

## **Brief Analysis of the Educational Rights in the Context of Ecuador**

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*This work analyzes inherent aspects of the fulfillment of the right to education in Ecuadorian educational institutions, taking as a reference the Declaration of Human Rights regarding education and Article 27 of the Constitution of the Republic of Ecuador. It is a bibliographic and documentary research, which from the application of theoretical methods allowed to critically analyze the studied reality and to contribute to the permanent debate on education and its quality, which leads to the search for alternatives that allow a sustained improvement of the educational systems. The information analyzed reveals that the Ecuadorian educational system has made significant efforts to improve the quality of education, but it is not yet able to respond adequately to the interests, needs and motivations of all students, regardless of their individual and collective conditions. Therefore, it is concluded that there is evidence of violation of the rights of students.*

*Keywords: access to education, human right, educational quality, education and development*

### **INTRODUCTION**

As a fundamental human right, education is concretized in the intentional interaction between teachers, students and other socio-educational actors to exchange experiences, knowledge, values and assessments with a view to individual and collective socio-cultural development and transformation. It is important to recognize that the world is constantly changing and transforming, and that human beings must take on and implement new ways of being, feeling, thinking and acting to consolidate the construction of a fair and equitable society, capable of being sustainable and supported in a rapidly changing natural and social reality.

Although the ability of the human society to adjust to the changes and transformations of the universe has been of fundamental importance, it is no less true that at these levels of development it is insufficient; and even less so, that adaptation limited to a survival centered on the exploitation of raw materials, which by their nature are exhaustible. It is necessary that society transcends from consumption to a solid construction, understanding and spreading an advanced knowledge; knowledge that leads to the solution of present problems, but above all, for the future, since reality changes at an accelerated pace, in which case,

having as the epicenter of education the understanding and solution of past issues, becomes less important in the face of the challenges imposed by contemporaneity.

The object of study of education is a changing reality, and thus, completely different in every moment and place, so to study it, limited to a classroom with few resources and without appreciating it integrally, would be limited to understand it and even less, to design pertinent interactions in it. It should be taken into consideration that educational processes reduced to simple instruction, without overcoming the traditionalism of the agrarian and industrial era, have lost their validity and relevance due to their limitations. It is not difficult to appreciate that times have changed, and with it, the needs, interests, motivations and individual and collective sociocultural demands, in those processes, technology plays a transcendental role; nevertheless, the few advances in the conceptions, theories and practices of current education are easily surpassed by approaches that emerge from other fields.

The Ecuadorian educational system with its administrative model, school infrastructure, current curriculum, classroom and extra-classroom resources and pedagogical practices, among other core aspects of the development of the human being, are still rooted in traditionalism, in which the demands of contemporary socio-cultural development are considered to a limited extent. De Zubiría (2013), emphatically points out that "the current school does not correspond to today's world. The world is flexible, changing and diverse, and the system of schooling remains routinized, inflexible, decontextualized and static" (p. 1). Therefore, it is not surprising to find students questioning, trying to find the meaning of attending school, and showing disruptive behaviors for traditional education, since, for this, interaction is synonymous with indiscipline. It is worth noting that, nowadays, networks make available to everyone, and particularly to students, more and even better information than what several teachers could deliver together, and even more, with a didactic that is impressively welcoming for children, adolescents and even adults, therefore, if the socio-school structures and their practices do not transcend according to contemporary demands, going to school becomes less and less meaningful and important.

It is known to all, that being educated for the present is no longer enough, since one would be educating for the past. Although the essential questions of universal reality have historically been the same, due to the levels of individual and collective socio-cultural development, they require completely different answers to guarantee survival on the planet or outside it. It is clear that the emergence of a spatial culture is near. This makes us think that it is necessary to influence in the integral formation of the human being, recognizing, valuing and resorting to his conscious character, which is based on the lived experience, that is to say, human consciousness is built in experience, so education should be a significantly positive experience to make sense. The subject must be aware that what he has learned is relatively valid and that it will be his perceptive, analytical, critical and reflective capacities, among others, which will allow him to adapt, improve and contextualize what he has learned, and even more, from his initiative, to create and implement new ways to solve the problems of everyday life, which is not limited to the dawn of education.

