The right to education of indigenous child-mothers: respected, protected, fulfilled?

An ethnographic account on the reality of an indigenous child-mother's right to education in Cusco, Peru

MSc Thesis in Human Rights & Democratization

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Date: **15/07/2021**
Academic year: **2020/2021**
Words: **28023**

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Education is not a privilege, it's a human right
(Right to Education Initiative, 2018)

ABSTRACT

This ethnographic study focuses on the reality of the fulfilment of the right to education of indigenous child mothers in Cusco, Peru. This is an explorative study that opens the discussion to the intersectional issue relating to motherhood, gender and education, in relation to indigenous culture, guided through the main question: "To what extend are obstacles posed in realizing the right to education for indigenous child-mothers of Cusco, Peru and how can these be tackled?" The 4As scheme is used to evaluate whether education is accessible, available, acceptable, and adaptive, and whether the state, therefore, respects, protects, and fulfils the right to education. The research aims to raise awareness as to what it means to be an ICM and how both the Peruvian government and society respond to this, investigated through theories of cosmovision, indigenous identity and a legal framework on the right to education. I argue that while the Peruvian government has progressed a lot, much still needs to be done. ICMs suffer a lack of regulations and insufficient monitoring of those that do exist.

The societal relevance lays in the fact that this study addresses a pressing issue in society. The current COVID-19 pandemic has les to a raise in ICMs and has had a worsening effect on the right to education of ICMs.

Keywords: Ethnography | Right to Education | Indigeneity | child-mothers | cosmovision | 4A Scheme | Cusco | Peru

PREFACE

Landing in Cusco on the twelfth of February 2020, I had no idea what I had gotten myself into. While being ecstatic about the views from the aeroplane – Cusco has quite some more mountains than all of the Netherlands does-, I was also terrified of what was going to happen. Still, I was convinced a great adventure had started.

About a year and a half later, I am writing my second thesis about the country, this one closely related to the one I wanted to write about before, but could not, due to the global pandemic. Somehow, the fact that this time, enrolled in a Human Rights masters, I did get the chance to write about indigenous child-mothers, gives me sincere satisfaction.

In front of you lays the result of hard work. I must confess, especially hard work in the final stages of the thesis. Having the opportunity to study both in Venice as well as in Bilbao, does not always help with keeping up the motivation to do research. Wow, these two cities are incredible to live in. Nevertheless, the period of thesis-writing has come to an end with as result a thesis of which I feel proud to say that I was the author. With this preface, I would like to thank a few people who have helped me to write this research.

Estimado Felipe, esta parte escribo en español. Después de decirle todas las veces que estaba trabajando mucho en mejorar mi español, ¡ahora puedo demostrárselo! Gracias por los ánimos y la buena supervisión, con muchas ideas útiles.

Next, I would like to thank all respondents who made this research possible. Thank you for giving me your time. I hope to be able to return to Peru at some point and bring a visit to Juana d'Aza, Fundación HoPe and Casa Mantay.

Lastly, there would not have been a thesis without my fellow students, both in Venice as in Bilbao. The only thing I can say is: Marco Caputo, we did it! We will see each other for sure in the future, working as Human Rights defenders.

I wish everybody all the joy of reading this thesis.

Yours truly,
Merel Cosijn

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TABLE OF ABREVIATIONS

CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CEPLAN	National Centre for Strategic Planning
CESCR	Committee on Economic Social and Cultural Rights
CRC	Convention on the Rights of the Child
ESCR	Economic, Social and Cultural Right
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICM	Indigenous Child-Mother
IHRL	International Human Rights Law
ILO	International Labour Organization
IPs	Indigenous Peoples
IWGIA	International Work Group for Indigenous Affairs
LAC	Latin-American Country
MINEDU	Ministry of Education
NEP	National Education Plan
OAS	Organisation of American States
RTEI	Right to Education Index
RTEI	Right to Education Index
SDG	Sustainable Development Goal
UDHR	Universal Declarations on Human Rights
UN	United Nations

UNCADE	United Nations Convention against Discrimination in Education
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UNPFII	United Nations Permanent Forum on Indigenous Issues
WHO	World Health Organization

INTRODUCTION

Upon starting this research, I came across the word 'child-mother. With the creation of this word, a simplistic version of the problem of this research immediately becomes apparent: a child-mother has paradoxical characteristics. On the one hand, thinking about the word 'child', one imagines a little girl, taken care of by her parents, going to school, developing her future potential. Now from the perspective of a child-mother, the image of the little girl disappears, as now she has duties to fulfil as a mother. With that, the prospects of a successful life become insecure. Generally, early maternity brings along negative and irreversible consequences. "[…] Her economic dependence increases and her educational and work prospects evaporate (UNFPA Peru, 2020)".

With this statement, teenage or child pregnancy is portrayed as a negative phenomenon. However, one must ask themself the question: why is this necessarily a problem? If a girl has the resources to care for her child and at the same time has the opportunity to develop herself, there does not seem to be a problem. However, this is only the case in rare cases. The World Health Organization (2020) describes that out of the roughly twelve-and-a-half million girls giving birth before the age of nineteen, ten million were unintended. Even though this is a global problem occurring in high-, middle-, and low-income countries, adolescent pregnancies are more likely to occur in marginalized communities, commonly driven by poverty and lack of education and employment opportunities (UNICEF, 2013 in World Health Organization, 2020). Often, teenage or child pregnancies are caused by human rights violations, such as gender-based violence against girls, child marriage, lack of access to sexual and reproductive health services, and lack of access to education (Right to Education Initiative & Hakijamii, 2020). Building on this statement, resources are just one aspect of the social construct around early motherhood. The complete picture concerns primarily harm to the mother, secondly harm to the mother's child, and lastly, harm to society, involving - amongst others - stereotypes, prejudices and a lack of agency of the mother, defined as the ability to make effective decisions and transform those decisions into desired results (World Bank, 2012b).

In 2012, The World Bank (2012a) published a piece on "Teen Pregnancy and Opportunities in Latin America and the Caribbean", after stating that adolescent pregnancy rates in Latin American and Caribbean (LAC) countries were among the highest in the world. Moreover, the report claims that early childbearing continues to be a major challenge for the region, given the

association of these phenomena with poverty and lack of opportunities. The report highlights the importance of strengthening women's agency and autonomy in their participation in the marketplace, community, and personal relationships for them to be able to make effective decisions and choices about the life plans they have reason to value, illustrating important aspects of child pregnancies.

Zooming in further, Peru is one of the LAC countries that has a high number of child-mothers, leading to many reports on how to deal with the problem and increasing government action. El Seguro Integral de Salud (SIS) of Peru annually reports around two thousand pregnancies with children under fifteen years of age (Fundación HoPe, 2019). With adulthood starting at nineteen years of age (following the years of adolescence prescribed by the WHO), the complete number of adolescent mothers is even higher. UNICEF (n.d.) describes that the percentage of teenagers aged fifteen to nineteen years old and for the first time pregnant has remained almost constant over the last thirty years, at thirteen per cent. However, this figure is six times higher among adolescents in the lowest wealth quintile, compared to those in the highest wealth quintile. Moreover, as UNFPA (2018) presented, one in thirteen girls between the ages of fifteen and nineteen has been pregnant in Peru in 2017, opposed to only one in one hundred boys in this age category has become a father. This means that the girls are usually impregnated by adult men. Considering that most of the pregnancies have taken place in rural Peru, it is safe to say that even more than one in thirteen girls in the region of Cusco has had a child. As UNFPA (2018) states, this amount is one in four.

What UNICEF illustrates, is the importance of wealth, as well as the living area. Also UNFPA (2020) and The World Health Organization (WHO in short) (2015) describe that there is a big difference in the number of child-mothers per area of the country: the amazon and rural areas commonly house indigenous communities. These numbers illustrate the need for extra help for indigenous child -and/or teenage pregnancies.

Early 2020 I found myself in Cusco, Peru, where many indigenous peoples live. I stayed in Cusco for three months, right before the COVID-19 virus hit Peru. During these months, I worked with Funcación HoPe (HoPe in short), a local NGO dedicated to improving the development capacities and opportunities of those in disadvantaged situations in the region of Cusco. HoPe introduced me to a new project of theirs which aims to reducing early school drop-out due to pregnancy and reducing the number of cases of sexual violence against children and

adolescents (Fundación HoPe, 2019). Besides this initiative, also other (local) NGO's, such as Casa Mantay and Juana de Aza - both shelters for child mothers and their babies - try to improve the situation of the indigenous Quechua community in Cusco.

One day, I went to visit Casa Mantay. Casa Mantay is located in one of the towns just outside of the city of Cusco. The NGO has all of its property protected by a solid cement wall, which creates the feeling of stepping into a new, protected, world. One of the employees gave me a tour around the house and the other facilities, such as the office and a school. I was shocked to see girls of roughly fourteen years old breastfeeding but was impressed by the way the NGO was handling the situation. After the tour, I had a conversation with one of their volunteers. She explained that all of the mothers living in Casa Mantay were indigenous and were sent to Casa Mantay by the government, as a protection mechanism: their homes were not safe enough for them to raise a baby. With this, the volunteer explained that over ninety per cent of the girls had become pregnant due to sexual violence, often by a family member or neighbour. Still, the girls sometimes expressed jealousy of the fathers, who would be living outside of Casa Mantay with their former family, instead of taking care of the newborn. Casa Mantay tries to provide the mothers their education needed to reach a better future as an adult.

After the visit, I realized that one of the greatest challenges of adolescent motherhood was to keep the mothers in school. Casa Mantay created their own school system, where they teach the girls the usual school subjects, such as mathematics and sciences, but they also focus on craftwork (for example farming and/or sewing), which could help them secure a job in the future. However, for indigenous child mothers (ICMs) who are not living in a safe space like this, education is a huge obstacle after becoming a mother. Firstly, education still does not reach every corner of the country; mainly in rural areas, not all children have the chance to go to school (UNICEF, n.d.). Connecting this to adolescent pregnancy, "experiencing pregnancy while still at school often means facing harsh social sanctions and difficult choices that have life-long consequences. Becoming pregnant could mean expulsion from home and school; vulnerability to early marriage; being shamed and stigmatized by family, community members and peers; increased vulnerability to violence and abuse; and greater poverty and economic hardship" (UNESCO, 2017).

Taking into consideration the importance of culture, the hardships UNESCO (2017) mentioned might be different for indigenous communities. Indigeneity does not come with one definition (more thoroughly discussed later-on), but if we look at the indigenous population in

Peru, scholars have a fairly set opinion on their place on the social ladder: the traditional way of living as the Quechuans do – the indigenous community in Cusco -, is not well perceived by the rest of Peru (García de Fanelli et al., 2007; UNICEF, 2017) because it is associated with belonging to low socioeconomic status and a poorly valued culture (Paredes, 2007).

This research aims to explore the right to education of indigenous child mothers in the area of Cusco, Peru. As Favara, Lavado & Sánchez (2016) argue, "studying the determinants of early childbearing is challenging because of the multiplicity of mechanisms that lead to becoming a parent during adolescence". Combined with indigeneity, intersectionality becomes apparent. A balance needs to be found between respect for indigenous cultures and the enjoyment of the right of indigenous girls to education. As (inter)national legal documents play a crucial role in the enjoyment of one's rights, it is investigated whether indigenous education meets the 4-A criteria on the right to education defined by the United Nations Committee on Economic, Social and Cultural Rights, which considers that education for indigenous peoples must be affordable, accessible, acceptable and adaptable (as defined in General Comment No. 13 of the Committee on Economic, Social and Cultural Rights (UN Economic and Social Council, 1999).

In short, this research will try to explore and tackle an intersectional issue involving (the idea of a cosmo-visional approach to) motherhood, gender, and education, in relation to indigenous culture, guided through the main question:

To what extend are obstacles posed in realizing the right to education for indigenous child-mothers of Cusco, Peru and how can these be tackled?

This research is mainly conducted with societal relevance in mind, for various reasons. Firstly, this study addresses a pressing issue in society. Having lived the current COVID-19 pandemic for over a year now, the effect on indigenous child-mothers (ICM) is starting to show. Concerning indigenous peoples, both the International Work Group for Indigenous Affairs (2021) and Amnesty International (2021) argue that the State's response to the pandemic was inadequate. This response fuelled disproportionate impacts on the pre-existing barriers to health, social security, and education for indigenous peoples in Peru. Health policies were introduced very late, lacked an intercultural approach, and did not involve Indigenous Peoples in their design or implementation. UNFPA Peru (2020) is not surprised by the rise of early pregnancies, as the

situation has been exacerbated by the disruption of sexual and reproductive health services. “Health centres closed and the availability of financial resources for the execution of sexual and reproductive health programs for adolescents and young people was restricted”.

The relevance for the Peruvian society is not only ethical – the general wellbeing of the Peruvian indigenous population -, but also economic: the State would significantly benefit from preventing an increase of child or adolescent mothers (La República, 2021). On average, each adolescent pregnancy in Latin America cost 1210 dollars per year (UNFPA Peru, 2020). A rise in adolescent or child pregnancies therefore negatively affects the Peruvian economy, as a result of less income from the mothers: they often drop out of school, which affects their development for later jobs, they stop working or work less to take care of their babies.

Lastly, linking both to a societal and academic relevance, UNFPA (2020, p. 10) describes a desire to improve availability and access to quality data, including improving the statistical visibility of the most vulnerable populations, such as indigenous communities, and their sexual and reproductive health. Without quality data on indigenous peoples, their needs might remain unheard, increasing their vulnerability. Academically, the absence of quality data on ICMs means that this research covers a niche. As UNFPA describes, research is needed that examines indigenous peoples and their reproductive health. This research covers exactly that for of one the indigenous communities of Peru, but takes it one step further, to the right to education of the child mothers.

