



Available online at [www.jlls.org](http://www.jlls.org)

---

## JOURNAL OF LANGUAGE AND LINGUISTIC STUDIES

---

ISSN: 1305-578X

*Journal of Language and Linguistic Studies*, 18(2), 254-259; 2022

# THE RIGHT TO EDUCATION IN THE CONTEXT OF CONFINEMENT IN PARAGUAY IN THE FRAMEWORK OF THE NATIONAL CONSTITUTION

Attorney Carina Cristaldo<sup>a1</sup>, Ricardo Verón Romero<sup>b</sup>, Dr. Cecilia Santos<sup>c</sup>

<sup>a</sup>Research Professor, Universidad San Lorenzo.

<sup>b</sup>Dean, School of Juridical Sciences, Political Sciences, Education and Humanities.

<sup>c</sup>General Academic Director - Saint Lawrence University.

### APA Citation:

Attorney Carina Cristaldo, Ricardo Verón Romero, Dr. Cecilia Santos (2022). THE RIGHT TO EDUCATION IN THE CONTEXT OF CONFINEMENT IN PARAGUAY IN THE FRAMEWORK OF THE NATIONAL CONSTITUTION, *Journal of Language and Linguistic Studies*, 18(2), 254-259

Submission Date:09/01/2021

Acceptance Date:14/03.2022

---

### Abstract

The purpose of this research is to analyze the right to education of people in the context of confinement within the framework of the National Constitution of Paraguay. Education is a fundamental right of every person, guaranteed and recognized in national and international instruments. The problem is generated with the vulnerable social sector, such as people in confinement who are more prone to exclusion. It is based on the premise of the constitutional principle of the right to education, without discrimination, although it is the State that must regulate and protect compliance with this principle, since one of the main objectives of the sentence is the readaptation of the convicted person, and what better way to do this than through education. The present research was of a bibliographic, qualitative type that integrated relevant theoretical events with the purpose of knowing and analyzing the perception and the social reality studied, through exhaustive reading in diverse sources and compilation of official materials of the different institutions in charge, yielding the following results: The distribution of the population, according to the judicial district, indicates that most of the persons deprived of liberty settle their cases in the Central Department, 31%; and

---

in the Capital, 24.2%. Out of a total of 11,852 valid cases obtained for this variable, 70.8% of the population studied is in pretrial detention, and 29.2% is under sentence. A total of 86.8% of the population studied belonged to the young (18 to 29 years) and young adult (30 to 45 years) age groups. The most frequent crimes attributed to men were: aggravated robbery (23.50%); intentional homicide (16.05%); violation of the drug law (15.52%) and aggravated robbery (9.36). Also noteworthy are: sexual abuse of children (7.11%); and domestic violence (6.72%). Persons deprived of liberty beneficiaries of the reinsertion programs period 2016 -2019 amount to 4,152 (four thousand one hundred and fifty-two), which represents approximately 26.4% of 15,739 as of May 2019, i.e., it is a tiny amount compared to the total population. Then it can be concluded that evidently the state policies of education for persons deprived of liberty are insufficient and limited, there is a failure to comply with the law. Although progress has been made in the area of education in prisons, it is necessary to consider the reconstruction of a comprehensive program that can cover all levels through partnerships between public and private institutions in order to effectively achieve accessibility to education for people in prison.

*Keywords:* Education - confinement - National Constitution.

---

## **Introduction**

Education is a fundamental human right recognized in international instruments and in the national constitutions of all countries, which must be guaranteed to all persons, without discrimination.

According to the Royal Spanish Academy, education is the action and effect of educating and also in a second meaning, education is instruction by means of teaching action. This right to develop or perfect the intellectual and moral faculties of individuals is enshrined in the legislation as a fundamental right or guarantee.

According to Gadotti (1999), education liberates from prison, and the word and dialogue are considered the main key. An inmate's only motivation is freedom, and freedom is the power of thought.

The right to education of persons deprived of liberty is a fully recognized right and is framed from the perspective of lifelong education for all, a right that is in turn recognized in multiple human rights instruments.