Consciousness in educational processes plays an essential role, it leads the human being to think of the past as an important historical component for the present and the future, without necessarily being tied to it; to reflect and act critically in the present, concrete space-time, scenario in which he crystallizes his constant encounters with changing realities from a historical memory but prospective towards the future that he must face; projecting criteria, judgments and assertive, but not static, practices. The future, then, is valued as an immeasurably changing reality, but not fragmented from the present or the past; moreover, it is a reality that quickly becomes the present and the near and distant past, so that the ways of being, feeling, thinking and acting in the present are undoubtedly limited.

Therefore, it is necessary to reflect that education, beyond being a formal process of intentional influence on the behavior of human beings to promote changes and transformations pre-designed by educational administrators, experts, teachers or other citizens who acting with certain legal, moral or academic authority impose with little consideration to the diverse human character of the student body, constitutes the interaction between human beings aware of their reality, to exchange experiences, knowledge, values and assessments, from whose holistic and critical reflection emerge new ways of being, feeling, thinking and acting individually and collectively. Therefore, the teaching - learning relationship as a function of the teacher - student relationship, never made sense; it should be pointed out that, in the socio-

educational context everyone teaches and learns, while exchanging knowledge, experiences, values and evaluations, and this reaches its realization in the development and individual and collective sociocultural transformation.

## **DEVELOPMENT**

### **Some Milestones in the History of Education**

Education, like other social processes, has developed parallel to the evolution of the human species. The practice of teaching and learning on a daily and spontaneous basis has constituted a basis for reaching impressive stages of socio-cultural development. Evidence of methodical teaching processes centered on religion and traditions has been found in India, China, Persia, Egypt and ancient Greece. It is well known that it was the Jewish religions and Christianity that gave rise to education in the countries arbitrarily called the West. It can be said then that the education in the referred countries was practically a derivation of the education of ancient Greece, that found its sustenance in the thoughts of Socrates, Plato and Aristotle, and, it transited from the formation of the future administrators of the state and the society, the development of the arts, the teaching of philosophy, up to the cultivation of the ideals and the athletic instruction with a view to the Olympics. In Rome, education being the axis of the development of rhetoric and oratory since Quintilian, in the 1st Century and Cicero 45 years BC; it transcends to the development of language (Latin), classical literature, engineering, law, administration and the organization of government, as fundamental components of society.

The monastic and municipal schools took place from the influence of Christianity in the first centuries, having as central axis the development of the seven liberal arts, divided into two groups, widely known: the Trivium and the Quadrivium. Charlemagne, considering the importance of education, brought to England the clergyman and educator Alcuin, to create a school in the Palace of Aquisgram in the IX century.

The ideas of scholasticism are imposed in the education of Western Europe. In the High Middle Ages (12th century), Scholasticism sought to reconcile Christian theology with Aristotelian philosophy through logic. With the influence of Abelard and St. Thomas Aquinas, universities emerged in northern Europe from the 12th century, the University of Paris being the first. In medieval times, education was based on learning based on one's own work or service, but it was a privilege for the upper classes.

The study of classical aspects and mathematics was exceeded in the Renaissance, due to the interest in Greek and Roman culture. At the beginning of the 16th century, schools were created by the Protestant churches. Catholicism promoted the creation and directed schools, giving an answer to the influences of Protestantism. An important example of this are the centers of the Society of Jesus, founded by St. Ignatius of Loyola in 1540, and the schools created in many countries by the Jesuits. In the 20th century, interest in scientific development increased. Locke proposed a curriculum and methodology for education. The creation of the Seminary for Teachers becomes important in the development of systematic education, which is strengthened by the work *Didactica Magna* by Comenius, who emphasized the importance of Pansophic, as the possibility of teaching everything (philosophy, religion, literature, etc.) to everyone.

The schooling systems at the country level reached an important development in the 19th century, in the United Kingdom, France, Germany, Italy, Spain, among others. . Latin American countries, in order to improve local educational processes sought educational models in Europe and the United States; it was in this century that attention was paid to free basic education for the people. Kerschensteiner, Montessori, Key, Decroly, Dewey and Makarenko in the twentieth century exerted significant influence in the educational field, although each one is sheltered by their own perspectives, it is no less true that they have progressivism as their axis, hence, they emphasize the need to consider the interests and needs of the learner in their learning process. This influence extends to Latin American countries, contributing forcefully to the expansion of educational systems and processes.