Therefore, and to answer the research question, I will analyse the data obtained from legal documents, academic articles, reports, (telephone) interviews and personal observations, at times presented in pictures. I will substantiate the choices I made during my research in a methodology chapter. Subsequently, I will present my findings, after which I end with an answer to the main question, but first, the socioeconomic context of Peru will be clarified.

LOCATING PERU

To rightfully illustrate the context in which this research takes place, it is necessary to zoom out a little and have a look at Peru itself. Therefore, a very brief history of Peru is presented, combined with a view of contemporary Peru.

Peru is situated on the west coast of South America. The name of the country originates from Quechua, one of the biggest native languages spoken in Peru, and means: 'the land of abundance' (Preston Moore et al., 2020). It refers to the former economic wealth of Peru, once produced by the Incas. When the Spanish conquerors entered Peru in 1532, led by Francisco Pizarro, they dominated the indigenous Indians and colonial Peruvian society economically, politically and religiously (Prescott, 2007), allegedly by poisoning Inca generals with arsenic-tainted wine and condemning the Inca emperor, Atahuallpa, to death, instead of granting him an audience with the King of Spain (Zoppi et al., 2000, p. 757). In conquering Peru, the Spaniards brought European culture and the Spanish language to Peru. Still, native culture is very much alive in Peru.

Today, the Peruvian population can be roughly divided into six groups: Quechua, Mestizo, Aymara Indians, 'white people' and Japanese (voluntary immigrants) (Figeroa & Barrón, 2005; Preston Moore et al., 2020). The mestizos are residents who are of European-Indian descent (Preston Moore et al., 2020; Wang et al., 2008). Quechua and Aymara people are the native, indigenous residents of Peru and the direct descendants of the Incas. With this variety in ethnicities, the country considers multiple languages official, among which Spanish, Quechua, Aymara and other indigenous languages. Aymara is spoken in the extreme Southern Andes, whereas Quechua is spoken mostly in the Southern and Central Andes, such as Cusco. In the rest of Peru, Spanish predominates (Figeroa & Barrón, 2005). To sum up: there are four million indigenous peoples in Peru, who are comprised of some fifty-five groups speaking forty-seven languages (The International Work Group for Indigenous Affairs, 2021). In general, the 'white' population and the mestizos of European descent live mostly in Lima (Figueroa & Barrón, 2005), the capital, and make up for most of the country's current wealth (Davies et. al, 2019).

One of the important aspects of Peruvian life is religion. Next to the Quechua population's beliefs, strongly relying on the power of nature (Orr, 2013), (Roman) Catholicism is the most widely practised religion in Peru. As mentioned before, the Spanish conquerors brought this religion to Peru, "as an instrument of social and cultural domination (Olson, 2006)". According to Olson (2006), Catholicism gained a lot of support through the forming of a hegemonic Latin

American identity, which priorly did not exist. Additionally, it was a key factor in culturally distinguishing the region from its Anglo-Saxon neighbours in North America and Europe, where Protestantism predominated. Currently, Catholicism is still very present in daily life, politics and society (De la Torre & Martín, 2016). Even more so, De La Torre and Martín (2016) mention it to be still a foundation of Latin American culture and identity, mixed with indigenous religions. Demonstrating the importance of religion in society, Peru is one of the countries in Latin America with the lowest degree of secularism; there is no clear divide between church and State in the country (Alonso, 2008 in De la Torre & Martín, 2016).

Zooming in more on the area of Cusco: the city lays 3400 meters above sea level. It is best known for having been the capital of the Inca Empire (UNESCO, n.d.-a) and as a result, the city is now the cultural capital of Peru with many archaeological monuments (Ladkin & Bertramini, 2002). From my own experience, while walking through Cusco, many different groups of society are visible: Quechua people from up in the mountains in traditional clothing and a usually younger generation of more modern, or 'optically Western', residents who live in the city.

Concerning the region's perceptions on life, Cusco's residents are often described as conservative and religious (De la Cadena, 2000; Douglas Hill, 2013; Olson, 2006; Weismantel, 1995), preventing a general acceptance of open sexual education (Fundación HoPe, 2019). Olson (2006) describes, in her research conducted in two rural districts in the department of Cusco, the Bible is to be used to assess and understand events in society. Even more so, pastors and ministers deliver teachings of the Bible to illiterate or isolated members of the church community in both rural and urban regions (Olson, 2006).

Both Olson (2006) and Douglas Hill (2013) expresses the influence of Catholicism on gender relations in Cusco. Olson describes the church to tend to enhance patriarchy, as the church favours "a male-dominated model of spirituality", as they have more time to worship God. In her interviews, Olson often found women expressing the need to look after the children, prepare food for meetings and bring handcrafts to sell. The author, therefore, concludes: "the male faithfulness [to God] which is necessary to secure material wealth is supported by the productive practices and presumed spiritual inferiority of women" (Olson, 2006, p. 898).

Illustrating the degree of conservativeness and unfamiliarity (or taboo) concerning sexuality, Douglas Hill (2013) describes his experience of befriending a Quechua woman, who has little experience with 'gay or lesbian identity', but who nevertheless accepts him being gay, because she

struggled with divorcing her husband (which he insinuates to be frowned upon in Cusco, as is being LGBTIQ+). I have also experienced this myself. Upon arrival, I did not know that the flag of Cusco was very similar to the LGBTQ+ community flag. When I asked my Peruvian Spanish teacher about it, she blushed and said: "Yes, it is accepted if people are not heterosexual, but in the streets, we walk man and woman, hand-in-hand, as God has meant for it to be'.

Another fairly conservative perspective is demonstrated by the woman in Douglas Hill's research. The woman seemed to have difficulty understanding how Douglas Hill could be away from his family and children for such a long time and therefore calls herself his Madre Andina [Andean Mother]. This shows the importance of family, but even more so the difference in perspectives between a Spanish, male, scholar and an Andean, Quechuan, woman. This will be thoroughly discussed later.

In conclusion, Cusco is part of a country with a rich history and culture. While the larger cities can be seen as fairly modern, the Quechua lifestyle is very much visible and plays an important role in daily life, especially in the more rural villages. As has become clear from this brief context chapter, the culture of Cusco greatly influences the intersectional aspects of this research: ethnicity, gender, religion and indigeneity. To demonstrate the way these are all linked in this research, the methodology chapter addresses all the decisions made in the process.

METHODOLOGY

Research question

For previous research purposes, I visited Peru for three months in the first quarter of 2020. The plan was to research sex education in the highlands of the Andes for the Quechua population, but, due to the COVID-19 pandemic hitting Peru, this research proved impossible. Nonetheless, this setback created new opportunities. Through Fundación HoPe, I encountered Casa Mantay and Juana d'Aza. Both NGOs welcomed me warmly, as the pandemic had not yet reached the stage in which the whole country went into lockdown and I learned about child-mothers. The days that I spent in their homes, showed me their passion to help ICMs and their children. It is with these experiences that I came to think of the current research question.

After having spoken with the directors of the NGOs, mainly about experiences and their day-to-day work, creating a view on the situation for me and researchability of the subject, I reached the following research question: '*To what extend are obstacles posed in realizing the right to education for indigenous child-mothers of Cusco, Peru and how can these be tackled?*'

I deliberately chose not to use one of the theoretical concepts or legislation in my question, as I believe this issue to be multi-intersectional and I did not want to give more importance to only one of the aspects. Therefore, each part of the theoretical framework guides me to analyse and interpret my data. In doing so, I used interplay (Bryman, 2016): linking existing theory, observations and interpretation.

Research strategy

As contradictory as it may seem, I would like to start by explaining what this research does *not* aim to do. I do *not* propose to write a definite conclusion and I do *not* declare one single truth. On the contrary, I intend to stimulate a discussion. As has been said before, indigenous women, and I would argue especially ICMs, are for the outside world 'invisible'. Though generally everyone can agree to children needing education, the complexity of granting a truly protected, respected and fulfilled right to ICMs is oftentimes not considered. Therefore, this research aims to open the debate on how to respond to such issues, both legally as culturally and socially. After reading my thesis, the reader should consider re-evaluating their normality, to guarantee truly everyone their human rights.

I hope to give more clarity by interpreting the situations my respondents have experienced while working with ICMs. My respondents are not a homogeneous group; they come from different continents, have lived in Cusco for different amounts of time, are in different age categories and have a different educational background, stimulating the debate by offering various perceptions. This means that I have had to actively search for socially constructed truths and interpretations that actors attribute to certain phenomena (Deetz, 1996; Duberly et al., 2012) with the ethnographer as part of these constructivist processes (Ybema et al., 2009), also known as the constructivist interpretative perspective of ethnographic writing. To understand the differences in perceptions, social researchers should try to constantly grasp the subjective meaning of social action (Bryman, 2016) and make sense of what people do and what people say about what they do (Ybema et al., 2009). I have tried to do so by being as close as possible to the people in my field, keeping in mind that my first-hand personal data is over a year old, yet thoroughly described in a personal diary. Still, this limitation will be discussed in its dedicated section.

To make the data more reliable, besides experiences from the field, I also conducted interviews. During these interviews, I have tried to ask critical questions that made the respondent think twice about what they were saying. That way I tried to look further than the first story my respondents would tell me and dig deeper into the background, instead of speaking from habits.

Ethnography

In my research, I have used ethnography as a research method and writing style. This was a predetermined decision. Knowing that I wanted to use my data from last year, I wanted to write myself in the story, as well as to write about the experiences of others. Ethnography, therefore, seemed the most logical choice. Once my research question was set into place, I listened actively to what was being said in conversations, both between others and with me. This is the basis of ethnographic research (Bryman, 2012, p.711).

Even though this year I did not have the chance to live with and live like the people I studied,- an important factor of ethnography (Spradley, 2016; Ybema et al., 2009) – I tried to capture as well as possible the memories I still have. After all, it has been a little over one year and the memories are still fresh. Also, because I did not know exactly what my research would be at that time, I wrote very thick notes on all my experiences. I used all my senses to interpret their

words, their actions and everything that in my interpretation was of meaning to the people in my field.

At the time though, I was immersed in the Peruvian culture and made it into my own, but I did not want to lose sight of what is 'strange' to me (Neyland, 2007; Ybema et al., 2009), as perceived as different from my own (Dutch) culture. Therefore, I also kept my distance instead of going fully native and having the chance of taking things for granted. Keeping my distance was easy, as I was living in an apartment with a fellow Dutchman and strangeness is more or less a given (Ybema et al., 2009) as I was a foreigner at that time, living on another, to me new, continent.

Data generation

The data of this thesis has mainly been collected through various (international) reports, complemented by online telephone interviews, as well as by legal documents, a couple of observations and news articles. The role of technology in online telephone interviews will be addressed shortly. Combining all these data sources, I use triangulation (Bryman, 2012), which enhances my reliability as findings can be checked through multiple data sources (Zohrabi, 2013).

Even though my field data has been collected over a year ago, I still consider my research based on the constructivist interpretist approach, as these experiences have significantly shaped my view and understanding of the situation. As Ybema et al. (2009, p. 9) describe, with these memories written down in my diary, I was in a process of 'worldmaking': "creating sense during fieldwork, deskwork, and text work (Yanow 2000) out of the settings, events, and actors we are studying". While doing so, I embraced being an ethnographer and I had to "inquire into my own meaning-making processes". In doing so, I emphasize that my results are not the only truth, but my idea and interpretation of the situations I came across, co-constructed through interactions with others and fact-checked through my respondent's sensemaking and reports by NGOs in the field.

Involved actors

In this research I have used the help of three local NGOs: Fundación HoPe, Juana d'Aza and Casa Mantay. Therefore, this research is conducted through the lens of these initiatives. As the three organisations differ in aims and practices, they have different views on the issue of the realization of the right to education for ICMs.

Firstly, Fundación HoPe dedicates its work to improving the development capacities -and opportunities of those in disadvantaged situations in the region of Cusco. To accomplish this, HoPe supports and creates development initiatives for people in a situation of exclusion from within the Peruvian society (Fundhope.org, n.d.). Their goal is to reduce poverty in the most disadvantaged population in the mountain areas of the Cusco Region and the disadvantaged areas of the city of Cusco (Fundación HoPe, 2019, p. 2), with projects concerning education prioritized.

Juana d'Aza "supports young mothers and their children in overcoming past traumas and embrace bright futures" (Juana d'Aza, 2016). These girls and their children were all taken in by the Sisters of the Santa Rosa de Lima Congregation, which means the women shelter is run by nuns. The women that live with them were violated at a very young age, leading to pregnancy. The Sisters help the girls to rebuild their lives and forge new futures for themselves and their children.

Lastly, Casa Mantay has a similar aim as Juana d'Aza. Casa Mantay describes aiming to allow teenage mothers to embrace and enjoy their motherhood in a healthy environment so that they and their children can become autonomous and actively participate in society by guaranteeing the protection of the mother and her child in a friendly and healthy environment. They encourage the learning of personal and social skills, promote the development of capacities to achieve a healthy mother-child bond and cover educational needs to achieve autonomy and active participation in society.

It has to be noted that unfortunately, Casa Mantay did in the end not come through with the time to do an interview, which is why the data about this initiative relies only on my own experiences and their website. The focus of this thesis, therefore, lays on Fundación HoPe and Juana d'Aza.

Respondents and (Telephone) Interviews

Complementing my theoretical data, one of my main data sources has been (online) telephone interviews. While I was only able to do three interviews, the insights the respondent gave me were so valuable, that I consider these three interviews a great asset to my thesis.

