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An overview of the dimensions of availability and accessibility of the right to education from 2014 to 2024

Una radiografía a las dimensiones de disponibilidad y accesibilidad del derecho a la educación desde el 2014 al 2024

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(Received on: 19/02/2025; Accepted on: 27/03/2025; Final version received on: 04/07/2025)

Suggested citation: Lucio-Paredes, A. & Lucio-Paredes, N. (2025). An overview of the dimensions of availability and accessibility of the right to education from 2014 to 2024. *Revista Cátedra*, 8(2), 38-54.

Abstract

One of the State's obligations is to effectively guarantee the right to education. This requires state services through goods and services—both private and non-public. However, each good or service satisfies a specific dimension of education. The guiding question of this study is: Does the State satisfactorily guarantee the availability and accessibility of education? This study is important because it allows us to uncover the status of educational availability and accessibility through the analysis of the number of institutions and the gross enrollment ratio from the 2013-2014 academic period to the 2023-2024 academic year. The



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work adopts a mixed approach; the research design was the nested or embedded concurrent dominant model because quantitative and qualitative data were collected simultaneously. The paper concludes by stating that the State does not guarantee the right to education in the availability dimension because the number of educational institutions varies negatively between the years studied. In the 2013-2014 school year, there were 24,573 institutions, while in the 2023-2024 school year, there was a reduction equivalent to 34% of the total number of educational establishments present in 2013-2014. In the accessibility dimension, the State also fails to guarantee the right to education because the enrollment rate decreased considerably at two points in time. In the 2015-2016 school year, there was a reduction of 100,636 students. Then, in the 2020-2021 school year, there was a decrease of 92,253 students. At both points in time, accessibility to the educational system was affected for material, economic, and discrimination reasons.

Keywords

Accessibility, availability, education, educational institutions, educational enrollment.

Resumen

Un deber del Estado es garantizar efectivamente el derecho a la educación. Para esto se requiere de prestaciones estatales a través de bienes y servicios -propios e impropios-. Sin embargo, cada bien o servicio satisface una dimensión específica de la educación. La pregunta que guía este estudio es, ¿el Estado garantiza satisfactoriamente la disponibilidad y la accesibilidad de la educación? El estudio es importante porque nos permite develar la situación de la disponibilidad y accesibilidad de la educación a través del análisis del número de instituciones y la tasa bruta de matrícula desde el periodo académico 2013-2014 hasta el 2023-2024. El trabajo tiene un enfoque mixto; el diseño de la investigación fue el anidado o incrustado concurrente de modelo dominante porque se recolectó simultáneamente datos cuantitativos y cualitativos. El trabajo finaliza exponiendo que el Estado no garantiza el derecho a la educación en la dimensión de disponibilidad porque el número de instituciones educativas varía negativamente entre los años estudiados. En el 2013-2014 hay 24573 instituciones, mientras que, al 2023-2024 existe una reducción equivalente al 34 % del total de establecimientos educativos presentes en el 2013-2014. En la dimensión de accesibilidad el Estado tampoco garantiza el derecho a la educación porque la tasa de matrícula disminuye considerablemente en dos momentos. En el periodo lectivo 2015-2016 existe una reducción de 100636 estudiantes. Luego, en el periodo 2020-2021 existe una disminución de 92253 estudiantes. En ambos momentos la accesibilidad al sistema educativo se afecta por motivos materiales, económicos y, de discriminación.

Palabras clave

Accesibilidad, disponibilidad, educación, instituciones educativas, matrícula educativa.

1. Introduction

The explanation for the importance of guaranteeing the right to education is not unique. However, both human capital theories and signaling theories agree in attributing to education the ability to prepare students for their entry into the workforce and improve their economic well-being (Castellar-Urbe, 2006; Kido-Cruz and Kido-Cruz, 2015). Other positions, critical of the aforementioned, state that "education should not only assist in the development of basic skills, but also in the development of a child's personality" (Ruiz-



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Muñoz, 2014, p. 3). We observe that the explanation of the purpose of education depends on the theoretical perspective used for the analysis.

Although there are theoretical debates about its purposes, there is broad consensus on the fundamental importance of education for the development of societies. In fact, its relevance is such that it was enshrined as a human right in the 1948 UN Universal Declaration. This recognition was furthered years later by the Committee on Economic, Social and Cultural Rights, which in its General Comment No. 13 defined its four essential characteristics: availability, accessibility, acceptability, and adaptability. This study will analyze the dimensions of availability and accessibility of the right to education through educational indicators that reflect the number of educational institutions and the gross enrollment rate of the National Education System in public, municipal, fiscomisional, and private settings.

This research moves away from a fragmented view of the characteristics of education and invites us to understand that there is an interrelationship between the characteristics of the right to education. In this regard, some specialized literature has also distinguished between educational indicators and indicators of the right to education. Consequently, this paper attempts to overcome this limitation by establishing the relationship between educational indicators and dimensions of the right, considering that educational indicators "allow us to demonstrate the extent to which the State fulfills its obligations to respect, protect, and promote the right to education" (Pérez, 2015, p. 92). In this sense, the educational indicator that shows the number of institutions allows us to understand the right in its dimension of availability; while the educational indicator of the gross enrollment rate allows us to approach the dimension of accessibility.