### **Education as a Human Right**

Rights basically constitute principles that govern norms (rights and duties) regulating the conduct of human beings, based on the necessary equity and justice in the construction and reconstruction of society.

The General Assembly of the United Nations adopted the Universal Declaration of Human Rights in 1948, taking into consideration that it recognizes 30 principles that must be respected in the world, which are summarized as follows: Economic, Social and Cultural Rights.

Article 26 of the aforementioned Declaration refers to the Right to Education and states:

1. Everyone has the right to education. Education shall be free, at least as regards elementary and fundamental instruction. Elementary education shall be compulsory. Technical and professional instruction shall be generalized; access to higher education shall be equal for all, on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups; and it shall further the activities of the United Nations for the preservation of peace.
3. Parents shall have a prior right to choose the kind of education that shall be given to their children. (UN, 1948, p. 4).

As can be seen, the Declaration of Human Rights gives fundamental importance to education for all without discrimination, suggesting on the one hand, free education and, on the other, compulsory education as dynamic aspects of the exercise of the right to education. It is recognized that these provisions are of great relevance for nations to strengthen their educational processes and systems; however, it must be considered that the socioeconomic and political conditions of each country constitute strong limitations and even determining barriers for the majority of the population to be unable to access education.

In the Ecuadorian context, free basic and high school education is reaching a certain level of concreteness in recent years. It should be noted that until a few years ago, parents and representatives had to pay for the state education of their children and/or represented, payments that were made under disguised names or figures, such as voluntary contributions, which were authorized by the Ministry of Education itself.

Likewise, historically, educational materials, school uniforms and collaboration in the improvement of educational infrastructure must be paid for by the families. It is not unknown that the state provides certain textbooks, school uniforms at certain educational levels, although not very functional, and a snack to the students, so to speak, due to its small variety of products and insufficient according to the number of students, which is limited in relation to the real needs and even worse, taking into consideration that public schools are attended by children and adolescents from families with limited economic resources, due to the high rates of poverty, unemployment and underemployment characteristic of Ecuador.

How will a family invest in their children's education if they have a basic salary of US\$400, generally received by one of the parents, in a country where the basic food basket costs approximately US\$715? How do families whose parents are underemployed or unemployed resolve the same situation; will a family in the conditions described above be able to make voluntary contributions to educational institutions, however justified they may be; and how are the children and adolescents of families that cannot make voluntary contributions affected?

From another point of view, although third level education (higher technical-technological and third degree level) in Ecuador is free in public institutes and universities respectively, it is no less true that obtaining a place in these institutions is a difficult task, since the process of evaluation, selection and allocation of places in the higher education system has wide limitations and, logically, arbitrariness is committed, the process of evaluation, selection and allocation of quotas in the higher education system, presents wide limitations and logically arbitrary actions are committed, ranging from the allocation of quotas in institutions in provinces other than the domicile, the allocation of quotas in careers that do not correspond to the interests and needs of the applicants, and the denial of quotas in higher education. Thus, the concept of free education could be confused with gratuity, charity, gift and even generosity of those who have the power to administer it, who offer to give and/or take away implicitly or even explicitly, thus conditioning the popular will at certain historical moments.

From the aforementioned, the processes to gain access to education, to remain in it and to successfully graduate from the different educational levels in Ecuador are contrary to the principles of education for all

and equal access to higher education, among others, Although the Declaration of Human Rights of 1948 states that access to higher education shall take into account the respective merits, it is no less true that due to the discriminatory social structures historically in force, rights are violated and the possibilities of individual and collective development are limited, in which context meritocracy is nothing more than a pompous phrase of a pseudo and even a mugger leadership.

As for education at the different levels offered by private or self-financed institutions, a contextualized analysis shows that there is a wide range of offerings, although they are unaffordable for the majority of students due to their high costs. It should be noted that the relationship between investment and educational quality, both in the public and private higher education systems, is not analyzed in this paper, since it would constitute an object of study with interesting, although not very favorable, data.

If the right to education will guarantee the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms, it is worth asking why educational systems focus their attention on the learning of rigid and compulsory contents, and why they do very little to contribute to the development of human qualities and capabilities. It should be taken into consideration that a person with a positive, motivated, critical, reflective, creative and proactive attitude nowadays learns by himself much more than what he learns with a traditional teacher. This is not to downplay the role of curricular content or the role of teachers, but it is pertinent to analyze the real impact of an education limited to the transmission of content, most of which is decontextualized and superficially approached. Here, it should be noted that the limited control of teachers with respect to the essentiality of the science they teach leads to the transmission of information, the administration of tasks, the control of attendance and the measurement of memorized knowledge, as a means for school approval and/or reprobation; but it contributes little or nothing to the integral formation of the human being at any educational level.