My respondents consist of staff and (former) volunteers of Juana d'Aza and Fundación HoPe. I did not want to interview the child-mothers themselves, for several reasons. Firstly, I did not by any chance want to cause harm. I do not have previous experience with interviewing

children, let alone children who often have a trauma. Consequently, I did not want to then ask them about that trauma. As Casa Mantay told me: the girls need to think ahead about their future, instead of reminding them of their past with the danger of keeping them in the victim role. Therefore, it did not seem ethical to ask the girls to be my respondents.

The three interviews were semi-structured. The semi-structured interview is "a fixed set of sequential questions as an interview guide, but additional questions can be introduced to facilitate further exploration of issues brought up by the interviewee, thus almost taking the form of a managed conversation" (Cachia & Millward, 2011, pp. 268–269). Being on the phone while doing these interviews, I can relate to Cachia and Millward's (2011) reference to a managed conversation. I dare say my respondents felt the same way: they would occasionally also ask about my whereabouts and personal thoughts. I always tried to wait until the end of the interview to express my feelings, as I did not want to influence the respondent's opinion. After my first interview, I developed a new, more critical topic list with questions that made my respondent reflect on their own opinions. This way, I got deeper information and it enhanced my understanding of their sensemaking.

While doing the interviews, I realized that I had a strong opinion about the situation myself and at times did not agree with the interviewee. However, as a researcher, I did not place myself above my respondents and assumed they were intelligible. Moreover, different opinions stimulate Bate's (1997, p. 1166) multivocality in my study. I positioned myself as a listener, to whom the respondents could tell their stories.

To structure the interviews and be able to steer the conversation, if necessary, I used a topic list (Appendix I). In this topic list, I covered the categories: personal details (1), the work at the NGO (2), knowledge about child-mothers (3), general man and woman relations (4), motherhood (5), government responses (6) education struggles and possibilities (7) and the existing or not of legal protection (8). I translated this topic list into English and Spanish, as my respondents did not all have the same nationality. As a result, I did one interview in Dutch, one in English and one in Spanish.

The average duration of the interview was forty-five minutes. To stay true to the words of my respondents, I always beforehand asked them permission to record the interview and asked for consent to use everything they said in their interview. Also, I guaranteed them their anonymity.

While (online) telephone interviewing as a method of interviewing is not yet commonly used in qualitative research (Holt, 2010), there is an increasing interest, use and discussion on using telephones (Morgan and Symon, 2004; Mann and Stewart, 2000; Seymour, 2001 in Cachia & Millward, 2011). Both Stephens (2007) and Holt (2010) express having been reluctant at first to use telephone interviews in their research but eventually agree on the usefulness of telephone interviews. Holt (2010, p. 15) quotes Stephens (2007) on what they both experienced as disadvantageous of using telephone interviews: "[With telephone interviews exists] the need to explicitly direct the conversation because of an absence of non-visual cues". In my interviews, I have used both video-calling and audio-calling. By using a video call, the worry of Stephens and Holt diminishes. I agree a video call is not the same as speaking in real life to someone. When the connection is bad, you might lose valuable information, spoken or through body language. However, when I felt I missed something, I asked my respondents to repeat their sentences. Whether I used the video option or not, I left to my respondents, as I wanted to make them feel at ease.

Another disadvantage addressed by Colombotos (1969) is the need to be brief to obtain the cooperation of the respondent. However, the people I have spoken to welcomed my call warmly as they felt like the research topic needed more awareness, something that this research opts to raise. Also, I asked my respondents beforehand for the amount of time they were available so that I could keep track of it. Most of them had plenty of time and I did not feel like I had to be brief.

Furthermore, telephone interviews also have significant advantages (Colombotos, 1969; Novick, 2008). Novick (2008) describes that telephone interviews decrease cost and travel, can reach geographically dispersed respondents, grant the ability to oversee interviewers and enhance interviewer safety. Among these, reaching geographically dispersed respondents is the most important for my research. Without telephone interviews, I would not have been able to gather the data I have right now, as going to Peru was not an option per university and restrictions on travelling due to the COVID-19 pandemic.

While Colombotos (1969) expresses that telephone interviews -and even more so with online interviews for that matter - might cause a wrongful variety in respondents because of resource inequality, I believe that this is not from this time anymore. Even though it is true that in 1969 perhaps not everybody could afford a telephone, in this day and age that is hardly the case anymore. This means that even though it might be true that not everybody in the world has a

telephone, in my target group this was not the case. Even high up in the mountains, where I believe there is no reach, I have seen people with telephones. It seems to be a first necessity in life, something that Dimmick, Sikand & Patterson (1994) already agreed on in 1994.

In the end, I do not feel like the use of a telephone greatly worsened the value of my interviews. On the contrary, it has richened my research with invaluable data.

Observations

Even though observations are only a small part of my thesis, I found them to be one of the most interesting parts. I take pleasure in the thought that everybody would experience the same situation differently, because of their frame of reference. It is then my task to search for my own interpretation, as well as the thoughts behind someone else's interpretation. The process of creating an interpretation for yourself is also called meaning-making: making sense of a social situation. Being the ethnographer, I make sense of other people's sensemaking, usually through the latter's own language and concepts, although these may be cast in the language of 'culture', 'identity', 'scripts and schemas', 'values, feelings, and beliefs', 'interpretive models' and 'prescriptive models for reality' (Ybema et al., 2009, p. 8). Although Atkinson (2001) defines ethnographic fieldwork as the 'first-hand experience and exploration of a particular social or cultural setting on the basis of participant observation', Ybema et al. (2009) state that ethnographic fieldwork does not exclusively consist of participant observation. Keeping in mind that I visited Casa Mantay and Juana d'Aza as a visitor, to learn about the situation, but not yet with a set research question in mind, I took everything in to grasp what was happening, but possibly I missed some valuable data. Still, I tried to use participant observation where possible to stay as close as possible to these first-hand experiences. Taking into account that these observations are older, they have a lesser role in my research. Nevertheless, that makes it all the more important to accurately make sense of my respondents meaning-making in the interviews.

Spradley (2016, p. 54) explains the difference between an ordinary participant and a participant observer. In his view, the ordinary participant comes across social situations with one intention: to act in the appropriate activities. The participant-observer on the other side comes across this same social situation with two purposes: to engage in activities appropriate to the situation and as well to observe the activities, people and physical aspects of the situation. In my

case, I have been both an observant participant (Moeran, 2009) and participant-observer. Even though at the time I did not know I would be writing this thesis, I was looking for data in a similar field, about sex education. Therefore, I focused my attention accordingly.

Also, being in Cusco without this particular research question yet does not mean that I did not realize that some of my experiences could be of interest for my (then) research. Following Spradley's literature, I would have been an ordinary participant, but I oppose that and follow Moeran's (2009) theory about being an observant participant. Even though I had not yet established this research question, visiting Cusco's NGOs had such a huge impression on me that I could not just stand by. For example, on my visit to Casa Mantay, the director presented their entire work and focus to me, after which I got a tour and spoke to one of their volunteers. Thus, while being primarily a participant, I was aware and observing as well. This helped me to get to see backstage (Goffman, 1959), as I could more easily become part of the situation. I was not anymore an outsider, but someone who was interested in their work and was looking for a way to help them. Therefore, people did not have to pretend with me. They had no interest in hiding their actions for me, which reduces the chance of them changing their behaviour and with that only show me Goffman's frontstage.

While being in Cusco, I would always carry with me a notebook, in which I wrote all little then seemingly significant experiences, but also full 'diary-like' stories about my day and the overall experience. Therefore, I trust the data I still have and give less importance to it being experiences from one year ago.

Pictures

Harper (2002) argues that images are used as bridges between worlds that are more culturally distinct, something that suits this research. For instance, being Dutch myself, I had never seen rural communities before and did not know about their way of living. Adding the pictures creates a much bigger sense of 'being there' for the reader and understanding what the author wants to bring across. Moreover, also described by Harper (2002, p. 23): "[pictures reach] deeper shafts in a different part of human consciousness than words-only interviews". Especially in ethnography, in which the researcher tries to write in a way that the reader can imagine being in the field (Ybema et al., 2009), pictures help to achieve exactly this.

In my research, all pictures were taken by myself, with my phone, while being in Cusco. When used in my story, I added a title to explain what the reader should be able to see or emphasized a certain part of the picture that might not be prominent at first glance.

Data-analysis

To make sense of all the data I have collected, I went through different stages of analysis. First, I transcribed the interviews. The next step of the analysis was coding. I used Nvivo software to code my transcripts and fieldnotes based on the categories used in my topic list (Appendix I). This led to an organized and structured data set that I could transform into the results of this research.

Writing style

Ethnography has different writing styles. I have chosen to write myself into my research and field notes, as I feel like my fieldwork was something that I did not always actively look for, but coincidentally happened to me. My visits to Casa Mantay and Juana d'Aza were planned and at the time I was living with the founder of Fundación HoPe. Nevertheless, to capture what exactly happened during the visits, one needs to realize that my presence impacted the situations. Therefore, it only makes sense to show this to the reader. Therefore, I have chosen Van Maanen's (2011) confessional style of ethnographic writing. To then write me out of the story, like in most realist written pieces (Van Maanen, 2011), would not be logical. In this writing style, I try to create a sense of 'being there', through a thick description (Geertz, 2008, p. 4), using a central part of Geertz's (2008) and Kluckhohn's (1962) definition of culture: 'a theory on the part of the anthropologist about the way in which a group of people in fact behave'. This is exactly what I have tried to bring across: what is happening in Cusco that affects the possibilities for ICMs to receive adequate education and why do people (for example the girls themselves, their families, but also the Peruvian government) accept such way?

By using words such as 'assume', I share my theory, my reasoning, of what is happening at that moment, being the anthropologist in Geertz's and Kluckhohn's definition, but do not propose my theory as the only possible truth.

Reflexivity and limitations

It is important to be self-reflexive on your position (in the field) as a researcher (Neyland, 2007; Ybema et al., 2009). Up to this very moment, my life has been shaped by my surroundings; the way I was raised by my family, things I have experienced before and during conducting this research, etc. These elements have shaped my frame of reference. Things that I take for granted might not be as normal for other people. To reflect on this, I created a section in my field notes on my feelings and assumptions, when I described a situation I encountered while being in the field in Cusco. Still, this research touches on some limitations, which will now be discussed.

The language barrier is my first point of reflexion. For the first one and a half months in Peru, I have followed Spanish classes every weekday for four hours. My abilities to speak Spanish skyrocketed and I could have not presented this research as I do now if it weren't for those classes. Even though Niño-Murcia (2003) argues that almost all of Peru speaks English, both in the cities as in rural Peru, I firmly disagree. It is true that for example tour guides and employees of larger businesses speak English, though more than often I did not have a choice of languages; Spanish was the only option. Yet, Cusco has many language schools offering English classes, acknowledging Niño-Murcia's (2003, p. 121) statement that 'learning English has become a component of an imagined global citizenship', referring to the economic status one can require if they speak English. Concerning the rural parts of Cusco that I have visited, I have spoken to one woman that had barely a level A2[1] in English and the people around her were very impressed by this. They did not speak English at all. Most of them were native Quechua speakers and spoke Spanish as their second language.

Being able to speak Spanish at a fair level, expanded my understanding of the Cusceñan culture. I was able to communicate with locals in their language and as a result, I did not have to come up with assumptions or interpretations based on my own language or English. Also, one year later and while writing this thesis, I have lived in Spain for five months, and again my Spanish has

[1] I have used the Common European Framework of Reference for Languages (Council of Europe, no date). In this framework, the following levels can be reached:
A1: Breakthrough or beginner
A2: Waystage or elementary
B1: Threshold or intermediate
B2: Vantage or upper intermediate
C1: Effective operational proficiency or advanced
C2: Mastery or proficiency

significantly improved. Therefore, I felt much more confident to interview in Spanish. Still, as I am not a native speaker, I can never be completely sure that I got everything they wanted me to know.

Relating to this, one needs to be aware that my interviews have been transcribed in three languages: Spanish, Dutch and English. As a native Dutch and fluent English speaker, I felt confident about my interpretations of the interviewees' answers. However, to check my interpretations, I often paraphrased their answer and asked them whether I had done this correctly. With the Spanish interviews, however, even though my level has improved to a confident B2, I am still translating in my head, with a risk of not understanding when and what to read between the lines.

Another serious limitation of my research lays in the fact that it is based on solely three interviews. For the entire five months, I have tried to reach more respondents, but without success. Unfortunately, the current pandemic has created boundaries as to my capabilities of finding respondents firstly, and secondly finding a mutual time to do an interview. Furthermore, my respondents living on the other side of the Atlantic did not make it any easier. To overcome this limitation, I have tried to link my interviews to government documents stating the same, improving the trustworthiness and value of the content of my interviews.

Lastly, this research has been conducted in a relatively short amount of time. While I can compare my fieldnotes to the current situation described by my respondents, a time frame of little over a year, I do not present this research as a generalizing piece that can still be trusted in a couple of years. Especially with indigenous peoples rights gaining more and more attention, chances are high that new legislation or changes in the situation of education for child-mothers will occur in the coming years.

Concluding, though this research has been carried out carefully, one needs to understand that this is not necessarily the only way to go about this subject, nor is it the only possible truth. Nevertheless, it gives a representable overview of the issue regarding the right to education for ICMs in Cusco, Peru. The various aspects of ICMs will now be discussed. Firstly, the significance of being indigenous, followed by the cosmovision on motherhood and complemented by the legal framework on the right to education.