This paper analyzes the percentages of educational institutions and the gross enrollment rate of the National Education System from the 2013-2014 school year to the 2023-2024 school year to evaluate compliance with state obligations to guarantee the effectiveness of the right to education in the dimensions of availability and accessibility. The paper begins with the question: Does the State satisfactorily guarantee the availability and accessibility of education? The purpose of this study is to describe the state of the right to education in terms of availability and accessibility by analyzing the number of educational institutions and the gross enrollment rate in the National Education System between the 2013-2014 and 2023-2024 school years.

The article consists of six sections. The first section provides an introduction, and the second presents a literature review. The third section presents the methodology, while the fourth section presents the results and a discussion. The fifth section presents the study's conclusions.

2. Literature review

2.1 Approximation and distinction of human rights

For Marín, human dignity is the fundamental value of human rights. However, the definition and characterization of the concept of human dignity is difficult to address because it is a diffuse notion that requires multiple disciplines for its explanation. Although the notion of dignity emerged during the transition from the Middle Ages to the modern age and was reinforced by the natural law theory of law, the positivization of human rights is the work of international intergovernmental organizations in the exercise of the renewed post-war international law (Marín, 2007, p. 3).



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Reviewing some of the prominent doctrine, we can affirm that human rights are "supranational rights that apply and are validated for all without distinction, and they are above any particular legal system" (Rodríguez and García, 2019, p. 1602). Human rights, unlike constitutional rights, "have universal validity; they are attributed equally to all people in the world. To this extent, they take priority over positive law, as they represent a measure of the latter's legitimacy" (Borowski, 2003, p. 31).

Since 1948, a comprehensive international legal framework has been developed to recognize, protect, and promote the right to education (Right to Education Initiative, 2015). The cornerstone of this framework is the Universal Declaration of Human Rights, which was not only the first instrument to recognize education as a right but also established it as a fundamental means for respecting other human rights. This framework was subsequently strengthened by the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly in 1966. To monitor the implementation of this Covenant, the Committee on Economic, Social and Cultural Rights was established in 1985. Its establishment was formalized by Resolution 1985/17 of the United Nations Economic and Social Council (ECOSOC).

In 1999, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 13. General Comment No. 13 states that the right to education in all its forms and levels must have four characteristics or dimensions. The Royal Spanish Academy (RAE) defines a characteristic as "a quality that gives character or serves to distinguish someone or something from their peers" (RAE, 2014). However, the characteristics that the Committee assigns to education should not be considered the only qualities that exclude others, but rather as reference frameworks for States parties to the Covenant to more effectively fulfill their obligations regarding the right to education. Taking General Comment No. 13 as a reference, the characteristics or dimensions of the right to education are availability, accessibility, acceptability, and adaptability.

2.2 Structure of the Right to Education

Our Constitution places education in the catalog of rights to good living. Drawing a parallel with other forms of classification, the rights to good living are equivalent to second-generation rights, also classified as Economic, Social, and Cultural Rights (ESCR) or rights to something. Professor Robert Alexy explains the structure of rights to something. In this regard, the author argues that "the right to something can be conceived as a triadic relationship whose first member is the bearer or holder of the right (a), its second member is the recipient of the right (b), and its third member is the object of the right (G)" (1993, p. 187).

The obligation of the right to something will always consist of an action on the part of the recipient. This allows us to classify rights to something into rights to negative actions and rights to positive actions. Within the rights to positive actions, we specifically find rights to benefits (Alexy, 1993, p. 196). The right to education is guaranteed through positive and negative actions; however, in this paper, we will only address the positive actions that the State must take to ensure the availability and accessibility of the right to education. Following the proposed structure, the holder of the right to education is the human being. The recipient is the State, primarily through the Ministry of Education, but not exclusively. The obligation consists of the positive action inherent in the provision of public goods and services to guarantee coverage, access, and other obligations that are not the subject of this paper.



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2.3 National Education System

The 2008 Ecuadorian Constitution establishes that the National Education System (SNE) is composed of educational levels, modalities, and supports, as well as the institutions, policies, plans, programs, services, resources, and actors of the educational process (Art. 344). An educational modality refers to "the specific way of offering an educational service in relation to administrative procedures, learning strategies, and teaching aids" (Barroso, 2006, p. 6). The SNE modalities are formal education and non-formal education. Formal education is classified into three levels. The levels that comprise formal education are early childhood education, basic general education, and high school. The school enrollment age for the first level starts at 3 years old and ends at 5 years old. The theoretical enrollment age for basic education starts at 5 years old and ends at 14 years old. For high school, however, the schooling age begins at 15 and ends at 17 years of age. Comparing our classification of educational levels with the reference framework developed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in its International Standard Classification of Education (ISCED 2011), the initial level corresponds to ISCED Level 0 – Early Childhood Education; the basic education level corresponds to ISCED Level 1 – Primary Education and ISCED Level 2 – Lower Secondary Education; while high school corresponds to ISCED Level 3 – Upper Secondary Education (UNESCO Institute for Statistics (UIS), 2013, pp. 27–61).

