacity of students, particularly at the level of young people from the most unfavourable social context.

### 5.3.3 Education and Equity: problems and society

However, although the fact that universalization was reached at the initial level, this has not been reflected in all sectors of society.

*“The low educational levels achieved by young people from the poorest households have at least two relevant consequences. In the first place, it has been concluded that, in Uruguay, an educational level of 13 years is necessary so that the person has a high probability of avoiding situation of poverty. A second consequence is the formation of a true ‘vicious circle’, where low educational levels affect low income in adult life and generate a high probability that the second generation cannot reach high educational levels, reproducing the situation of comparative disadvantage.” P.17*

When referring to the “vicious circle” as a second consequence, it can be interpreted that it is the result of the first consequence. In this sense, when referring to this expression, it is a concept defined in terms of a second concept, and the latter in turn in terms of the first. This, constitutes the inescapable way of reflectively apprehending the concrete meaning of many pairs of basic opposing concepts. In these cases, the fundamental ideas are intertwined so intimately with each other that it is not possible to extract one from another without violence to the meaning of each one (González, 2008). In this sense, what we want to emphasize is that at the moment that these vicious circles are generated, it is very difficult for low-income citizens to access education, meaning, that access to the right to education in general is affected.

*“Equity is a very expensive principle for Uruguayan society, in whose imaginary the notion of highly integrated weighs where education has historically played a role in promoting*

*equal opportunities and ascending social mobility” (P.18).* Because of this, the reform took this principle with emphasis and reflected it in a series of policies aimed at the primary, middle and teacher training subsystems. *“In primary education, the balance of the period 1995-1999 reveals a strong presence of compensatory policies, guided by the ultimate goal of ensuring not only equal access to the cycle but equal opportunities ‘at the point of arrival’ to those students who come from the most socially disadvantage homes” (P.18).* At the moment that this document establishes *“the point of arrival”*, it refers to the educational results of those students, which suggest not only a relationship between access and rights, but also raises the educational result as a guarantor of equal opportunities. In this sense, *“the reform sought to make primary school an integrating centre of social policies” (P.20).*

#### **5.3.4 Other Considerations**

Overall, this document is a hybrid between expository and narrative discourse, since it develops ideas, analyses the Uruguayan educational problem and explains the phenomenon with the intention of communicate the events that gave rise to the facts. During its development, we were able to find concepts typical of public policies based on a rights approach, such as “universalization”, “focusing/targeting”, “equity”, “inclusion”, among others. This has allowed us to analyse the logic used for the development and structure of the document, as well as to glimpse in some spaces the ideologies or perspectives applied to the Uruguayan educational system.

## 5.4 National Education Plan 2010-2030: Contributions for its Elaboration

### 5.4.1 Presentation of the Document

The document questions the need for a national education plan in Uruguay at the time it states that the *“growing centrality of the ‘educational issue’, as the articulating axis of the most important national entrepreneurship, seems to justify by itself the convenience of elaborating a medium-term educational plan”* (P.7). This, establishing that *“the dimensions that make up the strategy were grouped into ‘the five Uruguay’: productive, social, democratic, innovative and integrated”* (P.7). In this sense, the mere mention of the five areas defined as priorities refers to the importance of education in the development that the country proposes, and the relevance of a national plan that contributes to its achievement. Without ignoring other important contributions, *“the strong financial commitment to education made in this period of government (2010-2015) influenced the creation of material conditions to make viable the transformations and the generation of legitimate demands for effective educational policies”* (P.8). In this sense, one aspect that stands out in these citation is that almost all of them present the evaluation or rationalization strategy. The discursive actors give valuation nominations determined by an axiological system involved, such as those assigned by the members of the editorial team to the actions of the government when they refer to the *“strong financial commitment”*. Likewise, an evaluation is presented on the first citation, because when it says that *“the growing centrality of the ‘educational issue’”*, it raises a guiding idea of a new educational plan which justifies itself in the national undertakings.