A CLOSER LOOK AT INDIGENEITY

Being indigenous can be looked at from various perspectives. The following part of the research will address what it means to be indigenous in Peru from a cultural perspective, which will then be linked to a legal perspective, in order to provide an inside-outside explanation. The cultural perspective can be seen as an inside perspective, as it tries to capture what it is like to be indigenous, after which (international) legal documents explain the way indigeneity is perceived and 'dealt with' from the outside. Lastly, a combination between these two will be presented specifically on the Quechua community, as not all indigenous communities are the same, due to the high variety in landscapes, for example.

Cultural perspective

The definition of being indigenous has been extensively studied. Legally, the definition created by ILO 169 – which will be extensively addressed in the legal perspective on indigeneity – is the most commonly accepted definition, it including a reference to the self-identification of indigenous peoples. However, since an internationally accepted definition is yet to be created, this thesis will cover the most important aspects of various definitions. Indigenous peoples are often referred to as "the disadvantaged descendants of the peoples that inhabited a territory prior to colonization or the formation of the existing state" (Joona, 2012). More extensive is the explanation of the former special rapporteur of the United Nations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (1986), in his article complimenting the legal definition in ILO Convention 169: "[…] Those communities and peoples, who still have continuous historical connection to the societies preceding colonization, who developed on areas populated by these peoples and who consider themselves as clearly separate from other societal structures currently prevailing in the area, are indigenous. In addition, indigenous peoples are not in a ruling position in modern society and they want to maintain, develop, and transmit the inherited lands and ethnic identity to future generations. Their ethnic identity forms the existence of the people as one, the unitary population in harmony with their own cultural practices, social institutions, and legal systems". Though, acknowledging that Cobo's comment is very extensive, I follow Joona's (2012) statement that "the self-identification of an indigenous individual and the acceptance, as such, by a group is an essential component of indigenous peoples' sense of identity".

Nonetheless, continuing Cobo's (1986) train of thought, the (economic) challenges that indigenous peoples face are also bound to their living area: "[…] the problems of those who live in the central valley are different from the problems of those who have settled in the middle of the coastal mountain range or on the lower slopes of the Andes, on farmland or woodland" (Martínez Cobo, 1986). Even though this quote has passed nearly forty years, it is still relevant. With Peru's widespread indigenous communities and various types of landscapes, the indigenous peoples settle differently per area, which all houses different problems. Furthermore, the title of the sub-commission demonstrates the discrimination against indigenous peoples were facing in the eighties. However, over the years, scholars have been continuing to discuss this problem, which illustrates that up until now, discrimination against indigenous peoples is still a problem. For example, many indigenous people are forced to reject their language and culture in order to improve their socioeconomic position (Patrinos & Psacharopoulos, 1997; The International Work Group for Indigenous Affairs, 2021). Pederson (2010, p. 284) states that the Quechua residents are "mostly rural, poor and illiterate, reflecting the deep-rooted veiled racism and scornful attitudes that persist in Peruvian society", acknowledged by Cornejo & Silva (2004), García de Fanelli et al. (2007), Paredes (2007) and Joona (2012). One example demonstrating this is the fact that until the year 2000, the Peruvian state was not present to guarantee access to basic public infrastructure and services, nor did it fulfil its role of guaranteeing peace, security and property for indigenous Peruvians living in rural areas (Comisión de la Verdad y Reconciliación, 2003). Also, up until former president Ollanta Humala took office in 2011, the Peruvian government did not subsidize indigenous schools in the mountains, because 'these people did not require education' (Figeroa & Barrón, 2005; W. Meekes, personal communication, March 2020).

Other characteristics of indigenous peoples mentioned by scholars, usually involve assumptions about being a second-rate-citizen who has poor education, malnutrition and bad health, unemployment and other subjects that represent poverty (Brush & Stabinsky, 1996; Douglas Hill, 2013; Figeroa & Barrón, 2005; Patrinos & Hall, 2004; Patrinos & Psacharopoulos, 1997; Permanent Forum on Indigenous Issues (United Nations), 2017; Radcliffe & Pequeño, 2010), in combination with being rich from a set of cultural and spiritual traditions that larger societies generally may emphasize less (Hall & Patrinos, 2004). However, in my opinion, these characteristics do not tell us a lot about indigenous peoples, but more about their social status. Still, with these ideas prevailing, it seems that within dominant Andean racial/class hierarchies,

climbing the ladder requires 'de-Indianization' (Douglas Hill, 2013), especially in Cusco (De la Cadena, 2000). In Leinaweaver's (2007, p. 110) words: "To fully overcome poverty means that one must take on several social qualities – becoming educated, speaking Spanish instead of Quechua, dressing in store-bought "Western" clothing instead of woven skirts or felt hats or rubber-tire sandals, eating noodles instead of potatoes and drinking beer instead of *trago*, living in the city instead of in the *campo*. In other words, to overcome means to become whiter and to shed an Indian way of life".

Also in the current time, indigenous peoples undergo unequal treatment. For example, the COVID-19 pandemic has made it even harder than before for indigenous communities to have access to education. The lockdown in Peru meant that schools and universities had to make the switch to virtual and online education. Unfortunately, "access to internet and electronic equipment was rarely taken into consideration when it came to addressing the circumstances of Indigenous Peoples, who were therefore disproportionately affected" (The International Work Group for Indigenous Affairs, 2021).

As this research focuses on the area of Cusco, I focus on the Quechua peoples, who inhabit this part of Peru. The Quechua are mainly rural and live high up in the Andes, as well as in the city of Cusco. To quote Luis E. Valcárcel, a famous Peruvian historian and anthropologist: "[Cusco is] the only city in America where ages and civilizations with all their contrasts partly amalgamated and irreconcilable live together" (Jamarillo, 1985, p. 61). The results of this thesis will show whether this statement is a utopia or a reality.

Legal perspective

Legally speaking, the rights of indigenous peoples have significantly improved, internationally, regionally, as well as nationally. Worth noting, however, is the struggle indigenous peoples have faced in the process of gaining recognition and becoming rightsholders. As Gómez Isa (Gómez Isa, 2019) described: "Indigenous peoples have lived through a process of invisibility and systematic exclusion practically ever since the era of conquest", due to colonialism and imperialism.

While ILO 107 was 'already' created in 1957, this treaty considered indigenous peoples as objects of protection, rather than subjects to human rights and therewith acknowledged the

‘civilization mission ‘ of the West (Barsh, 1987; Gómez Isa, 2019). To illustrate, Article 2 of the Indigenous and Tribal Populations Convention (Convention No. 107, 1957) claims: “Governments shall have the primary responsibility for developing coordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries”. In other words: the civilized States of the West will progressively interfere in the lives of the indigenous peoples, with the result of creating ‘a civilized country’. In the end, many states were reluctant to ratify this treaty (Gómez Isa, 2019)

The position and rights of indigenous peoples gained a foothold at the political arenas of the world and in international agreements since the turn of the 1990s when indigenous peoples and minorities were started to be distinguished from each other (Sarivaara et al., 2013). This distinction was presented with the creation of ILO Convention 169 in 1989. The International Labour Organization managed to design the only international legally binding treaty that comprehensively and specifically covers the rights of indigenous and tribal peoples (CEACR, 1989). The necessity for this new ILO treaty came from the International Labour Office itself, concluding that the provisions in ILO 107 no longer reflected contemporary thinking and needed to be replaced by a treaty that gave indigenous peoples ‘as much control as possible over their own economic, social and cultural development (Barsh, 1987)’. This conclusion reflected a worldwide rise of awareness of the distinctive nature and assertiveness of indigenous organisations, as well as the growing establishment and acknowledgement of collective human rights in international law (Barsh, 1987).

ILO 169 created the only legally accepted definition of indigenous peoples. Academically this definition is not widely accepted. Corntassel (2003) rightfully asks whether international law should be establishing definitional standards for indigenous peoples, or whether the right of indigenous self-identification should be unlimited. Also, by creating one definition, the groups who identify as indigenous, are generalized and homogenized (Patrinos & Psacharopoulos, 1997). With such a broad range of indigenous or tribal groups of people, this would rule out important specifics about a certain group of people (Corntassel, 2003).

Sarivaara et al. (2013) state that the concept of indigenous people is solely created for international agreements. In my opinion, this is not per se a bad thing. Since governments have historically cut out Indigenous Peoples from participating in the decision-making processes that affect them, ILO 169 represents a country’s commitment to mending that relationship and to respecting Indigenous Peoples' identities, traditions, and rights to land and resources (Swartz,

2019). In addition, ILO Convention 169 gives the communities the right to hold their government accountable, with the support of the International Labour Organisation in several aspects. Fundamentally, ILO 169 ensures that indigeneity is defined according to self-identification, guaranteeing that "signatory governments commit to ensuring equality of social, economic and cultural rights of all indigenous peoples within their jurisdiction" (Sieder, 2002, p. 4). These rights lay for example in the fact that indigenous peoples have full participation in the creation of all policies that affect them, governments have to respect indigenous norms, practices, customary law and institutions and they are also bound to guarantee indigenous peoples' traditional lands and territories. Lastly, but even more important for this thesis: by ratifying the Convention, governments must provide indigenous peoples with labour rights guarantees and adequate education and health provision. Right now, in total twenty-three countries have ratified the Convention, of which also Peru in 1994.

In 2002, indigenous people's necessities became even more apparent with the creation of the United Nations Permanent Forum on Indigenous Issues (UNPFII), "one of the most important mechanisms for indigenous peoples all over the world, as it is a high-level institutional body under ECOSOC where relevant issues for indigenous peoples are discussed by sixteen independent experts, eight appointed by governments and eight nominated by indigenous peoples who are on equal footing in a consensus-driven decision-process" (IWGIA, 2018). Later on, in 2007, indigenous rights gained even more attention, with the creation of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in which Peru played a significant role, given the president of the then Commission of Human Rights being Peruvian (Charters & Stavenhagen, 2009). The adoption of the UNDRIP was a lengthy process, but in the end, the Declaration was accepted with an incredible majority. What makes this adoption special, is the fact that the negotiations were not only held between States, but also indigenous peoples representatives played a significant role. This was already in 1987 opted with the revision of ILO 107, but had not been pushed through. With the creation of the UNDRIP, the drafters followed the statement from one of the ILO experts tried to bring across with the creation of ILO 169: unless the document achieves the support of the indigenous peoples, any revision will be a dead letter. A document on indigenous peoples should be working *with* the people, not *for* the people (Barsh, 1987).

Though the UNDRIP does not necessarily create new rights, it can be seen as a development of earlier human rights. As James Anaya, former Special Rapporteur on the rights of

Indigenous peoples, argued, the Declaration is not a set of new human rights, specially created for indigenous peoples, but "provides a contextualized elaboration of general human rights principles and rights as they relate to the specific historical, cultural and social circumstances of Indigenous peoples" (Anaya, 2009). Still, the UNDRIP is unique in a couple of ways. Gómez Isa (2019) discusses several of these innovations. First of all, differentiating the UNDRIP from ILO 169 and all other Western IHRL documents for that matter, such as the Universal Declaration of Human Rights and the regional American Declaration of the Rights and Duties of Man-, is the fact that the UNDRIP recognizes the collective rights of indigenous peoples (Gómez Isa, 2019). Indigenous peoples have always stressed the need for collective rights, in contrast to other ethnic minorities that struggle to protect their rights at an individual level (Sarivaara et al., 2013). On the contrary, the American Declaration of the Rights and Duties of Man did not try to establish special rights to protect, or reverse, inequalities of indigenous peoples, nor does the declaration oblige state entities to explicitly address the needs of these groups (Salmón, 2013).

Secondly, the UNDRIP incorporated the right to self-determination in Article 3, which guarantees the right to freely determine their political condition and the right to freely pursue their form of economic, social, and cultural development. This Article is mainly to be read along the lines of autonomy and self-government (Gómez Isa, 2019). Though Article 3 grants indigenous peoples a lot of freedom and autonomy, it needs to be noted that Article 46.1 – the African clause- sets clear boundaries, ensuring 'the territorial integrity or political unity of sovereign and independent States'. This way, the adoption of the UNDRIP will never give the possibility of questioning the territorial integrity of States (Gómez Isa, 2019).

Another significant feature of the UNDRIP is the acknowledgement of historical injustices as a barrier to indigenous peoples' enjoyment of human rights (Gómez Isa, 2019). As Gómez Isa argues, the adoption of the UNDRIP in 2007 demonstrates indigenous peoples' greatest ambitions and their trust in international law and human rights legislation as powerful tactics for changing persistent patterns of dominance and exclusion that have afflicted them since colonial times.

Currently, UNPFII comes together to discuss how to advance the implementation of the UNDRIP (IWGIA, 2018). As Champagne (2012, pp. 10–11) correctly points out, the Declaration "relies on the States to implement laws, policies and political norms through its political and legal institutions", as the Declaration – even though the States may have ratified it- is not legally binding. Therefore, by embedding the standards of UNDRIP into nation-state laws and legal cases, the

protections of UNDRIP will likely become more legally binding to indigenous peoples (Champagne, 2012, p. 11), for example through the process of international customary law.

Regionally, the UNDRIP is gaining more and more grip on legislation. The Inter-American Court of Human Rights cited the UNDRIP, in combination with Suriname's affirmative vote at the UN General Assembly, in its decision in *Saramaka People vs. Suriname* (Gómez Isa, 2019). This decision was of great importance, as with this decision the court used the standards set by the UNDRIP as operative principles of international law, "irrespective of the normative scope of the Declaration and despite the fact that the state involved in this specific case is not a party to ILO Convention 169" (Gómez Isa, 2019, p. 9).