Each level can be present in different educational levels. For Silva-Beltrán et al. (2005), educational level,

It summarizes all the resources allocated by the country to the maintenance of educational services and can be divided into two sources: public resources administered by the government and those directly contributed by individuals to pay for their children's schooling (p. 240).



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In Ecuador, there are four pillars that define the legal nature of an institution, which may be a public, municipal, fiscomisional, or private educational establishment. Beyond the legal nature of the educational institution, the LOEI mandates that no establishment shall be for-profit. However, this provision is far from being fulfilled and is therefore an open discussion that leads us to the commercialization of education and its privatization, but which is not the subject of this work.

2.4 State duties and the right to education

From a normative perspective, Ecuador is a constitutional state with duties, not rights (Judgment No. 282-13-JP/19, 2019). The state's duties can be "positive or negative obligations" (Ferrajoli, 2013, p. 558). The Ecuadorian state's highest duty is to "guarantee, without any discrimination, the effective enjoyment of the rights established in the Constitution and in international instruments, particularly education" (Constitution of the Republic of Ecuador, 2008, Art. 3, No. 1). The reasons that give meaning to the Constitution's prescriptions for the state are rooted in philosophical and political foundations. For Professor Cortés, the constitutional state rests on the theses of social liberalism, which is characterized by endowing the state with the function of "protecting the vital needs of people through their recognition as fundamental human rights and by establishing a system of guarantees that includes prohibitions of harm (negative) and obligations to provide services (positive)" (2012, p. 191). In contrast, for Ramiro Ávila, the foundation of the constitutional state is distributive egalitarianism, which is characterized by its emphasis on a collective and supportive human being, entitled to multiple rights necessary for individual and social life, particularly economic and social rights (2025, p. 6). Both positions are complementary. They recognize that the role of the constitutional state is to guarantee rights; however, to achieve this goal, the state has a set of positive obligations that it must fulfill.

Professor Luigi Ferrajoli (2013), based on a formal legal systematization, indicates that all rights are expectations, although not all expectations contemplate the same correlations and obligations. For example, following the liberal classification of rights, freedom rights such as privacy entail negative expectations of non-injury, consisting of no impediment or disturbance to the exercise of the right. Meanwhile, economic, social, and cultural rights such as education entail positive expectations of provision, consisting of the action of the obligated party to guarantee the right (pp. 144-145). However, each right requires, to a different extent, both negative and positive expectations for its fulfillment.

For the right to education to be effective, the State must develop a complex system of negative and positive guarantees. Positive guarantees are "the obligations corresponding to positive expectations" (Ferrajoli, 2006, p. 25). In this case, they are the actions that the State must adopt to make the right to education effective. But we must remember that guarantees are not implemented in the abstract, but rather are materialized through public goods and services, whether their own or improper.

According to our Constitution (2008), the State promotes and guarantees the right to education through the National Education System and the Higher Education System (Art. 343 and 350). It is interesting how the constituent, when drafting the regulations relating to the S.N.E. and S.E.S., appears to have done so under the conception of Niklas Luhmann's systems theory, which understands society as a complex social system that, given its complexity, requires subsystems, each of which "observes society from its own function" (Urteaga, 2009, p. 308). If we analyze the purposes that the constituent attributed to each



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system, we can identify that it falls within Luhmann's conceptions of the educational system, this function being the:

The transformation of individual psychic systems so that they are capable of participating in any form of communication. It becomes necessary for society when socialization fails to ensure appropriate behavior. The peculiarity of the educational system, therefore, is that its effects manifest themselves, unlike other functional subsystems, outside the social system (Urteaga, 2009, p. 310).

The right to education at the initial, basic, and high school levels is guaranteed through the goods and services offered by the National Education System. The purpose of this system is to develop the individual and collective capacities and potential of the population. Finally, the National Education System must be coordinated with the Higher Education System, the Health System, the Economic and Social Inclusion System, and other systems.

The right to education, as a positive expectation of action, is effective through the provision of goods and services. In this sense, the Constitution of the Republic of Ecuador (2008) recognizes and guarantees to people "the right to access quality public and private goods and services, with efficiency, effectiveness, and fair treatment, as well as to receive adequate and truthful information about their content and characteristics" (Art. 66, No. 25). According to the doctrine of Administrative Law, the concept of public service is defined as:

Any technical activity intended to satisfy, in a uniform and continuous manner, a need of a general nature, subject to a mutable legal regime that is exorbitant to ordinary law, either through public administration or through individuals empowered to do so by the competent authority, for the indiscriminate benefit of all persons (Fernández, 2010, p. 14).

If the service is provided directly by the State or by a private entity under delegation, concession, or other legal entity, the service is called a public service. Conversely, if the service is provided neither by the State nor by a private entity under delegation, but said activity satisfies a general need, the service is called an improper public service. Based on the proposed division, education will always be guaranteed through public services, even more so since the Constitution of the Republic of Ecuador (2008) stipulates that education "shall respond to the public interest and shall not be at the service of individual and corporate interests" (Art. 26). However, with the advent of neoliberalism and the theory of contestable markets, the notion of a public service mutated due to "voices that raised the need to deregulate the providers of such services and subject them to the rules of a competitive market" (Rozas and Hantke, 2013, p. 20).