In order to know the primary context of this plan, it is important to understand the philosophical and ideological reasoning raised in the discourse of the president of that period, Jose Mujica. In this sense, Mujica proposes that *“the politicians have to live as the majority*

*lives and not as the minority lives*". In this sense, we can see how the rationalizations of the citations are logical based on the actions of the actors to give moral conclusions. This, under the understanding that politicians traditionally live in a privileged way, with a higher life status than the people they represent. In virtue of the above, Mujica states that, *"how good it would be, if in the basket of the quality of life that Uruguay can offer its people, there would be a good amount of intellectual consumption"*, where the resource of the metaphor is evidenced where the intellectual consumption is treated like any other material good. Because of this, Mujica expresses that:

*"Some may think that the ideal world is a place full of shopping centres... people are happy because everyone can go out full of bags of new clothes... I have nothing against that vision, I only say it is not the only possible one... wastage is not what mature societies do. Go to Holland and see the cities full of bicycles. There they will realize that consumerism is not the choice of the true aristocracy of humanity. It is the choice of novelist and frivolous ones."*

This discourse takes concepts of nature to deconstruct its logic by applying them to the social order and thus suggest that this event is proper and inherent to social practice. This, because everyone believes that the ideal world is a place full of shopping centres that causes happiness is a natural process. However, it relates this logic to the relations of power exercised by the novelist and frivolous ones. For this reason, from a social perspective, for Mujica it is not possible to have a prosperous country without a good education in which more and more is invested, *"if the whole of the country does not understand, does not participate or does not understand that this is a thing of all"* (Uruguayan Government, 2014). In that sense, it important to say about the document in analysis that:

*“The collective nature of its elaboration should be highlighted, which allowed a discussion and the writing of the contributions that are included in the plurality framework outlined above to be developed. In this regard, it should be pointed out that – deliberately – no attempt was made to unify the discourse omitting diversity of approaches or readings. On the contrary, it was intended to present informed perspectives and open debate. In this was, although certain theoretical options are justified, some issues are also made explicit in which there are different positions, in order to enrich the decision-making scenario regarding the policies to be implemented” (P. 9).*

This quote states that the goal pursued by the publication of the document is to put to consideration of all those interested in the present and future of Uruguayan education a set of conceptual elements and concrete analysis in relation to what the discursive actors consider should be the fundamental topics to be taken into account in the process of preparing an educational plan. This is undoubtedly demonstrated, when the document states that *“we do not intend to avoid discussions or install a technical discourse with the pretence of truth. Far from it, we intend to make contributions to a work process that must necessarily be plural and incorporate as many voices as possible” (P. 8)*. In this sense, from what suggests a participative spirit, the construction of the social actors that are part of the national educational plan is determined.

#### **5.4.2 Conceptual Inputs: Education as a Human Right and Public and Social Good**

The elaboration of a national plan of education in medium and long term requires a consensus and an explanation of the basic rationality that will guide it. In that sense, it implies a diagnosis of the present to project lines that aim to improve that present, *“and try in some*



way, and even if it is like a reference utopia, to anticipate the future” (P. 15). Thus, the image is established that despite the fact that the future presents an unpredictable panorama, the educational plan seeks, from a theoretical framework that is discussed and defined participative, an idyllic transformation of the educational system.

*“In any attempt at foresight there is some rationality that must be made explicit, since it guides the ‘should be’ ad its ‘how and when’, that is, the educational policies that are agreed and proposed. In this sense, the idea of prospective as a simple projection of current problems in the educational system often forgets the global cultural and social contextual frameworks in which education as a social practice is inserted, which blocks the possibility of visualizing potential areas on which affect the present, based on other possible futures, which by definition are given in extended periods.” (P. 15)*

Therefore, a reform aims to revert current problems in a short or medium term, when educational policies promote cultural changes in schools, when they involve changes in the representations of the actors, when they propose to build other practices, the difficulty to implement them appears in relatively short terms. Even more when it is combined with the haste to analyse effects, and in many cases, reduce them to their measurement (Poggi, 2008).