Also, in 2016 the American Declaration on the Rights of Indigenous People was adopted, after seventeen-your-long negotiations between Member States of the OAS (Right to Education Initiative, 2017), demonstrating that even in current times, indigenous rights still need to be fought for, for them to be laid down in regional legal documents. The American Declaration on the Rights of Indigenous Peoples' primary goal is to protect Indigenous Peoples' rights and freedoms, especially their right to self-determination and ancestral lands. The Declaration also aims to promote indigenous cultures, languages, and traditions, as well as their development (Right to Education Initiative, 2017). With these characteristics, it builds greatly on the UNDRIP.

Nationally, the Constitutional Court of Peru has used the UNDRIP in some of its decisions. With this action, it is evident that at least some of the UNDRIP's main provisions have already become customary international law, or might become so in the future.

Still, bringing indigeneity into national laws has proven to be difficult. As Salmón (2013, p. 354) argues, "the regulation of indigenous rights has been characterized by legal invisibility and social exclusion; this includes the omission of the legal denomination "indigenous" for categories such as "communal groups," "peasant and/or rural communities," and "natives."". It is true that in the Peruvian Constitution, explicit use of the word 'indigenous' only appears once, in Article 191, determining a minimum percentage to facilitate representation of women, rural and indigenous communities, and aboriginal peoples in regional and municipal councils. Yet, when it comes to indigenous representativity in national politics, many scholars are sceptical and argue that Peru is "a country with weak indigenous movements whose demands would not influence regional and national policies" (Van Cott, 2005; Yashar, 2005; Rice, 2012; Rousseau and Ewig, 2017;

Callirgos, 2018 in Merino, 2019, p. 1). With no indigenous party or coalitions with parties existing, indigenous politics is generally considered inexistent or irrelevant (Merino, 2020).

Figeroa and Barrón (2005) then discuss that in Peru, governments only care about indigenous rights in times of elections. After elections, the attention diminishes. In this view, the indigenous peoples have no power to object to this behaviour. First of all, because of their social status, but also because they are culturally and geographically fragmented. According to their data from 2005, the Peruvian rural areas are made up of about fifteen thousand small towns with less than five hundred inhabitants each. Therefore, they conclude: "real transformation requires rights, which these populations have no power to generate in the voting game" (Figeroa & Barrón, 2005, p. 19).

Champagne (2012) looks at the problem from another perspective. For him, the problem lays deeper than the lack of political power Peruvian indigenous peoples lack. He argues that most nation-states do not grant indigenous peoples their wish to govern themselves. With that, the States ignore the history of the indigenous peoples and incorporate them as citizens of the State, without consent. Champagne (2012, pp. 11–12) then argues: "Indigenous history does not start with recognition at the beginning of the nation-state, especially when many contemporary democratic nation-states have their beginning since the end of World War II. Rather, indigenous peoples believe they have existed as a community with self-government and territory from time immemorial, certainly thousands of years before the formation of contemporary nation-states". This correlates to Article 3 of the UNDRIP: the right to self-determination, which guarantees the right to freely determine their political condition and the right to freely pursue their form of economic, social, and cultural development.

In 2011, a victory presented itself in Peruvian law for its indigenous peoples when the Peruvian Congress passed by a unanimous vote the Law on the Right of Consultation of Indigenous Peoples, which gives Peru's indigenous communities the right to be consulted about any activity, plan, administrative or legal measure, or development or project that would involve, affect, or take place in their ancestral territories. With the passing of this law, the director of the regional office of the ILO in Lima, Peru, Carmen Moreno, stated that the passage of the new law sends a very important political message about the government of Peru's interest in respecting the rights of indigenous peoples.

In sum, there are many obstacles in Peruvian national law to protect its indigenous peoples. Most importantly, CEARC has filed several complaints against Peru for the non-observance of ILO Convention 169 (Salmón, 2013), given that once ratified – as Peru has, the Convention has the force of domestic law (Sieder, 2002). Yet, there is an increasing influence from international human rights law, setting the standard as to how indigenous peoples should be protected, all of which Peru has ratified (Champagne, 2012; Salmón, 2013). In addition, the Peruvian government is taking steps in promoting the protection of indigenous rights. Despite the absence of frequent use of the term 'indigenous' in the Constitution, the State is obliged to treat all its citizens as equal before the law (Article 2.2, Peruvian Constitution). In the same article, but all the way down to paragraph 2.19, the Constitution addresses that the State recognizes and protects the ethnic and cultural diversity of the Nation. Also, the State explicitly promises in Article 89 that the 'rural and native communities' (categorizing the indigenous residents of Peru) have legal existence and are corporate entities. Furthermore, the Article concludes that the State respects the cultural identity of the rural and native communities, providing these communities with a political voice.

Building on Article 2 of the Constitution, there should be no difference between children of the indigenous community or any other resident of Peru. The State proves to realize this, as the State guarantees free compulsory education and to establish schools wherever needed and therewith accessible to all children (Article 17, Constitution de Peru). In addition, the State encourages bilingual and intercultural education, per the particular characteristics of each area to preserve the diverse cultural and linguistic manifestations throughout the country, to promote national integration (Article 17, Constitución de Peru). With these Articles, the State has created national policies to comply with General Comment No. 13 of the CESCR.

Moreover, when the State guarantees support for children in Article 4, this should count for every child. Still, after having established the (difficulties in) differences of culture between indigenous and non-indigenous Peruvians, what a mother needs for their children, might be seen differently. Therefore, it is very necessary to take into account the cosmovision on motherhood that for example the United Nations generally portrays in their declarations in trying to create documents that serve universally.

THE COSMOVISION OF MOTHERHOOD

When you hear a story about a woman having a baby, this triggers something in our brains. We create a picture in our minds to understand what the other person is telling us, we make sense of the situation. These pictures are created along the lines of the rules of society because they will give us the greatest chance of a 'true' picture. In this sense, we create a cosmovisional picture. This cosmovision, or worldview, is thus "a perspective on the cosmic order of life and the way a culture, people, or nationality views the order of the universe" (Guzñay, 2014). This implies that that worldview is the way to see nature, the way to see oneself, and the way to see another. This is connected to our culture, which we use to create this cosmovision.

Connecting this to motherhood, the largest part of the world will have a fairly corresponding idea as to what this means, depending on the dept one looks at. The more basic, the easier it is to match between different cultures and frames of reference. Akujobi (2011, p. 2) describes in her article on 'Motherhood in African Literature and Culture' various ways in which motherhood is often described. Firstly, she argues that motherhood is defined as "an automatic set of feelings and behaviours that is switched on by pregnancy and the birth of a baby". This is not a very controversial statement and probably many people will agree on this regardless of their frame of reference. Subsequently, Akujobi argues that motherhood is also seen as "a moral transformation whereby a woman comes to terms with being different in that she ceases to be an autonomous individual because she is one way or the other attached to another - her baby". This statement is much more specific and with that comes more opposition or resistance. For example, in the case of child mothers, one could argue that her being so young means that she was not an autonomous person yet in the first place. So, by looking at motherhood through a cultural lens and attending to the different social circumstances, we disrupt the view of motherhood as 'a monolithic phenomenon' (Stacey et al., 1992).

What I try to illustrate here, is that with the creation of a set idea of what motherhood is, chances are that a highly deviant culture (indigenous culture versus the Western culture) will not agree on these terms. As (2003) Deza Callata describes, concerning pregnancy: (reproductive) health, as a physical and social product, also responds to cultural codes. Which are healthy, hygienic behaviours in one culture, are not necessarily considered as such in other cultures. Therefore, using Illicachi Guzñay's (2014) definition, a cosmovision is "the cultural way of

perceiving, interpreting and explaining the world", meaning that worldviews differ from one another along with cultural concepts.

Though focusing on different indigenous communities in different lifestyles, Weismantel (1995) (focusing on the Quechua in Ecuador) and Zape-tah-hol-ah Minthorn (2018) (research on indigenous peoples living in North America, not any longer living the traditional lifestyle) discuss very similar core-values for indigenous mothers: relationships, respect, reciprocity, and responsibility. Where Weismantel realizes the importance of an extended family through her fieldwork, becoming a figurative godmother to a lot of children, Zape-tah-hol-ah Minthorn describes this from her own indigenous perspective and states: "Within our communities' relationships, we are connected at a communal level. This means that even if we are not related when we introduce ourselves and become acquainted with one another, we try to find someone in common we both know or a way that we might be connected" (2018, p. 71). She then argues that this is an important part of community building, as it gives the chance to pass on the values to the children and their offspring, and in that way keep the community alive.

Communal values are generally not considered normality in the current Western society, where capitalism and individuality stand tall. This also has an impact on the way Western society thinks about motherhood. Phoenix and Woollet (1991) already pointed out in 1991 that the conventional way of thinking about motherhood does not serve reality. In this view, 'the conventional way', means the cosmovision of the most powerful of the world: the dominant Western view, or as Puchala (2005) describes it: the hegemonic West. In Phoenix' and Woollett's book, the two essayists describe problems in this Western vision concerning the negative impact of mother-blaming research on for example working mothers and the child well-being, but more importantly for this research, of the widespread judgments directed against, particularly young women, about the "right time" to have children and what the role of the father is in a child's lifetime (Stacey et al., 1992), linking to Illicachi Guznay's (2014) statement that, as part of the cosmovision, these beliefs on reality and how the world works, are accompanied by a set of presuppositions and assumptions. This is where world politics comes in.

In the current Western society, motherhood starts much later than half a century ago, often after the age of thirty (Beets et al., 2011, p. 1). They argue that "with the introduction of effective contraceptives, the evolutionary link between sexuality and procreation was completely broken in Western societies", even in the knowledge that having children before the age of eighteen or after

thirty is not biologically optimal for women, viewed from a biological perspective. Illustrating the difference between the more traditional way of living as the Quechua do versus a Western perspective, the three authors demonstrate the freedom Western people have in the decision to have a baby by comparing it to buying the new Harry Potter or booking a vacation to the Maldives: "children are no longer a necessary insurance for a well-cared-for old age, but "an experience", something to fulfil your own emotional needs". Furthermore, unwanted pregnancies can be prevented by contraceptives or ended with abortion.

In the Quechua society, these luxuries do not – or to little extent- exist, mainly because of government policies and services and the accessibility to these services. As Biss writes in Rich (1995), "Motherhood calls to mind the home and we like to believe that a home is a private place. But the home is shaped by public policies that govern housing costs and access to abortion and welfare payments and maternity leaves and child support". With regards to abortion, this practice is in most circumstances illegal in Peru. Only when the baby forms a threat to the life or health of the mother, an abortion may be executed, with a gestational limit of twenty-two weeks (The Global Abortion Policies Database, 2019) (however this rule seems not always maintained, see for example *LH vs. Peru* (*Llantoy Huamán vs Peru*, 2005)). Therefore, abortions are often executed in troublesome circumstances (Committee on the Elimination of Discrimination against Women, 2014; Fundación HoPe, 2019), something that is highly likely to interfere with the decision to keep the baby or not when pregnant at a very young age. HoPe (2019) also states that free birth control is offered in Cusco, but only a mere nine per cent has used them. Though, this seems easily explained: in 2017, the Guttmacher Institute, together with the Cayetano Heredia University, investigated more than sixty secondary schools in Lima (coast), Ayacucho (mountain range) and Ucayali (jungle), detailing the policies related to Sexual Education and the perceptions of students and teachers about their teaching (Fundación HoPe, 2019). They found that while more than seventy per cent of the students report having learned about abortion, only forty-nine per cent learned how to use contraceptive methods. Moreover, only forty per cent indicated that they would like to know more about the subject. Unfortunately, forty per cent of students did not feel comfortable asking questions out of embarrassment and because they felt that their classmates and teachers were going to make fun of them. Keeping in mind that this research has been carried out all over Peru, not necessarily in the indigenous communities, we can assume that for indigenous communities knowledge about (Western) contraceptives is even lower. However, it should be

mentioned that indigenous peoples have not lived without medicine, hence the use of the word Western in the previous sentence. Indigenous medicine traditionally exist(ed) of herbs and plants, illustrating the importance of Pachamama, the belief in the power of nature and local shamans (Orr, 2013). Nevertheless, the knowledge about and access to scientifically proven reliable medicine/contraceptives is very probable to be extremely low in rural indigenous communities; if not for the still-developing number of schools in such areas, then for the accessibility and availability to, for example, hospitals. In Cusco, many indigenous communities live high up in the Andes. Therefore, it is common to see a community member walking for hours on end to reach the next village or the city.

Deza Callata (2003) describes these circumstances as the negative causes for early motherhood among indigenous girls. But, besides the accessibility to contraceptives and/or abortions and faulty sexual education, one must take into account that it might also be the case that indigenous women simply want to become a mother at a different stage in life than women living in the Western hegemony, which are defined as the positive causes by Deza Callata (2003). She argues that the positive causes of early motherhood arise from the longing to have something of your own, someone to whom you can give affection and love. In her argumentation, this can be interpreted as the product of a previous lack of affection, which could extend to the entire universe of motherhood in all classes. In my interpretation, I am not convinced by this argument and believe the longing to have a child, earlier than in Western society, does not come from a lack of affection but is something connected to culture and socioeconomic conditions. As Deza Callata (2013) mentions the difference in values given to motherhood, early motherhood might be a part of this. This will be examined in the results, not denying a possible relationship between the two. The author finally relates these types of causes to the cultural difference according to which value is given to motherhood and children.