In the country, neoliberal policies began to be implemented from 1981 until 2007. This period was characterized by economic stabilization through monetary policy, fiscal policy, and trade policy, and a drastic reduction in public investment. Since the country's fiscal policy during this period was primarily oriented toward meeting international credit obligations rather than financing public goods and services, the consequence was a drastic reduction in state participation in social policy, resulting in political, economic, and social instability.

Salgado (2008) reviews Ecuador's constitutional history and argues that "the idea of convening a constituent assembly has always been present, especially when political and institutional problems appear to have no other solution because the facts exceed the legal



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framework" (p. 205). Consequently, the constitutional process that began on April 15 with the entry referendum was a space for discussion, confrontation, and agreement among representatives of the various political forces and social movements of the time, who expressed their views and interests in the Fundamental Law. In this regard, the 2008 Constitution, for example, recognizes and guarantees free education up to the third level, creates the National Education System, establishes financing rules for said system, and generally prescribes the obligations of the State to guarantee the right to education. The Ecuadorian State, by constitutional mandate, has the ultimate duty to guarantee the right to education, which is possible through the provision of public goods and services.

2.5 Dimensions of the right to education

From a prescriptive perspective, education as a right has a triple nature: it is simultaneously a constitutional right, a fundamental right, and a human right. General Comment No. 13 established that the characteristics of the right to education are availability, accessibility, acceptability, and adaptability. Availability implies that "there must be sufficient educational institutions and programs available." (Committee on Economic, Social and Cultural Rights, 1999, p. 3). Other authors equate availability with affordability, defining it as the obligation of States to "ensure that free and compulsory education is available for all children of primary school age" (Tomasevski, 2008, p. 350). Using an overly simplistic analogy, availability is also equivalent to the coverage of educational institutions provided by the National Education System.

Accessibility means that "educational institutions and programs must be accessible to all, without discrimination" (Committee on Economic, Social and Cultural Rights, 1999, p. 3). No one should be left out of the education system. Accessibility guarantees entry to the system without discrimination, and affirmative action policies promote access for people belonging to historically excluded groups. However, Observation No. 13 itself has stated that the dimension of full accessibility without restriction is applicable only up to secondary education—following the national typology, full accessibility is up to high school. The Constituent Assembly incorporated the accessibility component and enshrined it in the Constitution of the Republic of Ecuador (2008), which provides that "Universal access, permanence, mobility, and graduation shall be guaranteed without discrimination, and compulsory education at the initial, basic, and high school levels or their equivalent" (Art. 28).

Accessibility involves "ensuring that everyone within a jurisdiction has the opportunity to participate in educational processes without being discriminated against or excluded" (Köster, 2016, p. 37). Ensuring accessibility entails overcoming the barriers that impede entry into the National Education System. Accessibility consists of three subdimensions: 1) non-discrimination; 2) material accessibility; 3) economic accessibility. The three subdimensions are interrelated.

The subdimension of non-discrimination implies that entry into the National Education System must be open to all, with emphasis on groups that have historically been discriminated against. Therefore, no one can be prevented from accessing the Education System due to a suspicious status. To eliminate factors that promote discrimination in access, the State must act immediately; these actions are not implemented gradually nor are they subject to the availability of government resources.

Material accessibility involves overcoming the geographical and technological barriers that hinder entry into the System. For example, no one should be excluded from the National



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Education System (SNE) because they live in a rural area of the country or because they lack internet service. Economic accessibility ensures that no one is excluded from the education system due to economic vulnerability. Consequently, the State must implement free education. General Observation No. 13 clarifies that it is the State's obligation to guarantee free primary education and gradually implement free education up to third level. In Ecuador, based on the struggles and tensions among social movements focused on defending education, the 2008 Constitution recognized and guaranteed free education up to third level.

The acceptability of education implies that "the form and substance of education, including curricula and teaching methods, must be acceptable (e.g., relevant, culturally appropriate, and of good quality) to students and, where appropriate, parents" (Committee on Economic, Social and Cultural Rights, 1999, p. 3). The acceptability of education is often associated with the criterion of educational quality, and at the same time, educational quality is attempted to be measured through the number of students passing; however, this position is restricted because acceptability "implies a new design of education, based on the human rights of all the main actors: students, their parents, and teaching staff" (Tomasevski, 2008, p. 374).

The adaptability of education means that it "must have the flexibility to adapt to the needs of changing societies and communities and to respond to the needs of learners in diverse cultural and social contexts" (Committee on Economic, Social and Cultural Rights, 1999, p. 3). Therefore, institutions, regardless of their funding source, "have the obligation to educate students, taking into account the unique context of each student in order to maximize their learning, without their social environment affecting their cognitive development" (Constitutional Court of Ecuador, 2024, p. 50). The constituent adopted the adaptability criterion and established it in Articles 27 and 28 of the Constitution.

