

Right to Education of Afro-descendant and Indigenous Communities in the Americas

Report prepared for a thematic hearing before the Inter-American Commission on Human Rights¹

March 12, 2008

¹ The report was prepared by the Robert F. Kennedy Memorial Center for Human Rights (Monika Kalra Varma, Director, Marselha Goncalves Margerin, Program Officer and Fernanda Katz-Ellenberg, Pro Bono Attorney), in collaboration with Cornell University School of Law International Human Rights Clinic (Professor Sital Kalantry, Jocelyn Getgen ('07), Steven Arrigg Koh ('08)) and University of Virginia School of Law International Human Rights Clinic (Professor Deena Hurwitz, Olayemi Abayomi ('09), Heather Axford ('07), Lauren Bertini ('08), Janet Boysen ('08), Sarah Davis ('10), Kate Flatley ('08), Kristin Flood ('08), Rebecca Freeman ('09), Jennifer Jessie ('09), David Plante ('09), Caitlin Stapleton ('09), Gabriel Walters ('09)).

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

I. EXECUTIVE SUMMARY

As the Inter-American Commission on Human Rights (hereinafter “the Commission”) adopts and begins to examine standards and guidelines for the guarantee of economic, social and cultural rights, the Robert F. Kennedy Memorial Center for Human Rights (hereinafter “the RFK Center”)² requested this general interest hearing to discuss the state of the right to education in the Americas.³ In the hearing, and through a comprehensive report, the RFK Center and its partners, international human rights clinics from Cornell Law School and University of Virginia School of Law, and witnesses from the region, will focus on the right to education for Afro-descendant and indigenous peoples in the Americas. As a means to demonstrate the overall state of education in the Americas, the hearing and report provide detailed accounts regarding the status of the right to education in Colombia and Guatemala, as well as an overview of the Dominican Republic.

In addition to the obligations stemming from the American Declaration on the Rights and Duties of Man,⁴ Article 26 of the American Convention on Human Rights (hereinafter “the American Convention”) requires that States Parties take steps to progressively achieve full realization of the right to education.⁵ In connection, Article 1 of the American Convention establishes State obligations to respect rights without discrimination.⁶ Furthermore, the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (hereinafter “the Protocol of San Salvador”) explicitly recognizes a universal right to education (Article 13), and the right of every child to free and compulsory [primary] education (Article 16), without discrimination (Article 3).⁷ Article 13 of the Inter-American Democratic Charter resolves that, “[t]he promotion and observance of economic, social and cultural rights are inherently linked to integral development, equitable economic growth, and to the consolidation of democracy in states of the hemisphere.”⁸ Thus, the importance of determining Organization of American States (hereinafter “the OAS”) Member States’ obligations in contributing to economic, social and cultural rights, through working to improve the right to education, cannot be over-emphasized.

² This project was undertaken by the RFK Center in partnership with its Human Rights Laureates Berenice Celeyta (NOMADESC), 1998 RFK Human Rights Laureate from Colombia, Amilcar Mendez Urizar (CERJ), 1990 RFK Human Rights Laureate from Guatemala, and Sonia Pierre (MUDHA), 2006 RFK Human Rights Laureate from Dominican Republic. RFK human rights laureates arranged and participated in most meetings and were very involved in the on-the ground investigation conducted. RFK human rights laureates also identified the witnesses testifying at the hearing before the Commission.

³ In the interest of time, a hearing was sought without the presence of the State governments.

⁴ See American Declaration on the Rights and Duties of Man, arts. II, IX, O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948), *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992) [hereinafter American Declaration].

⁵ See American Convention on Human Rights, art. 26, O.A.S. Treaty Series No. 36, Nov. 22, 1969, 1144 U.N.T.S. 123 [hereinafter American Convention].

⁶ See *id.* at art. 1.

⁷ See Additional Protocol to the American Convention in the Area of Economic, Social and Cultural Rights, arts. 3, 13 & 16, O.A.S. Treaty Series No. 69, Nov. 17, 1988 [hereinafter Protocol of San Salvador];

⁸ See Inter-American Democratic Charter, art. 13 (2001).