*“The framing of law 18.437 in its arts. 1 and 2 of education as a fundamental human right and as a public and social good – and not as a service –, implies options at the level of basic rationality, which focus the definition of educational policies in the interplay of the rights of people for their full development throughout life, as well as for society as a whole.” (P. 15)*

This perspective of human rights in which education is integrated into contemporary theorization, and which includes the current education law in its programmatic chapter, is a substantive advance, defines an ethical framework for educational policies, articulates them with each other, and locates the other legal definition as its subsidiaries. In this sense, for example, the law states in its art. 1<sup>st</sup> that *“The state will guarantee and promote a quality education...”*. Therefore, as established by Pulido (2009):

*“The attempts to generate information and monitoring systems to comply with the obligations of the states in terms of guarantees for the effective enjoyment and enforceability of the right, have made it possible to build a new educational discourse that allows to overcome the fragmentation and isolated treatment, both in the discourse and in public policies, of the different dimensions of education. This is what is happening with quality and evaluation, to mention only those that directly concern the subject of this document. It is no longer possible to maintain the thesis that quality of education is only matter of ‘improvements’ introduced in processes, content, curricula, evaluations, teaching and learning... it has to do with all the factors that intervene in the effective guarantee of the right.”* (Pulido, 2009: 10-11).

As analyzed, Pulido (2009) reasoning suggests that when some of these factors (availability, access, permanence, quality) are not present in the manner in which they are required, the enjoyment of the right is affected, or what is the same, education loses essential qualities. In this sense, unlike services, which may or may not be provided, cut back, deferred, derived, education as a public good and human right constitutes an irrenunciabile state obligation.

#### **5.4.3 Subjectivities of the Educational System: locating the change in the how?**

*“Why educate? What subject do we want to form? What characteristics do we want for society? Without a philosophical reflection on the above questions it is not possible to rethink institutionalized education beyond the instrumental” (P. 27).* It is also not possible to do it out of context, without taking into account the new cultural characteristics of the social educational space in the present and the future of Uruguay.

*“Today, education does not satisfy in relation to its basic rationality, nor in its current articulation with society. There is talk of delegitimization of the educational institution and even the ‘end of school’. The modern conception structured from the reason and the method with presumption of control of reality, no longer holds. Neither is it clear to new generations the value of knowledge and basic education, in societies in which both have lost much of their symbolic value as a channel of social mobility, and in which the precarization of work is the dominant one and training requirements are constantly diversified throughout life... that relatively stable world, heterogeneous in the facts, but homogenous in a common sense based on the structuring senses of the subjectivities, is in crisis.” (P. 27)*

The document begins to suggest that the consequences for social cohesion are evident. In this sense, the public education system must take into account the global cultural, social and economic context in an interrelated way, in the understanding that if it does not, its delegitimization will increase. In addition, the document states that in the *“in the chaotic panorama of the 21<sup>st</sup> century” (P. 29)*, education with its own inertia remains *“anchored predominantly to the model of modernity” (P. 29)*. This model transmits useful knowledge to the socialization and instruction of the citizen and routine worker, *“through institutional models and consolidated daily practices with the weight of understandings, which constitutes the common*

*sense of the actors and that give rise to chains of validation within the system” (P. 29).* So an explicit criticism of the model of modernity is highlighted, as when it includes the voice of Tedesco (1995) as part of the corpus of the document by stating that:

*“School institutions – it is good to remember – do not create the process of socialization. On the contrary, it is the content of socialization that defines the design of school institution. The school was created to transmit certain messages that required an institutional organization like the one we know today.” (Tedesco, 1995: 24)*

In this sense, as a solution to the topic of “How”, the document states that:

*“It is not a matter of adopting a postmodern fragmenting thought, which is conservative due to the impossibility of collective projectuality but, on the contrary, of recovering something of the unfulfilled liberating and democratizing promise of modernity, although incorporating changes in rationality, in the subjectivities of the actors and in everyday life.”*

The document suggests again, but in a more categorical way that in this new cultural and social framework the school is badly stopped in terms not only of its traditional socializing function, but in relation to the transmission of “*valid*” knowledge and the construction of subjectivities. For this reason, the rationalizations of the quotation are logical based on the actions of the actors to give moral conclusions.

#### 5.4.4 Articulating the Knowledge Society: Ideological Considerations

According to Fernandez Enguita (2009) while in the first industrial revolution the economic and power segmentation was linked to the ownership of means of production, in the first decades of the 20<sup>th</sup> century, in the USA, since the property is already very fragmented, this one loses importance in front of the processes of bureaucratization of the production of high volume. In that second industrial revolution what made the difference was the situation in the pyramidal structure of the organizations. The third and current industrial revolution, linked to the globalization of the economy, is based, instead, on the division of knowledge. The characteristics of the new capitalism are thus at the base of new demands for education in terms of knowledge and its form of appropriation.