In short, adaptability entails recognizing the diversity of the members of the National Education System and implementing the necessary guarantees so that all, taking into account their diversity, can effectively exercise their rights in the SNE. To guarantee the effective enjoyment of the right to education, the articulated exercise of all dimensions of the right must be promoted. However, measuring the degree of satisfaction of the right implies rethinking and overcoming the segmented vision that marks a clear distinction between educational indicators and indicators of the right to education. Tomasevski has proposed the 4As (affordability or availability, accessibility, availability, acceptability) as indicators of the right to education (2008, pp. 349-350), while the Committee on Economic, Social and Cultural Rights has used the 4As as dimensions of the right to education; on the other hand, the Organization of American States (OAS) (2015) has constructed "a model composed of quantitative indicators and qualitative progress indicators, organized according to three types of indicators: structural, process, and results; organized under three conceptual categories" (p. 19).

To measure the right to education and other ESCR, we observe that there is no single proposal to understand, evaluate, or measure the dimensions of the right to education. There are several ways. However, we believe that we can analyze availability through the number of educational institutions, and we can evaluate accessibility through the enrollment rate.

Analyzing the number of enrolled students through the Gross Enrollment Ratio allows us to briefly address access to education. The Gross Enrollment Ratio Enrollment rate (hereinafter GER) is the "number of students enrolled in a given level of education, regardless of age, expressed as a percentage of the population of the theoretical age group



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corresponding to that level of education" (UNESCO Institute for Statistics, 2009, p. 7). Through the Gross Enrollment Rate we can quantify the access of people to the National Education System. The GER is obtained by dividing the total number of students enrolled in the National Education System by the total population that is of the official age to integrate the National Education System, the result of the division is multiplied by one hundred.

3. Methods and materials

The work adopted a mixed-method approach. The research design was based on the dominant concurrent embedded model because quantitative and qualitative data were collected simultaneously (Hernández et al. 2014, pp. 560-561). The information review was conducted using official documents from the Ministry of Education and specialized literature on the topic. Based on educational indicators such as the number of educational institutions and the Gross Enrollment Rate, the dimensions of availability and accessibility of the right to education were analyzed. This work describes the status of availability and accessibility of the right to education in Ecuador from the 2013-2014 academic period to the 2023-2024 academic period.

4. Results

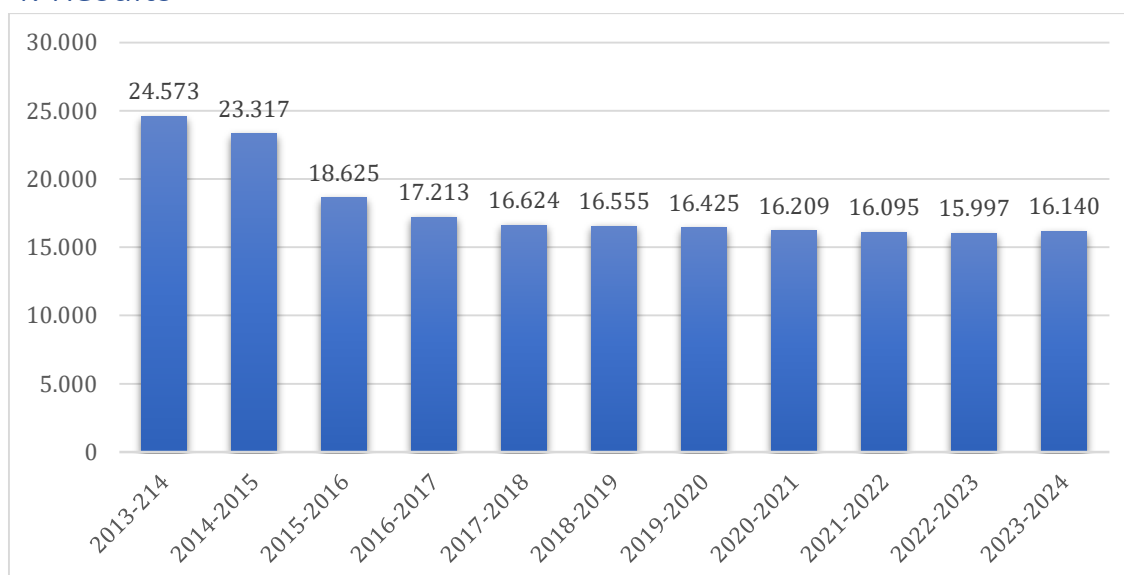


Figure 1: Historical number of educational institutions in Ecuador. Adapted from: (Ministry of Education, 2024)

In the 2013-2014 school year, there were 24,573 institutions, while in the 2023-2024 school year, there were 16,140 institutions. Therefore, from the first year analyzed to the last year, there was a decrease of 8,433 institutions, equivalent to 34% of the total number of educational establishments. In the 2015-2016 school year, there was an abrupt change in the number of educational establishments, remaining at 18,625; since that year, the decline has been stable. In the years 2022-2023, the lowest number of educational institutions will be recorded, reaching 15,997 establishments.