Among the series of resolutions that have been adopted by the United Nations Human Rights Council, with a view to the full realization of the right to education, Resolution 11/6 adopted at its 11th session (2009) urges that the right to education of persons deprived of liberty be guaranteed and makes a series of important recommendations addressed to States.

The Right to Education in Contexts of Imprisonment Policies and Practices in Latin America and the Caribbean social readaptation of persons sentenced to deprivation of liberty. It also considers that the fact that the prison population is significantly young makes it even more essential to develop effective rehabilitation policies that include education and work opportunities.

Paraguay and the continuity of its education policies in contexts of deprivation of liberty, which since 2002 have been implementing various educational programs through the Educational Centers in Contexts of Imprisonment.

## **Regulatory Framework**

In 1970, three years after the promulgation of the 1967 Constitution, the Executive Branch decided to reform the penitentiary legal regime by drafting a law to that effect (No. 210/70). Law 210/70 incorporated, for the first time, the concept of readaptation and penitentiary treatment, even though in practice they have not been developed.

Between the end of 1997 and the beginning of 1998, the new legal-criminal law came into force, which in turn affected the prison system. With Law 1,444/99 (Transition Law), the Code of Criminal Procedure partially came into force, allowing the application of a series of alternative mechanisms for the resolution of conflicts that make it possible to dispense with the criminal sanction or to speed up the procedure for its imposition (abbreviated procedure).

The full implementation of the Code of Criminal Procedure in March 2001, in addition to the introduction of alternative conflict resolution mechanisms to the procedure, establishes the use of preventive detention as a last resort, allowing the application of alternative measures and creates the figure of the enforcement judge as a supervisory body for the execution of the sentence. The most important aspect of the Code of Criminal Procedure is the creation of the criminal enforcement judge.

Likewise, the National Constitution in Chapter VIII, Education and Culture, Article 73 states: “Everyone has the right to comprehensive and continuing education, which as a system and process is carried out in the context of the culture of the community. Its purposes are the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and integration of peoples; respect for human rights and democratic principles; the affirmation of commitment to the homeland, cultural identity and intellectual, moral and civic formation, as well as the elimination of educational content of a discriminatory nature” (Article 76 Obligations of the State).

Basic school education is mandatory, and in public schools it shall be free of charge. The State shall promote secondary, technical, agricultural, livestock, industrial and higher or university education, as well as scientific and technological research. The organization of the educational system is the essential

responsibility of the State, with the participation of different educational communities. This system shall encompass the public and private sectors, as well as the school and out-of-school environments.

### **Penitentiaries in Paraguay**

There are 18 penitentiary institutions in Paraguay: Nacional, Esperanza, Emboscada, Padre Juan de la Vega, Encarnación, Misiones, Concepción, Coronel Oviedo, San Pedro, Villarrica, Pedro Juan Caballero, Ciudad del Este, Buen Pastor, Juana María de Lara, Granja ItaPora, Granja Pyahu, Serafina Dávalos, Nueva Oportunidad, with a total of 15,300 (fifteen thousand three hundred inmates).

### **Education programs in force in penitentiaries in Paraguay**

There are several programs promoted by the Ministry of Justice, which are: Presential program of Integral Attention to Children and Mothers in Context of Confinement Initial Education - Presential program of Basic School Education for Young People and Adults. Presential program of High School Education for Youth and Adults. Basic Adult Education and Technical Initial Education Programs Within the framework of the Cooperation Agreement between the Ministry of Justice and Asociación Fe y Alegría Paraguay. Within the framework of the Interinstitutional Agreement between the Ministry of Justice and the Technical University of Marketing and Development. This program is applied in the Women's Penitentiary Center "Casa del Buen Pastor", where currently there are careers of Law and Psychology. The first promotion of the Law Career has finished with 5 (five) inmates in the academic year 2016. The second promotion in law and the first promotion in psychology has a total of 26 beneficiaries in both careers. Also, within the framework of the Inter-institutional Agreement between the Ministry of Justice and the Metropolitan University of Asuncion (UMA), the university careers of Accounting and Psychology are being developed, with a scope of 65 beneficiaries in both careers. At the same time, the pertinent steps are being taken to enable new careers with the universities already installed and to install new institutions in the regional penal establishments. Financial Aid Program for university students.