The encounter between teachers and students is fundamental for the development of active, humanistic and enriching socio-educational processes of experiences, knowledge, values and individual and collective valuations. Therefore, education must eradicate the routine, fragmented and mechanical traditionalism centered on indoctrinating instruction convenient for the groups in power, since it focuses its attention only on the development of specific skills, generally technical-productive for specific purposes. Although this has been widely criticized, little or nothing is done by the educational systems to correct it.

It should be noted that, when speaking of power groups, it is common to think of the minority that accumulates wealth and concentrates political, economic and social power to the detriment of the vast majority, in view of which it is essential to seek alternatives to build equality, reducing the criminal social gaps they cause. However, this tendency of thought makes invisible those who exercise power distributed from guilds, unions and other forms of organization that indoctrinate, discriminate and segregate with imponderable aggressiveness; it turns out that generally, these are the ones who make the decisions institutionally speaking, leaving the decision-making capacity of an authority, limited to the simple and shameful symbiotic utilitarianism. The shamelessness of those who fervently claim popular emancipation from a fallacious patriotism does the same or even greater damage than any oppressor. The pseudo-emancipators, knowing that they are guests, conveniently regulate the social agony between hope and despair, but they hold at least a part of the power, which, due to their incapacity, they cannot reach at all, indeed, in certain historical moments it is not convenient for them, since they gain more, from the servile power they hold.

The abominable masks of pseudo-emancipation, self-labeled as vanguard, hide the true interests and motivations of those who wear them and eternalize social misery, guaranteeing their status of distributed power. Thus, while some guide a school based on the memorization of functional contents according to interests generally of power, others mold the behavior of those within their reach, through the impregnation of repetitive, deceitful and effectively motivating speeches due to their tinge of revolution, whose apprentices repeat with impressive perfection; although there is little coherence between what they say, do and live. In this premeditated plot, the questioned dominants are directly helped by the pseudo-emancipators, and vice versa, maintaining a low quality education and consequently a poorly developed society. Then, it is worth asking, how an education in such circumstances will favor understanding, tolerance and friendship among all nations and all ethnic or religious groups as a constitutional aspiration?

The high levels of poverty and misery, the massive displacement of migrants, the limited capacity to solve dizzying natural and social problems, among other situations that afflict the world, do not come from nowhere; they have their origin mainly in education and in other social sectors, which in any case also resulted from education in its different historical moments.

As for parents exercising the right to choose the type of education to be given to their children, it should be noted that low-income families, and even worse, those living in poverty, will have this possibility. In Ecuador, the quotas or places for studies in General Basic Education and High School are assigned by the Ministry of Education and in higher education institutions (HEI) by the (Secretaría de Educación Superior Ciencia y Tecnología (SENESCYT) - Secretary of Higher Education, Science and Technology (SENESCYT). In the first case, children and adolescents have the possibility to study in public institutions assigned by the Ministry of Education or, on the contrary, in private institutions paying for the service. In the second case, despite the fact that students present options of interest in the university application process, generally the courses of study to which they have access are imposed by the regulatory institution, and if they do not accept, they will have to resort to private institutions to study a course of their possible interest, or remain without undergraduate studies.

Article 27 of the Constitution of the Republic of Ecuador (2008), states that:

Education will be centered on human beings and will guarantee their holistic development, within the framework of respect for human rights, the sustainable environment and democracy; it will be participatory, compulsory, intercultural, democratic, inclusive and diverse, of quality and warmth; it will promote gender equity, justice, solidarity and peace; it will stimulate a critical sense, art and physical culture, individual and community initiative, and the development of competencies and capacities to create and work.

Although education will focus on the human being, its effects have a projection towards the recognition, appreciation and respect for everything that exists on the planet and beyond, therefore, education is the fundamental basis for the development of appropriate relationships and interrelationships of human beings with others, with other forms of life and with everything that exists. In this sense, a contextualized and relevant education is required, which contemplates all possible projections of society and its development from the construction, understanding and dissemination of valid and plausible knowledge. It is not a matter of forming a human being localized or enclosed in his or her reality, but of positively influencing individual and collective sociocultural development and transformation, for which it is essential to enhance human qualities and capabilities. It is unavoidable that, at the present time, we need citizens of the world, able to live and develop in any possible place, banishing segregation by any condition.