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

The right to education functions as a multiplier right: it “unlocks other rights when guaranteed, while its denial precludes the enjoyment of all human rights and perpetuates poverty.”⁹ Minority populations face particular obstacles in attaining quality education due to institutionalized discrimination, language and cultural barriers, and geographic isolation. In most Latin American and Caribbean countries, the failure to provide quality education for Afro-descendant and indigenous peoples is a significant problem. Though their countries’ constitutions and membership in the OAS (invoking the American Convention) guarantee the right to education, the majority of Afro-descendant and indigenous peoples have little to no adequate primary or secondary education. Further, facing centuries of entrenched structural discrimination, very few, if any, enjoy access to higher education.

The Report addresses States’ obligations to fulfill the right to education without discrimination and examines the failure to meet those obligations in three specific countries: Colombia, Guatemala and the Dominican Republic.¹⁰

A. LEGAL FRAMEWORK AND METHODOLOGY

Section II surveys States’ immediate and progressive obligations under the Inter-American system to provide education to all persons within their jurisdictions. States are immediately obligated to provide to all persons within their jurisdictions education without discrimination, compulsory and free primary education, and equal protection under the law.¹¹ Additionally, States must progressively realize the right to secondary and higher education, within the parameters of the concept of “reasonable time” jurisprudence contemplated by the Inter-American human rights system.¹² The most vulnerable populations, including Afro-descendant, indigenous peoples, children, and women, are entitled to education on an equal basis and without discrimination.¹³

Section III of this Report discusses its methodology, which analyzes the lawful realization of the right to education through the structural, process, and outcome indicators recommended by the Commission.¹⁴ The Commission’s Guidelines permit an examination

⁹ Katarina Tomasevski, *Human Rights Obligations in Education: The 4-A Scheme* 47 (2006).

¹⁰ In preparation for this report, investigations looked more extensively at the problem in Colombia and Guatemala. Hence, we provide a brief overview of the problem in the Dominican Republic.

¹¹ See American Convention, *supra* note 4, at art. 26; Protocol of San Salvador, *supra* note 6, at arts. 13 & 16; O.A.S. Charter, arts. 34, 49 [hereinafter OAS Charter]; Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, (Convention of Belém do Pará), art. 5, Jun. 9, 1994, 33 I.L.M. 1534 (1994) [hereinafter Convention Belém do Pará]; American Declaration, *supra* note 3, at arts. II, IX.

¹² See American Convention, *supra* note 4, at art. 26; Protocol of San Salvador, *supra* note 6, at arts. 13(3)(b)–(c); Convention Belém do Pará, *supra* note 10, at art. 8(b); OAS Charter, *supra* note 10, at art. 49. See also Suárez Rosero Case, 1997 Inter-Am. Ct. H.R. (ser. C), No. 35, at para. 72 (Nov. 12 1997), available at http://www.wcl.american.edu/humright/hracademy/corteidh/seriecpdf_ing/seriec_35_ing.pdf?rd=1.

¹³ See Convention Belém do Pará, *supra* note 10, at arts. 6, 8; Draft Inter-American Convention Against Racism and All Forms of Discrimination and Intolerance, art. 6, OAS, Doc. OEA/Ser. G, CP/CAJP-2357/06, adopted 18 April 2006.

¹⁴ See INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, GUIDELINES FOR PREPARATION OF PROGRESS INDICATORS IN THE AREA OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS, OEA/Ser/L/V/II.129 (Doc. 5), at ¶ 30–32 (Oct. 5, 2007), available at http://www.cidh.org/pdf_percent20files/Guideline_percent20october_percent202007_percent20eng.pdf [hereinafter Guidelines].

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

of the State's institutional framework for providing education, the quality and extent of State action, and the impact of State action on the targeted populations.¹⁵ In evaluating the quality of education provided, this report adds to the methodological approach the "4-A Right to Education Framework" proposed by the former U.N. Special Rapporteur on Education, Katarina Tomasevski.¹⁶ It includes an additional factor, accountability, proposed by the Woodrow Wilson School of Public and International Affairs.¹⁷ This framework measures the scope of the State's obligations, taking into account structural discrimination through reference to five essential elements of education: availability, accessibility, acceptability, adaptability, and accountability.¹⁸ This framework is referred to herein as the "5-A Right to Education Framework."