The distribution of educational institutions according to support could be summarized as "the number of educational institutions with fiscal support historically represents more than 70% compared to other supports, private around 20%, fiscomisional 4% and municipal 1%." (Ministry of Education, 2024, p. 27). In the years 2013-2014 the number of



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institutions with municipal support was 283, fiscomisional support 979, private support 5024; fiscal support 18287, however, after ten years, that is, for the 2023-2024 school year, the number of institutions is: municipal support 112, fiscomisional support 617, private support 3022, fiscal support 12389. Therefore, after ten years, in municipal support there is a decrease of 60.42%, in fiscomisional support there is a reduction of 39.90%, in private support it decreased by 39.84% and in fiscal support it decreased by 32.25%. The educational support that has the greatest decrease in educational establishments is the municipal one, while the support with the smallest reduction is the fiscal one.

In the 2013-2014 school year, of the 24,573 institutions, 13,815 were located in urban areas, while 10,758 were in rural areas. This means that of the 100% of institutions, 43.77% were located in rural areas and 56.22% in urban areas. In contrast, for the years 2023-2024, there were 16,140, distributed: 7,477 in rural areas and 8,663 in urban areas. This means that during these years, 46.22% of the institutions were located in rural areas and 53.67% in urban areas. Comparing the first school year (2013-2014) with the last school year (2023-2024), there was a 2.5% decrease in urban establishments, while establishments in rural areas increased by 2.5%.

During the period analyzed, there was a quantitative decline in the number of educational establishments. The number of institutions is directly related to the dimension of availability. At first glance, the decrease in establishments would affect availability and, therefore, there is a regression of the right to education. However, the regression of the right to education is not only defined by the decrease in institutions, unless this decrease affects other dimensions of the right, such as the accessibility and quality of education.

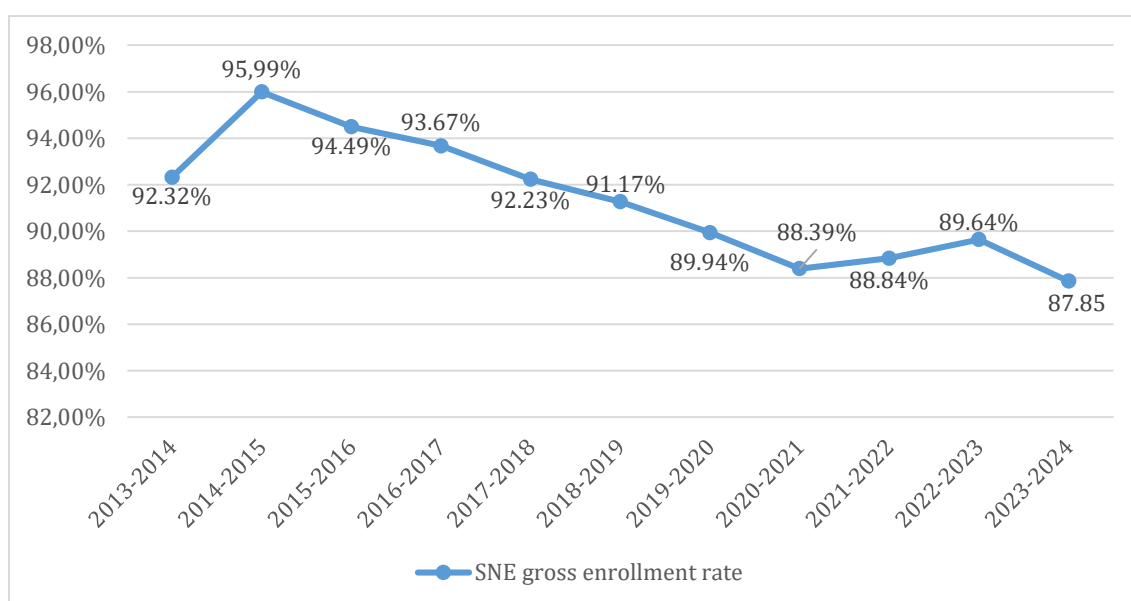


Figure 2: SNE gross enrollment rate. Adapted from: (Ministry of Education, 2024)

Analyzing enrollment numbers using the Gross Enrollment Ratio (GER) provides a brief overview of access to education. The gross enrollment ratio (GER) is the "number of students enrolled in a given level of education, regardless of age, expressed as a percentage of the population in the theoretical age group corresponding to that level of education" (UNESCO Institute for Statistics (UIS), 2013, p. 10). Using the GER, we can quantify people's access to the National Education System. The GER is obtained by dividing the total number



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of students enrolled in the National Education System by the total population of the official age to join the National Education System, and multiplying the result by one hundred.

The Gross Enrollment Ratio (GER) decreased from 2014 to 2024. In the 2013-2014 school year, the GER was 92.32%. In the 2014-2015 school year, the GER reached its highest percentage in the last ten years, with 95.99% of enrollment. However, after that year, the GER began to decline, reaching 88.39% in the 2020-2021 school year, the year in which the state of emergency was declared due to the COVID-19 pandemic. The Ministry of Education attributed the decline in the GER in 2020-2021 to the COVID-19 pandemic, although, as we can see, the decline has been sustained since 2016. In the 2021-2022 and 2022-2023 cycles, there is a very slight recovery in student enrollment compared to the lowest year of the GER; however, in 2023-2024, the GER falls again.