Although it is said that education will guarantee the holistic development of the human being, it is worth asking then, if the school as the main socializing institution is achieving this goal; in that case, it is convenient to expand the debates about the true meaning of holistic development from education, and about what in practice the educational systems should do to achieve it, since it is not limited to the learning of instrumental issues generally focused on arbitrary contents; but to guarantee the development and the individual and collective sociocultural transformation, from the conscious interaction between human beings. It is prudent then, to transcend from the daily discourse of the need for a humanistic, critical, reflexive and liberating education, towards the conscious construction of experiences, knowledge, values and evaluations from an enriching interaction, in order to achieve such purposes.

The Constitution of the Republic of Ecuador states that education shall be developed with respect for human rights, hence, taking into account that a fundamental right is freedom, the question arises, at what point students choose what they want to learn, where to learn, how to learn, with what and with whom to learn, among other possibilities of the exercise of freedom, that is, in what circumstances the interests, needs and motivations of the students are taken into account. The need to have an educational system that organizes and executes educational processes is not unknown, but it must be flexible and open to respond to individual and collective expectations, and not be reduced to an imposing and segregating institution. As pointed out by the Organization of Ibero-American States for Education, Science and Culture (2010),

primary and secondary education in Ibero-America has problems of backwardness, dropout, access, gender differences, quality and coverage. Although it does not mention similar problems in higher education, it is clear that the situation will not be very different.

Although the government, the educational system and its institutions, and particularly teachers, are responsible for guiding educational processes and actions, it is no less true that learners are the ones who give or not, a true meaning to education and to what they learn. Note that information on any subject is available in diverse and highly creative formats on the networks; the accessibility and ubiquity of information and communication is currently immeasurable; people of all ages are informed and learn what they need; then, if in school we learn pre-elaborated contents and the teachers practically decide everything; if the methodologies are traditional and do not attend to diversity; if the educational resources are limited; if freedom and autonomy are restricted, and what is learned contributes very little to the solution of the problems of daily life; if the ways of teaching and learning are not respected; if the teaching methods are not adapted to the needs of the students; if the students' different lifestyles, feelings, thoughts and actions are not respected as a basis for promoting conscious changes and transformations; if education is confined to rigid contents, periods and schedules; if many teachers respond only in a limited way to what the students ask, since they are prepared in certain contents according to their specialty; and, if exclusion and segregation are experienced in an education that does not consider the human condition from a vision of diverse naturalness; then, what is the true sense and meaning of people attending school?

Likewise, the sustainable environment is important for Ecuadorian education, however, the current curriculum does not include environmental issues as objects of study. In addition, it would be convenient for environmental experts to visit the educational context and share their experiences with students and teachers in order to understand the reality from the closest experience. Likewise, educational action should be taken to the environmentally affected natural and social context as a life experience and an expeditious way to build knowledge.

Regarding the above, it should be specified that consciousness is built in experience, as Alarcón (2018) points out that "conscious states are experiences that have an intrinsic quality" (p. 435), hence, human beings recreate in time their intentions and possibilities before making decisions, an aspect that should be widely used in the act of educating.

It should also be taken into consideration that the sustainability and maintainability of nations based on the exploitation of raw materials, besides causing immeasurable damage to the environment, constitutes an outdated and unproductive alternative, therefore, it will be necessary to transcend to new and creative ways of solving the problems of daily life in order to promote a true socio-cultural development. As can be seen, education has the power and the possibility of transforming reality, however, by maintaining fragmentation and traditionalism in educational systems, it is "annulling the possibilities of turning students into autonomous and emancipated persons" (Parra, 2005, p. 27).

On the other hand, democracy in educational systems has a diffuse face. It does not require very deep studies to demonstrate that it is neither fair nor equitable as it aspires to be. Although democracy is a mechanism that makes decision making viable in favor of all, it is no less true that, in spite of meaning of the people or popular, it is more manipulated than anything else, therefore, democracy when put into practice in many contexts loses its true meaning and sense. It cannot be denied that democracy has become a faithful servant of the interests of the dominant spheres, indistinctly, if the power is to decide what color the classroom will be painted in the school group, who will chair a group of students, who will lead the school, the university or who will govern the country.