*“For a long time knowledge was important and involved the possibility of upward social mobility, which – in general terms – was not reversible in the person’s life. Today, however, basic knowledge and continuous throughout life, linked to transformations in the organization of work, now define not only the segmentation into tasks more or less worthy, better or worse paid, but inclusion or exclusion of people in the labor and social sphere, and certainly and certainly do not guarantee upward mobility. This resizes the ethical responsibility of the institutions dedicated to the production and distribution of knowledge, as well as the need to articulate their policies with those of other social areas.” (P.33)*

In this sense, the document itself states that *“in order for the educational institution to fulfill a democratizing function and not be installed in the productive role of exclusions and inequalities – now a sign again –, the need to universalize ever higher levels of education is imperative. However, not only with more education but with better education is it possible to*

*try to democratize the necessary knowledge in labor terms and a resignified citizenship.” (P. 33).* Furthermore, the changing reality and complexity of today’s societies requires more than just memorization, repetitive, algorithmic and instrumental knowledge; that is, it requires the “*objectified cultural capital*” that is only activated in terms of “*capital*” insofar as it becomes “*incorporated culture*” and is projected to know how to do, appreciate, understand, decide, consume, among others.

#### **5.4.5 Other Considerations**

The document maintains a line of critical self-analysis around the educational system, seeking to address current and future difficulties from different perspectives. It is a document rich in philosophical and ideological estates because of the plurality of perspectives at the time of its elaboration. Maintains as a focal point education as a human right, and from that understanding, the elaboration of public policies for the sector, with a participative spirit. As we can see in the following quotation:

*“Quality, because it is a cultural meaning, is polysemic, ambiguous, not neutral, but often hegemonic as it is considered uncritically. It is therefore controversial, which is why it is necessary that in the elaboration of the Plan and its monitoring and evaluation system be assigned meaning in a negotiated form, based on the contextualized anthropological and sociological conceptions that are sustained and are reflected in a ‘vision’ of education framed as a human right and public good by ethical imperative and legal prescription.” (P. 159)*

This negotiation, surely conflictive, will require among many other aspects to keep in mind and try to make compatible the individual perspective of quality, linked to the demands and

expectation of parents and students at the level of educational centres, with the social perspective at the system level, which do not always coincide. This is why we believe, that the consensual construction of the educational transformation that the document presents, based on the diagnostic evaluation of the previous educational model and the new cultural context, is what will determine the effective implementation of public policies directed to the educational sector.

## **5.5 Discussion**

In the analysis of the discourse, we could notice that both texts pose the symbolism as the main figure. While it is true that every symbol is the universal testimony of humanity, there is none that should be not interpreted in its specific incarnation, in a specific culture (Garcia, 2012). Some authors, such as Lotman (1993), warn us that the nature of the symbol is twofold: on the one hand, it is realized in its invariant essence through recurrence; and, on the other hand, the symbol is actively correlated with the cultural context, is transformed under its influence and, in turn, transforms it. In this sense, it is a commonplace to affirm that social reality finds in the symbolic dimension one of its constituent parts (Barbeta, 2015). Castoriadis (1989) expressed it by pointing out that the imaginary institutes and recreates social reality. In this way, social phenomena are in one way or another always associated with symbolic forms that acquire concrete meanings for the subject.

According to what was previously stated, these documents point discursive symbolisms due to the type of language used. Using symbolic elements, in our understanding, is where we must be more careful, because the symbols generate the effect within a general context, which, if it is not consistent with the final message sought, can be read in an outrageously contrary

manner. In this sense, although both documents show education as a human right, it also uses symbolisms that reflect criticizable points of the educational figure. Therefore, it should be noted that the linguistic symbolisms that suggests a sensation, a thought or a message, by itself, do not generate anything. However, when a figure is associated, that symbolism acquires a meaning, and more if that figure has characteristics (certain or not) that are or can be associated with some image. In our case, it can be associated with political figures, as is the case of President Mujica, whom we have contextualized above.