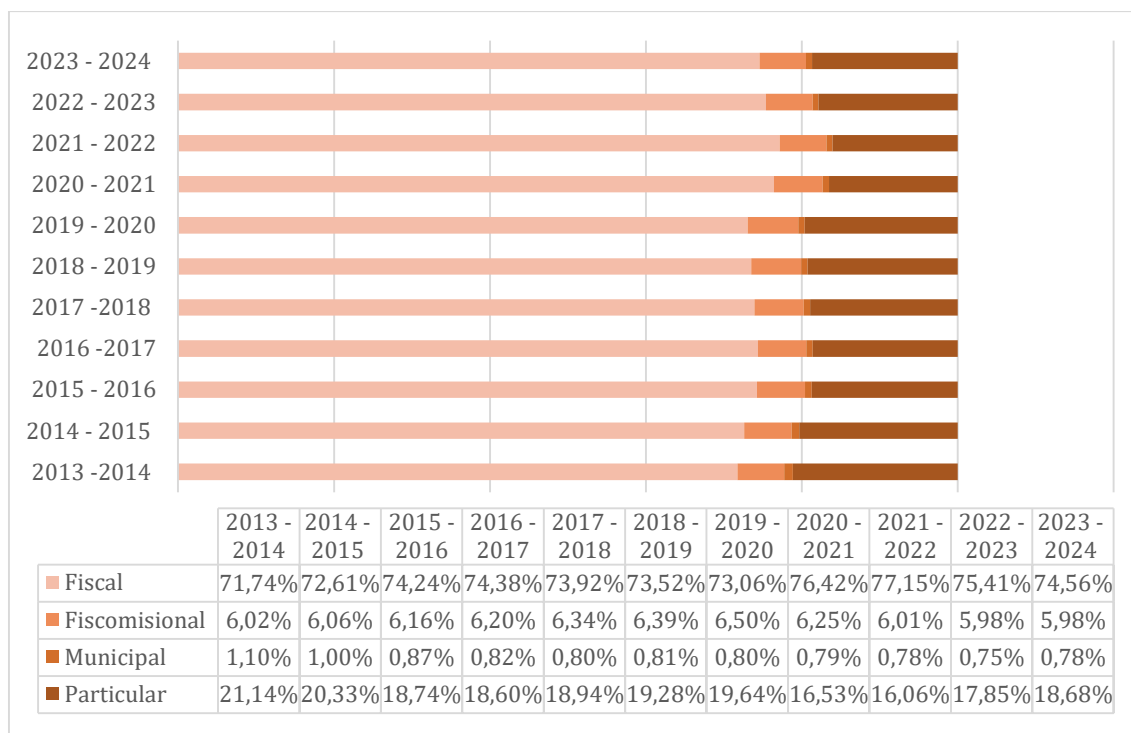


Figure 3: Students by support. Adapted from: (Ministry of Education 2024, p. 50)

In the 2013-2014 school year, enrollment distributed by educational support system shows that 71% corresponds to fiscal support, followed by 21.14% to private support, 6.02% to fiscomisional support, and 1.10% to municipal support. For the years 2023-2024, the total enrollment is distributed as follows: 74.56% to fiscal support, 18.68% to private support, 5.98% to fiscomisional support, and 0.78% to municipal support. The largest percentage of enrollment is distributed between fiscal and private support systems. Since 2013-2014, the percentage of students enrolled in public support has grown slightly and steadily, reaching 74% in the 2016-2017 school year. It then dropped to 73%, where it remained stable and with minimal variations until the 2019-2020 period.

Beginning in the 2020-2021 school year, the percentage of students enrolled has seen a positive change compared to previous years, reaching 76.42%. Private support in 2013-2014 recorded its highest percentage at 21.14%. The percentage of students enrolled subsequently declined, reaching its lowest point in 2021-2022 at 16.06%. In 2021-2022, there was a significant change in both fiscal and private support. There is a migration of



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students from private support to fiscal support. This phenomenon can be answered by the data from the 2021 National Employment, Unemployment, and Underemployment Survey (ENEMDU), which states that "As of December 2021, national poverty stood at 27.7% and extreme poverty at 10.5%. In urban areas, poverty reached 20.8% and extreme poverty at 5.9%. Finally, in rural areas, poverty reached 42.4% and extreme poverty at 20.3%." (National Institute of Statistics and Census (INEC), 2021, p. 8). We can observe that poverty increased, people lost purchasing power to access goods and services, and one manifestation of this phenomenon is the migration from private support to fiscal support.