As stated in Política (1993), "the idea is still held that legitimate power cannot be founded or operate without incorporating the will of the people; and the idea that legitimate power is in no case absolute: its limits are the rights of citizens" (p. 12), but that in practice, there are constant democratic abuses, which, basing their actions on manipulation and fraudulent persuasion, achieve the will of the people. 12), but in practice, there are constant democratic abuses, which, basing their actions on manipulation and fraudulent persuasion, obtain the popular will, a will that for different reasons, could be: naive, convinced, needy or fearful; thus abolishing the possibilities of participation as the essence of democracy.

Regarding the fact that education will be participatory, it is worth considering that to participate is to intervene in an event, in an act or in an activity, that is to say, in itself, it is the act of influencing the facts, situations and phenomena in which participation takes place. Hence, participation in education must transcend from the simple fact of attending to learn something, towards a positive interaction in which knowledge, experiences, values and assessments are exchanged as a means of influencing individual and collective sociocultural development and transformation. It is necessary to consider that participation is intimately linked to true democracy; it should be pointed out that presence validates a process, but not participation. Therefore, if pedagogical practices continue to be traditional, static, fragmented and mechanical, as in traditionalism, the possibilities of student participation are diminished and education fulfills the fact of being a formal act, with little effect on the integral formation of the human being.

There is little agreement on the meaning of educational quality; however, we would be talking about it when there is an institutional capacity to respond effectively to the interests, needs and motivations of students, regardless of their condition, and when it has an impact on their comprehensive education. In this sense, it is essential to have: physical and technological infrastructure; didactic resources; trained and updated teachers; management systems that facilitate the processes; and open and flexible curricula, among others.

Likewise, the quality of teaching plays a fundamental role in the achievement of educational quality as a process of permanent improvement. Vidal (2010), points out that "we can speak of teaching quality if the objectives inherent to the educational activity are successfully achieved, associated with competencies, and even with infrastructure, technology and services" (p. 253), hence, education for all, the eradication of discrimination and inclusion in education, so far limited to the integration of people with special educational needs to regular education, must transcend towards an education among all and for all, also transcending the idea of homogeneous normality towards the understanding of what actually exists, a diverse naturalness.

Therefore, participation in education is everyone's responsibility. Rulers and the governed are obliged to intervene and create educational situations in real contexts to favor the quality of education, since it is given in and for society, but not far from it. Therefore, it is necessary to guarantee the realization of an inclusive education that leads to appreciation, respect and relevant interaction in reality. Therefore, it is essential to integrate educational action with national and international social policies; to make management systems, curricula and educational processes more flexible in accordance with the motivations, interests and needs of students; to manage extracurricular activities without limiting them to the repetition of voluminous and ineffective work; to promote the development of human qualities and capacities, among other actions.

Although the compulsory nature of education is important and guarantees the exercise of this right, it is not enough to ensure access, permanence and successful completion of the different levels of education. In many cases, traditional school conditions are the cause of low performance levels, dropout and grade repetition. It is not sufficiently understood that the teaching role, beyond classifying and labeling students as very good, good, regular and deficient based on arbitrary parameters, should guarantee learning for all, paying more attention to those who have difficulties.

The compulsory character, which makes education unattractive, must be placated by quality education, in this sense, one of the great challenges of the school is "to manage diversity, eliminate all forms of discrimination and harmonize the differences that arise from the coexistence of cultures and/or people", (p. 40). Regarding intercultural, inclusive and diverse education, certain inclusive policies have been implemented in Ecuador, but it is made to think that there are different cultures, fragmenting reality from a segregationist thinking. As pointed out by several authors, among others, Fuentes (2009), culture is a set of human manifestations, hence, it is one, and each subject or group of subjects united by common objectives, customs and practices constitute diverse expressions of culture. In this sense, unity is in diversity and vice versa. If each human being is different with respect to the others, normality is diverse, but not homogeneous as it has been historically thought, and even naturalized, to such an extent that products and services to the needs of the supposed homogeneous normality, consciously and unconsciously violating the rights of diversity.