### **Methodology**

The approach of the study is qualitative bibliographic research that integrates relevant theoretical events with the purpose of knowing and analyzing the perception and the social reality studied, through exhaustive reading in various sources, in the relentless pursuit of understanding and analyzing the education provided to people in the context of confinement in the framework of compliance with the constitutional provision.

The research makes an overview of the main characteristics and research applications of the biographical methodology applied mainly in Social Science.

The analysis of this research and the information presented arise according to the understanding of the readings carried out, that is, it is these readings that provide a series of possibilities to better understand the confrontation of prison education in Paraguay, especially with regard to the teachers who are part of this process.

## **Results**

In relation to the prison population, according to the latest report of the National Directorate for the Prevention of Torture (2019), the distribution of the population, according to judicial district indicates that most of the persons deprived of liberty file their cases in the Central Department, 31%; and in the Capital, 24.2%.

According to calculations obtained from the database created for this 2020 Yearbook, 70.8% of the population studied is in pretrial detention, and 29.2% is under sentence, out of a total of 11,852 valid cases obtained in this variable.

86.8% of the prison population belongs to the young (18 to 29 years old) and young adult (30 to 45 years old) age groups.

The most frequent crimes attributed to men were: aggravated robbery (23.50%); intentional homicide (16.05%); violation of the drug law (15.52%) and aggravated robbery (9.36%). Also noteworthy are: sexual abuse of children (7.11%); and domestic violence (6.72%).

The total number of persons deprived of liberty benefiting from reintegration programs from 2016 to 2019 amounts to 4,152 (four thousand one hundred and fifty-two), which represents approximately 26.4% of 15,739 according to the National Torture Prevention Report (2019), i.e., compared to the total prison population, it is a very small number. It has been recognized that people in confinement are the most vulnerable sectors of society and comprehensive social policies are needed on the part of the State to build strategies that generate real solutions to the problems of social exclusion and that can achieve compliance with the constitutional principle of the right to education without discrimination and for all sectors because in practice the affordability of the right to education in the resocialization of people in confinement is not effectively guaranteed.

## References

- Acín, Alicia (2008). Acerca de los sentidos otorgados a la educación tras las rejas: la perspectiva de alumnos del Programa Universitario en la Cárcel. In: Cuadernos de Educación. Publication of the Education Area of the Centro de Investigaciones de Educación.
- Alicia and Patricia Mercado (coords.) (2009). Educational practices and learning opportunities in prison contexts. Extension experience in the framework of the University Program in Prison. Córdoba: Facultad de Filosofía y Humanidades-Universidad Nacional de Córdoba,
- National Constitution (1992) National Constituent Convention
- Paraguayan Penal Code (2001)
- National Mechanism for the Prevention of Torture (2018). Pabellón la bronca. Index of occupancy of institutions of deprivation of liberty in the Republic of Paraguay. Asunción, Paraguay.
- National Mechanism for the Prevention of Torture (2019). Right to water in institutions of deprivation of liberty in the Republic of Paraguay. Asunción, Paraguay: NPM.
- Research area of Corazón Libre Paraguay, a social project that supports the rehabilitation and social reintegration of women deprived of liberty at Buen Pastor and the education of their children.  
<http://biblioteca.clacso.edu.ar/Paraguay/cde/20121001025615/sistema2003.pdf>
- <http://www.mnp.gov.py/index.php/comunicacion/2015-08-23-04-11-31/174-datos-del-anuario-estadistico-de-personas-privadas-de-libertad-2020-del-mnp>
- Source:[https://www.ministeriodejusticia.gov.py/application/files/8415/6164/1567/Informe\\_Anual\\_Sobre\\_DDHH\\_y\\_Situacion\\_Carcelaria\\_2018-\\_2019.pdf](https://www.ministeriodejusticia.gov.py/application/files/8415/6164/1567/Informe_Anual_Sobre_DDHH_y_Situacion_Carcelaria_2018-_2019.pdf)
-