B. COUNTRY PROFILE: COLOMBIA

Section IV offers a case study on the status of the right to education in Colombia for Afro-Colombians and indigenous peoples. The "5-A Right to Education Framework," analyzed through the structural, process and outcome indicators proposed by the Commission, suggests that Colombia is in violation of Inter-American treaties that require it to provide education to Afro-Colombians and indigenous peoples equally and without discrimination. In particular, Colombia is in violation of: 1) Articles 13 and 16 of the Protocol of San Salvador by its failure to immediately provide free primary education to all;¹⁹ and 2) Articles 1, 19 and 24 of the American Convention,²⁰ Article 3 of the Protocol of San Salvador,²¹ and Articles 4 and 6 of the Convention of Belém do Pará by failing to provide education without discrimination and equal protection.²² Furthermore, Colombia is obligated to progressively realize secondary and higher education rights under Article 19 and Article 26 of the American Convention,²³ Article 13 of the Protocol of San Salvador,²⁴ and Article 8 of the Convention of Belém do Pará.²⁵

The lack of equality in education for Afro-Colombians and indigenous peoples is illustrated by the outcome indicators. For example, 33.4 percent of indigenous peoples and 31.3 percent of Afro-Colombians in Colombia are illiterate, a rate nearly three times that of

¹⁵ *See id.*

¹⁶ *See* Committee on Economic Social and Cultural Rights (CESCR), *General Comment 13 on the Right to Education*, ¶ 6, U.N. Doc. E/C.12/1999/10 (1999), *available at* [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.1999.10.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.1999.10.En?OpenDocument) [hereinafter U.N. Framework].

¹⁷ *See* PRINCETON UNIVERSITY WOODROW WILSON SCHOOL OF INTERNATIONAL AFFAIRS, *FREE TO LEARN: A RIGHTS BASED APPROACH TO UNIVERSAL PRIMARY EDUCATION IN KENYA 30* (2006), *available at* http://www.princeton.edu/research/final_reports/f05wws591i.pdf [hereinafter WOODROW WILSON FRAMEWORK].

¹⁸ *See id.*

¹⁹ *See* Protocol of San Salvador, *supra* note 6, at arts. 13 & 16.

²⁰ *See* American Convention, *supra* note 4, at arts. 1, 19, & 24.

²¹ *See* Protocol of San Salvador, *supra* note 6, at art. 3.

²² *See* Convention Belém do Pará, *supra* note 10, at arts. 4 & 6.

²³ *See* American Convention, *supra* note 4, at arts. 19 & 26.

²⁴ *See* Protocol of San Salvador, *supra* note 6, at art. 13.

²⁵ *See* Convention Belém do Pará, *supra* note 10, at art. 8.

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

the rest of the population.²⁶ Furthermore, only 18 percent of indigenous people and 13 percent of Afro-Colombians who are over eighteen-years-old have completed primary education.²⁷ Afro-Colombians and indigenous peoples together constitute a sizable minority in Colombia—25 percent of Colombia’s population is Afro-Colombian and 2 percent consists of indigenous peoples.²⁸ Despite this, at the post-graduate levels, only .71 percent of enrolled students are indigenous and 7.07 percent are Afro-Colombian.²⁹

Colombia’s Constitution deviates from Colombia’s Inter-American and international treaty obligations by requiring certain people—those who can afford to pay—to pay for public education.³⁰ The failure to guarantee free primary education to children clearly violates Articles 13 and 16 of the Protocol of San Salvador. Despite this structural failure in Colombia’s domestic law, numerous provisions of the Constitution and Constitutional Court decisions have provided robust protections to the right of education. Constitutional Court decisions and domestic laws generally conform to the “5-A Right to Education Framework.”

There are numerous process indicators in Colombia that are intended to protect the right to education, such as agencies, plans, and programs. There is a Ministry of Education, which institutes Ten-Year National Developmental Plans on education, an ombudsman who brings claims to enforce violations of the right to education, and an agency in charge of administering issues related to internally displaced people. These process protections, however, have not been adequate in scope and coverage to guarantee education to all.

The outcome indicators highlight the disparities in education among minorities and non-minorities in Colombia. First, problems with availability exist as a result of dilapidated or non-existent educational structures and the lack of quality teachers, particularly in areas with large minority populations. Second, education is both economically and physically inaccessible for many minorities. Minorities, who tend to be disproportionately poor, are often unable to afford matriculation fees and ancillary items such as uniforms and transportation. Minorities face additional hurdles as a result of structural discrimination inherited from the legacies of colonization, slavery, and inequality. Third, with respect to the acceptability of education, the increased public funding for poor quality private education has led to a crisis of educational quality for minorities who are forced to attend “garage schools.”³¹ Fourth, education is not entirely adaptable to the needs and backgrounds of Afro-Colombians and indigenous peoples. Fifth, while there are mechanisms for accountability such as *tutela* actions, they are of limited utility in making wider policy changes.