Lastly, another reason why girls might want to have children earlier than in Western society, is the prevalence of strongly patriarchal cultural patterns that need to be taken into account (Deza Callata, 2003; Zape-tah-hol-ah Minthorn, 2018), “owing much to the sharp division of gender roles that makes men producers and women reproducers” (Deza Callata, 2003, p. 25). As Akujobi (2011) argued as well: becoming a mother creates some kind of status. Your value in the community goes up, which might interfere with the wish to become a mother at a young age.

Concluding most of what has been said before, Baeza Cabezas (2011) points out in her article that the issue concerning indigenous peoples is intersectional, which makes it so difficult to deal with. To understand indigenous motherhood, various factors, such as gender, sexuality, ethnicity and the State's policies, need to be in line with each other. To illustrate this, the intersectionality as well as the fact that patriarchy does not only mean 'to be described the role of reproducer' as a woman, indigenous women experience a gender gap, in the sense that they have less access to resources and services compared to both non-indigenous women and indigenous men (Radcliffe & Pequeño, 2010). The authors believe that this is connected to the importance given to certain international legislation: where most policies are drawing on ILO 169 – not once mentioning the word 'women'-, the UNDRIP seems to have less of an impact on the rights of indigenous peoples, the only declaration on the rights of indigenous peoples that does mention women in two articles and states that 'all the rights and freedoms recognised herein are equally guaranteed to male and female indigenous individuals' (Article 44, UNDRIP). Therefore, Radcliffe and Pequeño (2010, p. 985) agree that "indigenous women are invisible as indigenous in the former, and invisible as women in the latter".

Leinaweaver (2007) adds another dimension to this intersectionality: universalizing discourses. Between the lines, Radcliffe and Pequeño mention this as well but do not give a name to it. Summarizing, both Leinaweaver and Radcliffe & Pequeño state that intersectionality comes forth from problematic (western) assumptions. According to the gender gap, these western assumptions point out "how women's lives are shaped as much by political economy, racial hierarchies and national programmes of acculturation, as by ethnic culture" (Equipo de CIEPAC, 2007; Radcliffe, 2002; Vinding, 1998; Zolezzi, 2009 in Radcliffe & Pequeño, 2010). What they are saying is that the cosmovision of the West is influencing indigenous women in all aspects of their lives. This is illustrated by Puchala (2005), who speaks of the Western hegemony taking control of international legislation, which also affects the indigenous communities in Peru.

Puchala (2005, p. 576) builds on Cox's (1993) theory, interpreting Gramsci's historical block. Cox and Puchala argue that the "whole configuration of social forces, Cox (1993) observes, ''its economic basis, its ideological expression, and its form of political authority as an interaction whole, Antonio Gramsci called . . . the blocco storico'". This block then forms a kind of 'world hegemony', which, in Puchala's view, can also be established in the form of an international institution, such as the United Nations.

In Cox' (1993) line of thought, these international organizations express their hegemonic role as follows: (1) they embody the rules which facilitate the expansion of hegemonic world orders; (2) they are themselves the product of the hegemonic world order; (3) they ideologically legitimate the norms of the world order; (4) they co-opt elites from peripheral countries; and (5) they absorb counter-hegemonic ideas. Puchala (2005) then links these characteristics to the UN and concludes that the institution has always been and continues to be a Western organization, in the way that its policies often align with Western preferences. Moreover, those policies that do not agree on these preferences tend to not get financed and therefore in the end do not get executed. Still, I would argue that having seen the current tendencies of enhancing indigenous rights through legislation, Puchala's statement is not definite. For example, the UN has been receptive and active in the process of recognition of indigenous peoples and their rights, which has led, as earlier discussed, to the development of international customary law.

Still, creating policies that protect indigenous mothers, as has been shown earlier already, has been proven difficult. Linking this to the cosmovision of indigenous culture, this could well be because of their clear deviant culture – compared to the Western hegemony. Nonetheless, committees have been fighting for indigenous rights and improvement is in sight, countering the somewhat negative view on the Western hegemony leaving indigenous peoples behind. With the UN Permanent Forum on Indigenous Issues now working on a recommendation which addresses State Parties to the UNDRIP – among which Peru - to adopting and implementing comprehensive national indigenous education policies based on Participation, Access, Attainment, Appropriate Curricula, Capacity Building and Anti-racism strategies, State Parties should achieve the participation of indigenous children, young people and adults in education for a period similar to that of other students. This includes ICMs.

To understand why these recommendations are necessary and what they bring along, we need to discuss the right to education and what this human right legally entails. This way, it becomes clear which obligations the government of Peru has as to the implementation of the right to education for indigenous child mothers.

THE RIGHT TO EDUCATION

In 1996, the International Commission on Education for the Twenty-first Century stated that 'the time to learn is now the whole lifetime', and that education is a 'continuum, coextensive with life'. (UNESCO, 2000, p. 19). In line with this argument, education does not only mean schooling. While not dismissing the value of schooling, the World Conference on Education for All in 1990 defined basic education as any action designed to meet basic learning needs (UNESCO, 2000). To ensure that everyone can at least enjoy the minimal standards to this education, IHRL underpins the universality of human rights, to which all people are entitled (Tomaševski, 2001). Therefore, through IHRL, education is a fundamental and inalienable right to which all people, and with that all ICMs as well, entitled. Following McMillan (2010, p. 540): "Seen from this perspective, the ability for a child to attend school becomes more than simply a beneficial opportunity – it becomes a legal requirement that all children can, and should, demand". This view is shared by the United Nations, as the General Assembly in 2015, in its Agenda 2030, agreed to Sustainable Development Goal (SDG) 4: to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all (Nowak, 2016).

To achieve exactly this, the right to education was first laid down in the UDHR in 1948. In doing so, the right became internationally recognized, with Article 26 UDHR proclaiming: *everyone* has the right to education. Since then, the right to education has been incorporated in numerous (inter)national legislation, with in some cases a direct reference to impeded groups, such as indigenous peoples and girls.

As the first Special Rapporteur on the right to education, Tomaševski (2001) claims that the right to education is reached much further than just education. The right to education enables the enjoyment of other rights, such as freedom of expression and information and the right to actively participate in political, social, and cultural ways of life (Nowak, 2016). Exactly for this reason, Tomaševski (2001) has called it a multiplier right, and the Committee on Economic, Social and Cultural Rights called it an empowerment right. As Tomaševski (2001, p.10) argues: "Education [...] enhances the enjoyment of all individual rights and freedoms where the right to education is effectively guaranteed while depriving people of the enjoyment of many rights and freedoms where the right to education is denied or violated". Therefore, both Tomaševski and Nowak mention this right as one of the most essential human rights.

With the 'name-calling' of the right to education, it is not solely created with a legal perspective in mind, creating the ability to hold the Member States accountable and create possibilities for applying and enforcing the right, but also with an ethical perspective: education is a fundamental and inalienable human right to which every human being is entitled, implying that everyone has the same right to develop their capabilities (Jover, 2001; McMillan, 2010). Education is a fundamental part of this process of development and therefore should be available to anyone, including impaired or disadvantaged groups, such as girls and/or indigenous peoples (McMillan, 2010) – leaning right into the intersectionality of ICMs.

Zooming in on the right to education specifically on this group, the education ICMs need to receive in that stage of their lives, is mainly primary and secondary education. "Primary education is viewed as fundamental education – defined as a body of the most basic of skills needed by a person to function in society (McMillan, 2010)". In other words, education provides the knowledge and information necessary for achieving a higher standard of living. Quoting Tomaševski (2001), McMillan (2010) acknowledges that education socializes children to become active, participating citizens in their respective country: "It is argued that education achieves economic development […]. At the most basic level, if children are attending school during the day, they are avoiding other destructive activities, including prostitution, child labour and warfare". I would argue that under 'other destructive activities', we may also include child pregnancies, as we have seen earlier that child-mothers often drop out of school and have their future opportunities impeded. As the Committee on Economic, Social and Cultural Rights stated in General Comment No. 13: "education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities (UN Economic and Social Council, 1999)".

To achieve exactly this, the right to education is, in theory, "recognized, promoted and protected at all levels" (Tomaševski, 2001), safeguarded in international, regional, national, and local legislation.

On the international level

The most well-known Declaration is most likely the UDHR. When in 1948 the UDHR was drafted, only a minority of the world's young people had access to any kind of formal education (UNESCO,

2000). Though this Declaration was the first to draw up the right to education and therefore is of large historical importance, a note must be made that this document has no legal force. As UNESCO (2000) puts it: "it is not a treaty, but an internationally endorsed statement of principles". To establish legal obligations for each Member State that ratified the treaty, these principles were transformed into two Covenants: the ICCPR and the ICESCR. These Covenants together aim to comprehensively cover the rights and freedoms set out in the UDHR (UNESCO, 2000).

Article 13 and 14 of the ICESCR deal specifically with the right to education. While the right to education is usually seen as an ESC-right – or even the most prominent cultural right (Nowak, 2016) -, it is also mentioned briefly in the ICCPR in Article 18.4. This Article affirms the 'liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions'. The problem with classifying the right to education as solely ESCR is the connotation this 'type' of rights brings along. ESCR are often qualified as second-generation rights (Jover, 2001), deriving from Vasak's (1977) theory. Vasak (1977) explains that the first generation of human rights concerns specifically civil and political rights. These rights originated from the liberal revolutions in France and America and are characterized by being negative liberties: freedom from state intervention and therewith letting individuals do as they please. With the second wave of rights, as formulated by Herskovits in his Statement on Human Rights (1947), more people were granted citizenship. In other words, the process of "adding" rights, is about strengthening human rights and increasing the number of rightsholders. Where the first generation of rights was about imitating the government, the second wave asked for interference: positive liberties (Marks, 1980). It emphasizes that the state should not alone refrain from certain actions, but also has duties. The authorities must guarantee and safeguard some basic principles, such as the right to education. However, these positive liberties, in other words, ESCR, "are often deemed to be lacking remedies and are accordingly treated as quasi-rights or not-quite rights. As a consequence, denials and violations of the right to education are not addressed (Tomaševski, 2001, p. 8)". Still, the ICESCR and ICCPR are legally binding to all Member States who have ratified the Covenants, among which Peru.

According to UNESCO (2001), the five principal international treaties relating directly to education are: ICESCR (1966)(Articles 13 and 14); the Convention against Discrimination in Education (1960)(Article 4); the Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may arise between States

Parties to the Convention against Discrimination in Education (1962), the Convention on the Rights of the Child (1989)(Articles 28 and 29) and the Convention on Technical and Vocational Education (1989). Peru has not ratified the third-mentioned Protocol, nor the Convention on Technical and Vocational Education.

The UNESCO Convention against Discrimination in Education is considered a cornerstone of the UNESCO Education 2030 Agenda and a significant instrument for enhancing SDG 4 (UNESCO, n.d.-b). One of the strengths of this legally binding Convention is the non-acceptance of reservations. The Convention incorporates the notion that education is a fundamental right, not a luxury, and it emphasizes the state's responsibility to prohibit all forms of discrimination in education while fostering educational equality (UNESCO, 2015).

Regarding indigenous girls, a key-value expressed in the Convention is the equality of educational opportunity in Article 4. Furthermore, Article 5 states that "it is essential to recognize the right of members of national minorities to carry on their educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language".

It is also not surprising that the CRC is on the list of most important legal documents. As the CRC deals with the right to education and this right is mainly directed at children (Nowak, 2016), a reference to their right to education seems only logical. Article 28 CRC states that the Member States recognize the right of the child to education and will progressively aim to achieve this right, based on equal opportunity. To stimulate the progress, the Article demands several steps, among which free and compulsory primary education, availability and accessibility to every child and financial assistance if needed. Moreover, State Parties shall take measures to encourage regular attendance at schools and the reduction of drop-out rates. Following these measures, in theory, child-mothers, indigenous or not, living in a secluded rural area or not, with or without financial means, should have every opportunity of going to school. Since we have seen that this still is not the case, it seems like the Peruvian government is not yet able to guarantee every aspect of this right. In this case, Article 28.3 CRC – as does Article 2(1) CESCR - states that States Parties shall promote and encourage international cooperation, contributing to accomplish this right anyway and take off a load from developing countries – which Peru can still be considered (UNESCO, 2000; World Bank, 2021). This way, the duties of both governments and the international

community at large are enforced, enhancing the respect, protection and fulfilment of the right to education internationally.

Furthermore, Article 29(1c) CRC also draws upon indigenous identity, in stating that the education of the child shall be directed to "the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own". In addition, this education direction is followed by the need to prepare the child for responsible life "in a free society, in the spirit of […] friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin", which specifically addresses the need for adequate education for indigenous children.

Furthermore, the CRC also emphasizes the importance of mother-tongue instruction during the early stages of education, reaffirming the international human rights law's tenets that the individual has the right to learn his or her own language in addition to the official language if substantive equality of treatment is guaranteed (Tomaševski, 2004), which is an important aspect of quality education for indigenous children.

Considering indigenous identity, the CRC also addresses both the individual and collective aspect of the right to education in its General Comment No. 11 (UN Committee on the Rights of the Child, 2009). The General Comment states: "The education of indigenous children contributes both to their individual and community development as well as to their participation in the wider society. Quality education enables indigenous children to exercise and enjoy economic, social and cultural rights for their benefit as well as for the benefit of their community. […]Thus, the implementation of the right to education of indigenous children is an essential means of achieving individual empowerment and self-determination of indigenous peoples".