Certainly, despite the analysis of general linguistic symbols, the determination of the concept and the role of public planning in a given collective sphere, in our case, educational policies, can not be fully understood without a reference to the more general question of territories reserved for the state and for the market in each society. In the historical evolution, state tasks have varied substantially, from time to time and from country to country, from absolutist schemes in one extreme to liberal arms in another, in a movement of successive ebbs and flows that make explicit the controversial and changing nature of this public-private cleavage backbone of the social order. In this sense, it is conclusively pointed out that *“the quantity and quality of education has of course value in itself but is imparted through an institutionalized system that pursues a social objective, the education granted must be functionally incorporated into that society that, through the education system, seeks its integration, renewal, progress and growth”* (UNESCO & ANEP, 2010: 82).

## **5.6 Chapter Summary**

In these documents we have been able to analyze that the elements that the elements of social dynamics operate in a continuous manner and obligate every educational system to be



permanently modified. This implies the need to look for a direction and to mark trails and itineraries to travel in it. And this must be done through the broadest participation of all the actors that interact in the educational process, as both documents have stated in their remarkable participatory and democratic spirit. In them, the Uruguayan social philosophical bases have been raised, which govern the educational system and the general expectations of society regarding the effectiveness and efficiency of the system. Conclusively, the divergences existing in the sectors of power and how discourses relate symbols with representative figures within society have been described.

## Chapter Six: Conclusion

### **6.0 Final Thoughts**

The promotion of educational policies integrated with policies of other areas, should be oriented to train future citizens for a tolerant and educated society, but alert to what has not been demonstrated. It also requires a deep humanistic training scientifically developed man, with a good dose of creativity. Innovation, as a kind of creation, requires it (Núñez, 2009).

From the point of view that we support, the design of educational policies with an “*anchorage*” in human rights, the logic that subsumes education to the economic field and converts it into an exchange value, nor its verifiable correlation of educational and social segmentation, is not acceptable in the long run of individuals and their societies of belonging. However, paradoxically, the human capacities that the model proposes to develop can become valid in its own key and critical; that is, in the ethical key of human and social development (ANEP & UNESCO, 2000; Uruguayan Government, 2000).

It is clear to us that “*policies*” as a manifestation of the actions of governments are the product of “*politics*”, that is, of exchange under the modalities of cooperation or conflict between different relevant actors of the public scene. The correlation appears as natural, because those who hold resources of power, of an institutional nature (leaders of political parties) or social origin (non-governmental organization, unionized workers) have leading role in public life and therefore it is foreseeable that they shape the policies to be developed. From this perspective, there is a certain determinism in the orientation of government decisions,

which would be a more or less linear product of the design of power in a given society and time.

According to documents by UNESCO & ECLAC (2000), public policies as means of acting on complex social processes require a certain rationality and adequacy between the measures to be implemented and the problems that are sought to be resolved or anticipated. This requires accurate diagnoses, the weighting of different intervention alternatives and the selection of the one that is considered most effective and efficient for the achievement of the defined ends. As can be understood, this rationality of a technical nature is different, and sometimes opposed, to the previously exposed one, of a political nature. As well has been established in our second analysis document, in plural democratic societies, “*political realism*” ensures a policy making endorsed by a critical number of relevant actors, but also tends to favor the reproduction of a specific power map. It then tends to more conservative programs, and narrows the opportunities for the most audacious transformations. On the other hand, the “*rationalism*” of public policies favors supposedly more “*objective*” solutions and better based, and eventually more innovative, although at the cost of belittling the necessary political sustainability of the programs that are adopted and the threat of displacement of protagonism from legitimate subjects to technocratic elites.

Although the discussion is not settled, it is undeniable that the practical policy in democratic states implies a certain correlation between both ingredients, of variable proportions according to the country, the situation and the different sectoral policies. It is equally true that in the particularly “*complex historical stage*” in which we live, any policy that pretends to be effective and legitimate, not just “*legal*”, requires the concurrence of specialized knowledge and broad political and social support.

Without prejudice to the previous debate, achieving real levels of compulsory schooling that defines both Uruguayan legislation and international organizations, is a fundamental challenge in the consolidation of education systems in the future. This poses a double challenge, firstly, the effective access of all involved to educational institutions, and, secondly, the possibility of carrying out significant learning, also by all, in these institutions. Furthermore, it is understood that it is a duty of the educational system to guarantee access to plural educational experiences so that all students can appropriate common knowledge that allows them to participate in society and build their life project, while enabling diverse learning that are relevant according to the multiple needs, interests and motivations of each subject, as well as the particularities of the communities of reference.

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