²⁶ See ENRIQUE SÁNCHEZ & PAOLA GARCÍA, WORLD BANK, MÁS ALLÁ DE LOS PROMEDIOS: AFRODESCENDIENTES EN AMÉRICA LATINA 16, 38 (2006), available at www.acnur.org/biblioteca/pdf/4558.pdf.

²⁷ See PROCURADURÍA GENERAL DE LA NACIÓN, EL DERECHO A LA EDUCACIÓN: LA EDUCACIÓN EN LA PERSPECTIVA DE LOS DERECHOS HUMANOS 159 (2006).

²⁸ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, ANNUAL REPORT 2006, ¶ 31, available at <http://www.cidh.oas.org/annualrep/2006eng/Chap.4a.htm>.

²⁹ See VICE MINISTER OF PRESCHOOL, BASIC, AND MEDIUM EDUCATION, MINISTRY OF EDUCATION, DIRECTION OF ORDER AND EQUITY (2007), available at www.mineducacion.gov.

³⁰ Political Constitution of Colombia, art. 67 (1991).

³¹ As noted *infra*, “garage schools” are private schools that are springing up in several underserved parts of Colombia. These schools lack quality teachers, curricula, and learning materials.

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

The violent internal conflict in Colombia has had a devastating impact on the education of minorities. Afro-Colombian and indigenous peoples have been disproportionately displaced and forced into extreme poverty as a result of the conflict. Displacement naturally disrupts education and, in Colombia, the poorest are among those who have the least access to education. Although ending the decades-long conflict is an important priority for the government, Colombia must recognize that guaranteeing that all children receive quality education can be an important step in the peace process. The Commission has observed in its special report on Colombia in 1999 that 15 percent of members of paramilitary groups are minors and in some areas the number rises to 50 percent.³² The Commission has also noted that paramilitary groups go to low-income areas or camps of displaced persons, offering sums of money to attract children to their ranks.³³ A viable education can offer an attractive alternative for children who may be recruited to enlist as soldiers in the internal conflict.

C. COUNTRY PROFILE: GUATEMALA

Section V offers a case study on the status of the right to education in Guatemala for Afro-descendant and indigenous peoples. By failing to implement effective measures to fulfill the right to education within the “5-A Right to Education Framework,” Guatemala has failed to meet its obligations under the Inter-American human rights system to Afro-descendant and indigenous peoples. The failure to effectively provide all its citizens, especially compulsory and free primary education without discrimination and equal protection under the law, violates the following obligations: Article 19 and 26 of the American Convention, in connection with Article 1;³⁴ Articles 13 and 16 of the Protocol of San Salvador;³⁵ and Article 5 of the Convention of Belém do Pará.³⁶ Furthermore, Guatemala is obligated to progressively realize secondary and higher education rights under Article 19 and Article 26 of the American Convention,³⁷ Article 13 of the Protocol of San Salvador,³⁸ and Article 8 of the Convention of Belém do Pará.³⁹

Guatemala’s failure to provide quality education also violates the State’s Constitution and domestic law. The right to education is guaranteed by the Constitution, Articles 71 and 74, which declare that education is obligatory and shall be provided free of cost. Additionally, the Peace Accords of 1996 establish binding goals aimed at improving education and a number of domestic laws purport to provide education by addressing bilingual education and literacy rates.

However, Guatemala’s political, ethnic and geographic realities—the violent 36-year civil war, the diversity of language and traditions of the people, and the rural nature of the

³² See INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, THIRD REPORT ON THE HUMAN RIGHTS SITUATION IN COLOMBIA, ch. 13, ¶ 62 (1999), available at <http://www.cidh.org/countryrep/Colom99en/table%20of%20contents.htm>.

³³ See *id.*

³⁴ See American Convention, *supra* note 4, at arts. 1, 19, & 24.

³⁵ See Protocol of San Salvador, *supra* note 6, at arts. 13 & 16.

³⁶ See Convention Belém do Pará, *supra* note 10, at art. 5.

³⁷ See American Convention, *supra* note 4, at arts. 19 & 26.