Also ILO 169 builds on the individual and collective aspect of the right to education. First, more generally, Article 26 of the treaty states that 'measures shall be taken to ensure that members of the peoples concerned have the opportunity to acquire education at all levels on at least an equal footing with the rest of the national community'. Then, Article 27 addresses key principles (International Labour Standards Department, 2009): Education programmes for indigenous peoples shall be developed and implemented in cooperation with them to address their specific needs (1) and responsibilities for the conduct of educational programmes should be progressively transferred to indigenous peoples themselves (2). An important aspect of these principles is that it

highlights the importance of education programs reflecting indigenous peoples' aspirations for the future in terms of social, economic, and cultural issues. This represents a recognition that education is a critical component in guaranteeing indigenous communities' ability to grow in line with their own goals and ambitions (International Labour Standards Department, 2009).

Besides children, this research touches as well on gender: girls. According to the 2020 Report on Sustainable Development Goals, globally, around five and a half million more girls than boys of primary school age were out of school in 2018 (United Nations, 2020). The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979, focuses on the preservation of girls' and women's rights, as well as the abolition of all forms of gender discrimination. Article 10 of the Convention covers the right to education. Considering indigenous girls, the Article urges the State Parties to take all appropriate measures to ensure […] access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas. In addition, the Article demands the elimination of any stereotyped concept of the roles of men and women at all levels. For example, the idea that women must always take care of their child and hence cannot go to school. Or even broader: women exist to reproduce and therefore do not need education. Besides stereotypes about motherhood, stereotypes of indigenous girls can also lead to physical danger, with a great impact on their education. As Ramsay describes in the State of the World's Minorities and Indigenous Peoples report (Minority Rights Group International & UNICEF, 2009): “In the Great Lakes region, Batwa women’s vulnerability to rape is increased by a widespread myth in the region that sex with a Batwa woman cures backache”. These stereotypes need to be eradicated. Yet, in the case that women do need to leave school, CEDAW Article 10 urges for the organization of programmes for girls and women who have left school prematurely, as well as programs for the reduction of female student drop-out rates, with the help of, as suggested in the Article, information and advice on family planning.

Since the UDHR, CRC, and CEDAW all state that the international community must ensure that all children receive an education, any work in the field of education is required, not voluntary. Connecting this to the right to education in legal documents on indigenous rights, a lot still must be done: the majority of children who are out of school worldwide are minority and indigenous children (Minority Rights Group International & UNICEF, 2009). Looked at this problem from a discrimination stance, racial discrimination in the realization of human rights is prohibited under

the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which Peru has ratified. Article 5 ICERD protects everyone's right to education, regardless of race, colour, or national or cultural background. Also, connecting to the mentioned stereotypes in CEDAW, Article 7 ICERD urges states to take steps to eliminate prejudices that contribute to racial discrimination in the classroom and to foster understanding, tolerance, and friendship between nations and racial or ethnic groups.

In conclusion, various international legal documents exist, protecting the right to education of indigenous girls. However, as international law is not as readily enforced as domestic law, governments that violate the treaties they have ratified are likely to go unpunished for a long time. States that abuse the legal framework and therewith the right to education, therefore, remain a problem. This will be addressed in the analysis, where the data from the interviews is linked to the legal obligations of Peru and the theory behind indigenous motherhood.

On the Inter-American level

On a regional level, the right to education is guaranteed in Inter-American human rights instruments, such as the Charter of the Organization of American States (OAS) of 1948 Articles 49 and 50 in the Additional Protocol to the American Convention on Human Rights – also known as the Protocol of San Salvador (Articles 13, 16).

In inter-American affairs, the Charter of the OAS supports social justice and the integral development of all people as a way of attaining sustainable peace and security. It promises equal opportunity for all, as well as the fast eradication of illiteracy and the development of educational possibilities. States are required to ensure the efficient enjoyment of the right to education, including free obligatory primary education, under Article 49. Article 50 relates to the importance of paying special attention to the elimination of illiteracy. Furthermore, Article 31 claims that the gradual improvement of education lays in international cooperation between all Member States of the OAS and Article 47 mentions the law for Member States of the OAS to give primary importance to the encouragement of education, within their respective development plans (Article 47).

In 2001 the then transitional government of Peru created the initial proposal for the Inter-American Democratic Charter (OAS, n.d.). In this Charter, the essential elements of democracy for all OAS Member States are defined. The document also gives attention to education, by stating

that ‘the creation of a democratic culture is highly affected by the education of children and youth in the principles and practices of a society based on freedom and social justice […]’ (Article 21).

Article 13 of the Protocol of San Salvador (1988) also protects the right to education. It establishes the goals of education and offers quite comparable criteria, compared to criteria of the international documents, for determining what education should look like: primary education should be free and compulsory for everyone; secondary education and higher education should be made widely available and accessible to all through the gradual implementation of free education. Furthermore, it acknowledges the necessity of intercultural education, by stating that “education ought to enable everyone to participate effectively in a democratic and pluralistic society and achieve a decent existence and should foster understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups”. It also recognizes the right of parents to select the sort of education they desire for their children, as indicated in the aforementioned international treaties, as well as the freedom to create educational institutions. Article 16 reaffirms every child's right to education, no matter the circumstances.

A key difference between these two documents is the (non-) existence of a complaint mechanism. The Charter of the OAS does not have a complaint mechanism, whereas the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights do accept complaints regarding the San Salvador Protocol.

Both these documents are ratified by Peru, which means that the State’s residents, in case of a possible violation, can make a complaint through the San Salvador Protocol and hold their government accountable.

On the national level

The right to education is enshrined in Articles 13 and 16 of the Peruvian Constitution. Articles 13 and 16 of the 1993 Constitution state that "the State recognises and guarantees freedom of education" (Article 13) and that "it is the duty of the State to ensure that no one is prevented from receiving an adequate education because of his or her economic situation or mental or physical limitations" (Article 16).

In 2003, the ‘General Law of Education’, Law No. 28044, was created with the purpose of “establishing the general guidelines for education and the Peruvian Education System, the powers and obligations of the State and the rights and responsibilities of individuals and society in their

educational function" (Congress of the Republic of Peru, 2003). Article 19 of the same law specifically addresses indigenous education and mentions that the State recognizes and protects the right of indigenous peoples to an equal education compared to the rest of the national community, in line with the provisions of international treaties on the issue and the Peruvian Constitution. Therefore, the State promises "to establish special programmes to ensure equal opportunities and gender equality in rural areas and where relevant" – demonstrating awareness of the importance of gender in enhancing the education of indigenous education.

Moreover, the Peruvian government established principles along which the Peruvian education system should be organized, among which: ethics, equality, inclusion, quality, democracy and interculturality. In the explanation of these principles, the government speaks of a system 'with full respect for the rules of coexistence', 'that guarantees equal access opportunities for all', 'incorporating persons […] who are marginalised and vulnerable social groups, especially in rural areas, regardless of ethnicity, religion, gender or other discriminatory grounds'. With these words, the Peruvian government guarantees once more the right to education of the Peruvian indigenous communities. Besides finding recognition and respect for the (linguistic) differences of the country, Law No. 28044 also states that intercultural education enhances mutual knowledge and an attitude of learning from the harmonious coexistence and exchange between the diverse cultures of the country.

In March 2020, the government of Peru introduced a new plan for their desired educational system, based on several laws. Among these laws are Law No. 27558 promoting the education of rural children and adolescents and Law No. 27818 for intercultural bilingual education. With this, the government again shows interest and intent to enhance the right to education for the indigenous peoples of Peru.

Lastly, in 2010, illustrating the awareness of the issue of school drop-outs due to pregnancy, the government adopted Law No. 29600 on school reintegration of pupils who are pregnant and/or young mothers and in 2013 the state created the 'Multisectoral plan for the prevention of teenage pregnancy 2013-2021'. With these programs, the State takes measures in ensuring that pregnancy is not a ground for dismissal of a school pupil. Furthermore, in Law No. 29600 the government safeguards the right to education for pregnant women by prohibiting educational institutions from expelling or limiting in any way the access to the school regime of pregnant students or mothers.

Also, the schools need to prevent and eliminate any form of discrimination based on pregnancy or maternity.

4A- framework

Having stated that the importance of the right to education reaches far beyond education itself, the former Special Rapporteur Tomaševski created the 4A framework to stipulate when education is meaningful. With this framework, Tomaevski (2001) demonstrates the interconnectedness of the individual components of the right to education and governmental human rights obligations. As Tomaševski (2001, p. 13) put it: "there could be no right to education without corresponding obligations for governments". Therefore, the 4A-scheme summarizes the government's responsibilities in terms of the human right to education. If these are fulfilled, the right to education will be meaningful. For it to get there, education must be: available, accessible, acceptable and adaptable (4A) and implemented in a way that is always in the best interests of the students (UN Economic and Social Council, 1999).

The framework has been adopted by CESCR General Comment No. 13 in 1999. This document states that education 'in all its forms and at all levels' shall consist of the four essential features of the 4A-framework, keeping into account that the application and execution depend on the State's conditions and not one version works for all. Therefore, we assume this framework as a complementary way of assessing the right to education.

Though not definite, Tomaševski has created a thought-through scheme that offers the possibility of evaluating a country's progress towards the fulfilment of this specific human right. Below will be addressed what the four essential features of education represent.

Availability

The fulfilment of the requirement of available education implies that the State needs to ensure functioning educational institutions in sufficient quantity. Specific requirements for what means 'functioning', depends on the developmental context. Though, General Comment No. 13 mentions examples that should be maintained: enough and safe buildings, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries and teaching

materials. Furthermore, parents have the freedom to choose education for their children as long as it is based on the child's best interests (UN Economic and Social Council, 1999).

A sufficient number of buildings is reached when the educational needs of every child have been covered. As in Peru, many indigenous communities live in rural areas, this is an extremely important feature. As Tomaševski (2001) acknowledged, making primary education available to dispersed rural communities, some of whom may be nomadic, illustrates the scope of the challenge of making education available, yet therefore all the more important. Relating to this, there needs to be a safe way of transport for the children to get to school. The way this is executed is open to the States legislation.

Moreover, without rights for their teachers, the right to education for children could not be guaranteed (Tomaševski, 2001). To overcome this, teachers need to be educated and trained to teach. Courts have consistently stated that teachers must be qualified, including having a full command of the language in which they are supposed to teach. In return, the State promises them domestically competitive salaries (UN Economic and Social Council, 1999).

Lastly, as also mentioned in ICESCR Article 2 (a), education is available when it is compulsory and free to all. These count for a minimum standard of functioning education. Over time, the conditions of the educational facility should gradually improve.

Accessibility

In short, availability counts for the availability of accessible learning environments to all students regardless of their socio-economic, familial, or demographic status. The premise of accessible education is for it to be guided by non-discrimination; “the overriding principle of international human rights law (Tomaševski, 2001)” and as such cannot be achieved gradually. It must be guaranteed instantly and completely.

In three dimensions, accessible education means: without discrimination, with physical accessibility and with economic accessibility. For the most vulnerable and marginalized groups, progressive steps shall be taken to, in the end, include everyone (Right to Education Initiative, 2018). Secondly, relating to physical accessibility, the school should be in safe physical distance, or a solution shall be found to secure the child’s education, without impeding it. Furthermore, the school needs to be accessible to all by being affordable to all. For example, school tuition, textbooks, and uniforms cannot be a financial burden. Though, in theory, this should be a given in

this research, as primary education should be free under the law (Article 13 (2), ICESCR) and the education this research focuses on is primary education. Still, States Parties are to progressively introduce free secondary and higher education.

Acceptability

While the availability and accessibility feature focus on making sure all children have the opportunity to get an education, acceptability focuses on the form and substance of the provided education. Basically, acceptable education means education of sufficient quality. This includes the quality of curricula and teaching methods, and also the realization of relevant and culturally appropriate learning materials. The actor to ensure the quality of education is the State. They are "obliged to ensure that all schools conform to the minimal criteria […] (Tomaševski, 2001, p. 29).

One of the controversies in decision-making is the language in which is taught. As is enshrined under the law that the State can decide on national languages, the teaching of as well as teaching in minority and indigenous languages causes for controversies. As was ruled in The Belgian Linguistic Case (Tomaševski, 2001) the European Court of Human Rights upheld the right of the state to choose the country's official languages, which are then used in public schools, but rejected that there was such a thing as a right to education in one's preferred language. What should be kept in mind, is that the education should conform to the best interest of the child, as is the key principle of the CRC (Tomaševski, 2004). With teaching in the child's best interest, comes as well the eliminating of obstructions to learning. Hindrances include as well a curriculum that is inappropriate for the child's age or a language of teaching that is not the child's native language.

Concerning religion, the acceptability feature includes a right of parents to ensure their children's religious and moral education in accordance with their own convictions (Nowak, 2016).

Adaptability

Instead of trying to make children fit into an education system, the education system should adapt to the needs of their pupils. The idea is that no one child is the same and therefore they need to be seen as individuals receiving their right to education, instead of as "an average statistical child who simply doesn't exist (Tomaševski, 2004)" and who therefore cannot be put in a system designed for one ideal child. In this sense, the educational system needs to be flexible, able of adapting to

the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings (UN Economic and Social Council, 1999).

In any way, the best interest of the child should always be the primary goal and therefore the centre of the education policy, regardless of a child's particular features, such as disability or nationality. For example, Tomaševski (2004) roots for the adaptation of education to one in which programs are taught that counter gender inequality. She claims that extending girls' education has been effective in postponing marriage and childbearing. Also, she states gender equality to be progressively achieved with the help of sex education.

Measuring the right to education in Peru

In the end, combining the essential features of the 4A system, it shows that the main importance of education shall: "be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms" (ICESCR), "enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace" (ICESCR), "be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential," to the "development of respect for the child's parents, his or her own cultural identity, language, and values, for the national values of the country in which the child is living, the country from which he or she may originate", and "for civilizations different from his or her own," and the "development of respect for the natural environment" (CRC) (Nowak, 2016).