In order to contribute to the quality and warmth of socio-educational relationships, the school context must be a pleasant, welcoming environment that enhances qualities, capacities and talents. However, it is well known that in some educational institutions there are disagreements and conflicts caused by selfishness, segregation, discrimination and constant power struggles among its members. There are educational institutions that serve as ideological and political battlefields, distorting educational theory and practice according to current situations. It must be specified that the school is in society and this, in turn, is in the school, hence, what has been described, contributes little or nothing to the integral formation of the student body, despite the fact that, from the norm, education will promote gender equity, justice, solidarity and peace; it will stimulate the critical sense, art and physical culture, individual and community initiative, and the development of skills and abilities to create and work.

In recent years, there have been notable efforts to achieve gender equity, which is laudable, however, the historical naturalization of chauvinism means that the processes of inclusion of women in different social spheres are slow. In the educational systems, in particular, the situation is no different; there is still marked gender discrimination in the ways of being, feeling, thinking and acting of members of the educational communities.

The processes of educational inclusion are slow, and a homogenizing approach still persists in educational cultures and practices. The idea that a different person, with or without special educational needs, must adapt by his or her own means to the physical and social conditions of an educational institution must be eradicated. Likewise, it is indispensable that educational systems develop considering diversity and are prepared to attend to it according to the interests, needs and motivations of all students, regardless of their individual and collective conditions.

Currently, there are high percentages of students with low grades, dropout and grade repetition rates, and in educational institutions, there are still marked conflicts among students and between students and other members of the educational communities, which is not in accordance with the solidarity and peace determined in the standards analyzed.

The constitutional principles of solidarity and peace must characterize the educational systems and become more visible in difficult situations. Hence, if the student body presents learning difficulties, the necessary protocols and actions must be activated in a timely and pertinent manner to address such situation, and guarantee the educational success of all; since the responsibility of the educational systems is not limited to the transmission of knowledge, but transcends towards the integral formation of the human being, which must be experienced at all times and in all spaces. In other words, students should feel accepted and supported in all the circumstances inherent to their education. This is not revealed in current educational practices.

Likewise, in order to stimulate the critical sense of students in educational processes, it is necessary to have an open and flexible system, capable of capturing the ideas that arise from particular interests, needs and motivations, but educational processes, by focusing on the teaching of certain knowledge, limit this possibility and weaken the quality of education. It is not enough to train people capable of repeating what they already know; they need to analyze and reflect on the relevance and usefulness of what they learn, to create different possibilities to solve real problems and to discard what is no longer useful. This will be achieved from a critical sense, unfortunately underdeveloped in the educational systems.

Likewise, art contributes significantly to the integral formation of the human being, allows us to know ourselves; to express ideas, feelings, emotions and other possibilities of the inner world; and enhances initiative and creativity. As Palacios (2006) points out, "the importance of art in human life is revalued, because art is a primary need and represents a possibility of redeeming man from the accelerated process of dehumanization that he lives in today's society" (p. 5). The curriculum of basic and high school education pays minimal or even no attention to arts education, that is to say, it does not sufficiently take advantage of such an important resource in the formation processes of students. In those cases where it is contemplated, artistic education is focused on the development of motor skills, leaving aside the formative possibilities of socio-humanistic order, which leads to the recognition, valuation and development of the extra-artistic sphere of beauty, related to emotions, feelings and emotions of the human being.

As for physical culture, it is known that basic, high school and even higher education institutions have few resources, which means that this activity is limited to elementary exercises in an insufficient time to develop a sports culture, i.e., it is fulfilled as a subject, which is approved for school promotion purposes, similar to language learning, which among others, is studied at various educational levels and no mastery is achieved.

## CONCLUSION

Access, permanence and continuity in the educational system is a human right of all people as stated in agreements, resolutions and other international legal instruments, as well as in the Constitution of the Republic of Ecuador, however, the limitations related to investment in the educational systems do not allow to achieve the premises determined in the educational policies, cultures and practices.

In Ecuador, educational inclusion policies have been assumed, which are synthesized in “Education For All” and “Eradication of All Forms of Discrimination”, however, there is evidence of exclusion in contexts with inclusive intentions. That is to say, the institutions of the educational system are not able to respond to all students regardless of their individual and collective conditions.

The analysis shows that there are constant violations of the rights of students in the Ecuadorian educational context, although there are efforts to overcome the limitations of accessibility to the educational system, physical accessibility and access to the curriculum, it is no less true that there are still physical and social barriers that limit the full exercise of the right to education in the Ecuadorian context.

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