³⁸ See Protocol of San Salvador, *supra* note 6, at art. 13.

³⁹ See Convention Belém do Pará, *supra* note 10, at arts. 4 & 6.

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

country—prevent any implementation of these laws. Guatemala’s educational attainment and literacy rates are among the lowest in Latin America and literacy rates for indigenous populations are distinctly lower than for the rest of the Guatemalan population.⁴⁰

The availability of education in Guatemala is compromised because the government has failed to devote adequate funding and resources; schools are overcrowded, teacher training and salaries are deficient, and there is an insufficient number of school facilities. For example, although Guatemala’s education budget doubled between 2000 and 2005,⁴¹ the government spent just 1.8 percent of its GDP on education in 2007, which is well below the Latin America and Caribbean average of 4.7 percent.⁴² Deficiencies in expenditures, infrastructure, teacher supply and quality are generally even worse for indigenous and Afro-descendant communities, compounding their disadvantage and impeding their already inferior prospects.

Education is also inaccessible to many Guatemalans due to the remote locations of schools and the economic need for children to work rather than attend school. The Government has concentrated on achieving universal coverage of primary education, which it measures using enrollment figures. This measurement method, however, ignores significant problems, including completion of primary school, repetition of grades, failing, and dropping out of school. Indeed, among children who entered first grade on time, more than half were delayed or expelled within that year.⁴³

Cultural and language gaps, and the failure of the State to provide adequate bilingual schools, make education unacceptable for many Afro-descendant and indigenous peoples. Guatemala also fails to effectively adapt its education system to the unique needs of the rural farming population, consisting primarily of Afro-descendant and indigenous peoples. The result is a disparity in attainment of education, both at the primary and secondary levels, for indigenous and Afro-descendant peoples,⁴⁴ in violation of Guatemala’s regional, international, and domestic legal obligations.

⁴⁰ LUISA MARIA MAZARIEGOS ET AL., EDUCACIÓN E IDIOMA: ACCESO Y DIVERSIDAD ÉTNICO-CULTURAL 1994–2004, ESTUDIO 1360, (2005); KELLY HALLMAN ET AL., MULTIPLE DISADVANTAGES OF MAYAN FEMALES: THE EFFECTS OF GENDER, ETHNICITY, POVERTY, AND RESIDENCE ON EDUCATION IN GUATEMALA, 2 (2006), *available at* http://www.usaid.gov/gt/docs/disadvantages_mayan_females.pdf. “Along with the occurrence and timing of initial school enrollment, continuation in school (retention) and grade repetition are the basic factors determining educational attainment.” *Id.* at 8.

⁴¹ EMILIO PORTA AND JOSE R. LAGUNA, PRESENT STATE OF EDUCATION FOR ALL: THE CASE OF GUATEMALA (2007), *available at* <http://unesdoc.unesco.org/images/0015/001555/155575e.pdf>.

⁴² DR. SERGIO FERNANDO MORALES ALVARADO, INFORME ANUAL CIRCUNSTANCIADO: TOMO I, SITUACION DE LOS DERECHOS HUMANOS EN GUATEMALA 76 (2007), *available at* http://www.pdh.org.gt/images/files/Informes_anuales/INFORME07_TOMO_I.pdf. The Ombudsman’s report notes that the 1.8 percent GDP spent on education in 2007 was a decrease from the Guatemalan high of 2.6 percent in 2001. *See id.*

⁴³ UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO), THE STATE OF EDUCATION IN LATIN AMERICA AND THE CARIBBEAN: GUARANTEEING QUALITY EDUCATION FOR ALL, UNESCO 113 (2007), *available at* <http://unesdoc.unesco.org/images/0015/001528/152895e.pdf>.

⁴⁴ WORLD BANK, PROJECT APPRAISAL DOCUMENT ON A PROPOSED LOAN IN THE AMOUNT OF \$80.0 MILLION TO THE REPUBLIC OF GUATEMALA FOR AN EDUCATION QUALITY AND SECONDARY EDUCATION PROJECT, REPORT NO. 36712-GT 141 (2007), *available at* http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/02/09/000310607_20070209102837/Rendered/PDF/36712core0GT0R20071002311.pdf.