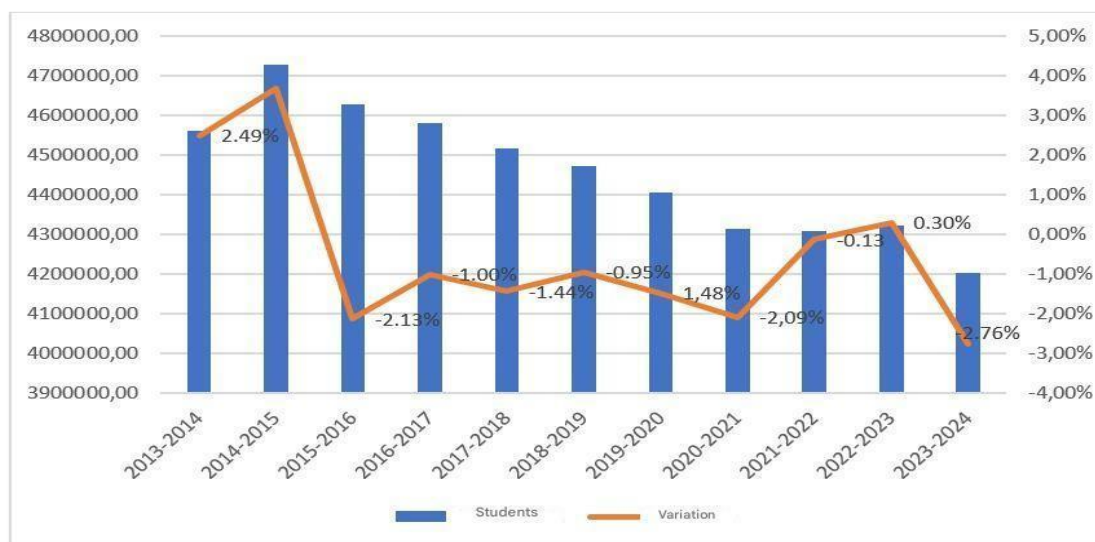


Figure 4: Evolution of enrollment at the national level. Adapted from: (Ministry of Education, 2024, p. 47).

In the 2013-2014 school year, 4,560,138 students were enrolled in the National Education System, while in the 2023-2024 school year, 4,202,798 were enrolled. The highest enrollment rate was 4,728,582 in the 2014-2015 school year, while the lowest rate was recorded in the 2023-2024 school year. Comparing the school year with the highest enrollment rate to the school year with the lowest enrollment rate, there is an 11% decrease in students. Analyzing all the years studied, there are two significant negative variations. The first occurs between the years 2014-2015 and 2015-2016, where there is a decrease of 100,636 students. The decrease coincides with the reduction in the number of educational institutions as a result of the closure of one- and two-teacher schools.

The second negative variation occurred between the 2019-2020 and 2020-2021 school years, where there was a decrease of 92,253 students, marking the year with the greatest decline in the enrollment rate. This information is corroborated by the work carried out by the United Nations Children's Fund (UNICEF), where the results indicated that in 2021 in Ecuador, "around 90,000 students are already outside the education system and around 15% of students report not having had regular contact with their teachers in the last two weeks" (UNICEF, 2021, p. 4). The GER decreased dramatically in 2020-2021 due to the social and economic impacts derived from the global health crisis.

During this period, unemployment and rising poverty caused 3% of students to migrate from the private system to the public system. There are several justified criticisms of state



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responses for being late and ineffective in ensuring student retention during the pandemic. However, fiscal support made it possible to guarantee the right to education for some—but not all—children and adolescents whose legal guardians lost the purchasing power to pay for private education. However, more than 90,000 children were ultimately excluded by an education system that failed to provide timely responses. However, as of 2023-2024, 4.1% of children and adolescents do not have access to education. Therefore, there is a further decline in the number of enrolled students, which opens the need to address the underlying causes, possibly due to the increase in migration of Ecuadorians due to the growing economic and security crisis.

The State has not guaranteed access to education, and the dropout rate from the education system is profound at two points in time. In 2015-2016, full access was hindered by geographical reasons (material accessibility) and economic conditions (economic accessibility). However, in 2020-2021, full access was hindered by material reasons—the digital divide—derived from economic and social issues (economic accessibility).

5. Conclusions

The State does not guarantee the right to education in terms of availability. The number of educational institutions varies negatively. In the 2013-2014 school year, there were 24,573 institutions, while in the 2023-2024 school year, there were 16,140 institutions. Therefore, in the last school year analyzed, there was a reduction equivalent to 34% of the total number of educational establishments present in 2013-2014.

The State does not guarantee the right to education in terms of accessibility. The enrollment rate dropped considerably at two points. In the 2015-2016 school year, there was a decrease of 100,636 students who did not enroll. The decrease coincides with the reduction in the number of educational institutions resulting from the closure of one-teacher and two-teacher schools. Then, in the 2020-2021 period, there was a decrease of 92,253 students, coinciding with the increase in poverty and unemployment due to the COVID-19 pandemic. At both times, accessibility to the education system was affected in the dimensions of material accessibility (geographical and digital reasons) and economic accessibility (scarce economic resources to access goods and services) and non-discrimination.

In the 2023-2024 school year, there was again a drop in the number of enrolled students. This coincides with the increase in migration, with 2023 being the year with the highest number of people who did not return to the country and 2024 the year with the second highest numbers. In future research, the challenge is to establish cause-and-effect relationships between the aforementioned factors to determine whether they have led to the regression of the right to education. Possible causes include the closure of single- and two-teacher educational institutions, the increase in unemployment and poverty, and the migration of Ecuadorians for security and economic reasons.

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ALEX LUCIO-PAREDES: State of the art, related concepts, data analysis, organization and integration of collected data, conclusions, final draft, and editing.

NADIA LUCIO-PAREDES: State of the art, related concepts, data analysis, organization and integration of collected data, conclusions, final draft, and editing.



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