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

D. COUNTRY OVERVIEW: DOMINICAN REPUBLIC

Section VI provides a brief overview of the right to education in the Dominican Republic for Afro-descendant and indigenous peoples. Process and outcome indicators in the Dominican Republic demonstrate that it has failed to meet its legal obligations to provide quality education to all. The Dominican Republic fails to comply with its Constitution, domestic legislation, and regional and international laws guaranteeing the right to education for all children without discrimination. Instead, the government maintains practices that deny children, especially Dominican children of Haitian descent, the means to access education. The Dominican Republic has violated Articles 1, 19 and 26 of the American Convention in connection with Articles 18 and 20. The government has also failed to undertake measures to curb the statelessness that impedes the social development of children of Haitian ancestry by limiting access to primary education and barring access to secondary and higher education.

The Dominican Republic's Constitution and existing domestic legislation appear to uphold the principle of free and compulsory education to all without discrimination, but the texts are far removed from the reality on the ground. The Constitution and domestic laws guarantee the right to education and establish compulsory primary education for all "inhabitants of the national territory."⁴⁵ The Constitution also guarantees that at least primary and secondary education will be free.⁴⁶ Despite these laws' guarantees, the government effectively denies Dominican-born children of Haitian ancestry access to education due to the discriminatory effects of birth registration regulations.

The Dominican Republic government's official policy refuses to recognize the citizenship of or provide identity documents to Dominican children born to undocumented residents. Because identification proving citizenship is required for obtaining almost any type of service, the government's refusal to provide documents recognizing the Dominican citizenship of children born to Haitian descendants has effectively barred them from many of the essential rights and protections citizenship affords, including the right to education. This practice is common, despite Article 11(1) of the Dominican Constitution, which grants Dominican nationality to those born in the Dominican Republic, and a 2005 decision rendered by the Inter-American Court of Human Rights in the *Yean and Bosico vs. Dominican Republic* case, which requires the non-discriminatory issuance of birth certificates to all children born in the Dominican Republic.⁴⁷

⁴⁵ See Constitution of the Dominican Republic, art. 8(16), (2002) ("Es deber de Estado proporcionar la educación fundamental a todos los habitantes del territorio nacional y tomar las providencias necesarias para eliminar el analfabetismo."). See generally, Law 66-97, Organic Education Law of the Dominican Republic (1997). At art. 1, the Law reiterates the Constitution's guarantee of the right to education for all inhabitants of the country.

⁴⁶ See Constitution of the Dominican Republic, art. 8(16), (2002) ("Tanto la educación primaria y secundaria como la que se ofrezca en las escuelas agronómicas, vocacionales, artísticas, comerciales, de artes manuales y de economía doméstica serán gratuitas.").

⁴⁷ *Yean and Bosico Children v. Dominican Republic*, 2005 Inter-Am. Ct. H.R. (ser. C) No. 130 (Sept. 8, 2005), available at http://www.corteidh.or.cr/docs/casos/articulos/seriec_130_esp.pdf.

RIGHT TO EDUCATION OF AFRO-DESCENDANT AND INDIGENOUS COMMUNITIES IN THE AMERICAS

E. RECOMMENDATIONS

Section VII of the Report lays out recommendations to the Commission and each of Colombia, Guatemala, and the Dominican Republic, including country-specific recommendations both to the Commission and to each relevant government. To the Commission, the report puts forth the following general recommendations regarding the right to education for Afro-descendant and indigenous peoples in the Americas:

1. Establish an Inter-American Special Rapporteurship on Economic, Social and Cultural Rights to ensure the protection of and commitment to economic, social and cultural rights in the Americas and to investigate violations of the right to education for Afro-descendant and indigenous peoples commencing with investigations of the situation in each of Colombia, Guatemala, and the Dominican Republic.
2. Urge both the Special Rapporteur on the Rights of Persons of African Descent and Racial Discrimination and the Special Rapporteur on the Rights of Indigenous Peoples, to investigate, report, and make recommendations regarding the right to education for Afro-descendant and indigenous peoples in the Americas commencing with investigations of the situation in each of Colombia, Guatemala, and Dominican Republic.
3. In addition to the structural, process, and outcome indicators that the Commission advocates in analyzing economic, social and cultural rights, adopt a framework that uses availability, accessibility, acceptability, adaptability, and accountability as measures for assessing violations of the right to education. This framework is further described in Section III (Methodology) of this Report.
4. Include assessments of the right to education in the economic, social and cultural rights chapter of its annual reports.