The Right to Education Index (RTEI) is a global index built out of the international right to education framework to track national progress towards fulfilment. In this sense, RTEI "monitors the extent to which governments are meeting their obligations around the right to education" (RESULTS Educational Fund, 2018). Through this index, it is measured to what extend the right to education is respected, protected, and fulfilled, with the help of the 4A- scheme. Though RTEI is not an exhaustive index that covers the full complexity of the right to education, nor is it a definitive measure of the right to education in a country, it is a very detailed questionnaire based on an important, but non-exhaustive, list of indicators explicitly derived from the international right to education framework (RESULTS Educational Fund, 2018). Therefore, the

RTEI helps to answer the main question of this research, as it answers addresses every aspect of the 4A's, also the legal aspect, as to why ICMs are impeded from having their right to education fulfilled.

RTEI has not yet gotten data on Peru. Yet, their questionnaire is available (Appendix II), which makes it possible to go establish an overview ourselves. With the help of their questionnaire, it is possible to have a look at the 4A-scheme in Peru, after which the Peruvian situation can be specified for ICMs in Cusco. Combined with the data from the interviews and previously-mentioned reports, this creates an answer to the main question of this research.

AN INDIGENOUS CHILD MOTHER'S RIGHT TO EDUCATION IN PERU

Having discussed the legal framework on being indigenous and the right to education, in combination with the cosmovision of motherhood and all its consequences, it seems as if Peru is handling the situation progressively, with more and more policies that should have a direct impact on the right to education for Peruvian ICMs. However, with the use of various reports on plans for the coming years and plans that should have already been executed, a picture of theory-versus-practice can be created. This way, the current struggles and aspirations become clear and solutions can be met. Combining the theory and legislation with these rapports and interviews from professionals in the field, an answer to the question to what extend obstacles are posed in realizing the right to education for ICMs of Cusco, Peru and how these can be tackled, is presented.

First, the situation around the 4-A's will be addressed, with the help of the National Education Project (NEP) 2021 and NEP 2036. As these projects express Peru's desires of what education should have looked like in 2021 and should look like in 2036, it will depict which goals have become reality and which still need work. Moreover, NEP 20236 will prove whether the government is working on improving the situation of indigenous pregnant minors and child-mothers at this moment. Yet, It should be mentioned that the aim of this piece is not to lay out whether the government achieves their goals or not, but to understand the difficulties around the subject and how, in the future, various actors can work together to improve the right to education for indigenous child mothers. In the end, the goal is to reach a satisfying right to education for every child, instead of blaming an actor for not achieving to do so.

The difficulties mentioned are a mix between cultural issues, legislative issues and socio-economic issues, such as autonomy, gender-inequality, the influence of religion and the invisibility of the girls. Finally, the piece will opt to address how steps forward can be made in countering these difficulties.

The 4-A's in Peru

This section covers an analysis of the implementation of the 4-A's in Peru, with the help of the RTEI questionnaire. While RTEI gives each 'A' equal importance, this research emphasizes 'acceptability' and 'adaptability'. Since these two features of the right to education deal with a child's right while being educated and the obstacles and challenges that the girl may experience

during this process, they are essential for this research. Still, all of the four ‘A’s’ are important, since one cannot go without the other. Illustrating the interrelatedness: ‘Availability’ is important for this research, as it shows whether indigenous children have the opportunity of getting an education to begin with, ‘Accessibility’ strongly relates to this issue, as in remote areas, schools can be up to hours walking-distance. After having assured these basics, ‘Acceptability’ is where the aspect of being indigenous enters the stage and is therefore extra important. It relies on culturally relevant education. With ‘Adaptability’, it is measured whether the education is adapted to the needs of a child-mother and is therefore of utmost importance for this research.

However, it should be noted that every ‘A’ can be addressed very extensively, but, to stick to the research’s subject, only the ones that directly affect ICMs will be covered extensively and the others more briefly or not at all.

Availability

While the RTEI in its database has a section specifically designed for indigenous communities, this is not taken into account in the availability feature of the 4-A system. In their questionnaire, availability focuses on sufficient classrooms, sanitary facilities, the circumstances teachers educate their students and finances. Therefore, these will first be addressed, after which a brief conclusion will be presented as to how the findings affect ICMs.

Classrooms

In 2014, the Ministry of Education (MINEDU) set up guidelines for the schoolyear of 2015 (Ministerio de Educación Peru, 2014b), regulating the number of pupils per classroom. MINEDU stated that in rural single-teacher primary schools, there will be a maximum of twenty students per classroom and in multi-teacher schools, the limit is thirty in rural areas and thirty-five in urban areas. In the case of multi-teacher secondary schools, there will be thirty students in rural areas and urban schools up to thirty-five. Single-teacher schools means that one teacher is available per classroom, while multi-teacher means that more than one teacher is available per classroom (Ministerio de Educación Peru, 2014a).

In 2020, the government has created another tool. It does not count per classroom anymore, but per square meter of the classroom. This makes sense, as logically the quality of education diminishes when thirty students are cramped in a small classroom. The government, therefore,

states that school principals must calculate the room capacity and occupancy rate. In the end, every pupil needs at least 2.4 square meters (Ministerio de Educación Peru, 2020a).

Fundación HoPe has built many schools in the rural parts of Cusco. I had the opportunity to tag along on one of their inspections of the maintenance and restoration of the schools (Picture 1).

Picture 1: Notes on the restoration of the roof of a school

As is visible in image 2, the classrooms seem to comply with the rules on the number of students. It must be noted, however, at the time of the visit, the school was closed because of the summer holidays. This might suggest that the classrooms are filled otherwise when the school is opened. However, with the setup of the desks, this seems not to be the case Counting the desks and chairs, I suspect an amount of fifteen to twenty students in the classroom in normal circumstances.

Picture 2: Classroom of school in a rural town of Cusco

Sanitation

The National Centre for Strategic Planning (CEPLAN) states that in 2013, public schools with the three basic services (drinking water, drainage and electricity) represented forty per cent of the total number of schools in the country. This implies that much more than half of the schools did not have enough sanitary facilities. On the assumption that the forty per cent with sanitary facilities were installed within the richest schools, we can assume that most of the schools for indigenous communities did not have these enough. This corresponds with NEP 2021 (Consejo Nacional de Educación, 2007, p. 66), which firmly says that "dilapidated and waterless toilets that stink into the classrooms, playgrounds in the middle of the dirt, classrooms without windows or ventilation or with roofs made of mats can no longer be part of the landscape of public schools serving the poorest population". Therefore, one of the key pillars for education in 2021 was to ensure good infrastructure and permanent maintenance of all public schools, consisting of appropriate sanitary conditions. However, it seems that this has not improved sufficiently, as MINEDU (2020b) states that sanitary still is one of the main necessary improvements in its schoolyear 2020 evaluation.

Teachers

As respondent 3 argues, the current presidential elections are very important for the fulfilment of the requirement of good teachers. According to the respondent, former president Ollanta urged a

strong evaluation of the teachers. Those who did not perform well got two or three opportunities to retrain to do better work, the people who did not achieve results had to leave the job. The current presidential candidate and assumed winner of the elections, Pedro Castillo, opposed this measure within the education trade union at the time because he stood up for the right of the teacher. Respondent 3 is wary about whether Castillo will focus on improving education or will continue to fight for the right of teachers if he becomes the new president – which is likely to happen.

As for the women shelter, it appears that education was mostly in the hands of volunteer initiatives. This means that the women did not receive regular education and in addition, if they did get an education, it was from people who were not schooled to be a teacher (respondents 1 and 2).

Finances

Article 16 of the Peruvian constitution states that Education enjoys priority in the allocation of ordinary resources in the Budget of the Republic. However, respondent 3 concludes: "Quite frankly, government programs look great on paper, but in reality, they often do not end up getting executed in the way the government would like, because of budgetary and quality lacks". This implies that better budgetary plans need to be created. ICMs may suffer significantly from a half-implemented policy that ultimately does not protect their fragile situation.

Conclusion 'Availability' for ICM

The focus on 'Availability' lays less on indigenous child-mothers. This makes sense because this feature focuses basically on the existence of functional schools. The Peruvian government is progressively, in collaboration with Fundación HoPe, realizing the right to education in the sense that enough schools are built for indigenous children.

Lastly, it should be mentioned that the entire existence of Law No. 29600 of keeping pregnant girls into school, demonstrates the enhancement of availability for ICMs.

Accessibility

In the NEP 2036, accessibility is a crucial part, with the overall vision of the document being: "All people living in Peru learn and develop throughout our lives […], living together and engaging in intergenerational and intercultural dialogue, in a democratic, equitable, egalitarian and inclusive

society that values diversity and ensures environmental sustainability" (Consejo Nacional de Educación, 2020). In theory, if this is achieved, accessible learning environments to all students regardless of their socio-economic, familial, or demographic status, seems reached. Whether this is the case, is measured along 'free education', 'non-discrimination' and 'participation'. However, it being such a crucial part of the documents, implies that it has not been reached just yet.

While accessibility in the sense of 'enough schools in the region' is not specifically mentioned in RTEI's questionnaire, it is a big issue in rural areas, so this will first be addressed. After all, if there is no school, the amount of classrooms and textbooks is irrelevant.

Reachability and availability

In the last ten years, attention for indigenous education has significantly improved, since former president Ollanta Humala came into power (respondent 3). His first Minister of Education was a Peruvian formerly working in an NGO, which was of great advantage for the overall education of indigenous peoples. Since that time, MINEDU has been working to provide more facilities for children and young people and is also working hard to improve the quality of education, while before education initiatives for children who need to travel far to arrive at school were mostly arranged by private institutions, church bodies, municipalities and NGOs (respondent 3). Therefore, in rural areas, there were a lot of children not going to school (respondent 1, 2, 3), as the government did not reach those remote areas (respondent 2).

It is not surprising that the distance to a school is often mentioned as a hindrance to keeping children in school. As Pictures 3 and 4 illustrate, indigenous communities regularly live very remotely, one more than the other, but often far away from other villages. As a solution to the long distances, Fundación HoPe has created and improved school boarding houses. This means that the children who need to come from far can stay at the school campus from Monday to Friday. This way, the hours of travelling are taken away. Picture 3 illustrates such a boarding house.

Picture 3: Rural community in the area of Cusco

Picture 4: Rural community in the area of Cusco (2)

Picture 5: Boarding house in Patacancha, region of Cusco

To sustain these projects, MINEDU has been working closely with Fundación HoPe, funding the foundation and creating new programs together. However, for Juana d'Aza, the situation seems less fortunate. Respondents 1 and 2 address that the shelter pays fewer taxes, but real subsidy does not exist. This could be one of the reasons that the shelter does not enforce a real education for the women living with them (respondent 2).

Free Education

As by law, Peru should offer free basic education. In the document on the development of the schoolyear 2020 (Ministerio de Educación Peru, 2020b), this is specifically stated, which is why we can assume the government has provided this feature. Also, none of the respondents has indicated another reality. Furthermore, the document states that the students will receive the necessary materials. That way, also ICMs, who have extra living costs due to their child, are not impeded studying.

Discrimination

One of the examples that are considered discrimination, as mentioned by RTEI, is the expulsion of girls from school because of pregnancy or having a baby. In Peru, this possibility should not exist, as to Law No. 29600. However, both CEDAW (2014) and Save the Children Peru (2015)

state that “despite No. 29600 Law that promotes reintegration in the case of pregnancy, many drop out for fear of discrimination and cultural taboos. The mothers leave school because their family and teenagers feel ashamed” (Save The Children, 2015, p. 2). Though this report was published in 2015, these accusations are still mentioned (Respondents 1, 2 and 3).

Save the Children concluded in 2015 that Peru is failing to meet its commitments to ensure the respect of women's and girls' human rights and the principle of non-discrimination, owing to MINEDU's removal of sexual and reproductive health from public school curricula and the absence of sexuality and reproduction issues from the Code of Children and Adolescents (part of NEP 2021). Currently, MINEDU has developed a sex-education curriculum, demonstrating a commitment to improving. However, because non-discrimination is the overarching principle of international human rights law, it cannot be accomplished gradually, implying that Peru continues to violate this principle. To overcome this, Peru should improve the strength of Law No. 29600.

Furthermore, NEP 2036 argues that there are still profound injustices in Peruvian society, excluding population groups access to educational services. Moreover, there is a difference between students, which includes groups of students who are “poor or extremely poor, with disabilities, from indigenous or Afro-Peruvian populations, who live in rural areas or show more than one of these circumstances, achieve lower educational results and tend to attend schools that are not only weaker, but also in socially homogeneous groups, which negatively affects their learning experiences (Consejo Nacional de Educación, 2020, p. 36)”.

Fundación HoPe has been working in collaboration with MINEDU on the improvement of the non-discrimination issue by providing workshops and information events, covering themes on gender equality and sex education and informing ICMs and their family on the possibilities for the mother to keep enrolled in school. Though, ideally, MINEDU should run these projects, protecting the right of ICMs regarding the provision of information.

Participation

Following MINEDU in its report on the evaluation of the school year 2019, 99.7 per cent of indigenous children and adolescents in the primary level of Regular Basic Education remain in the education system until the end of the school year, while 94.6 per cent of children and young people in the secondary level of Regular Basic Education remain in the education system until the end of

the school year (Ministerio de Educación Peru, 2019). In the same report, progressive inclusion is being accomplished.

Conclusion for ICMs:

Acceptability is presented as a very important feature in both NEP 2021 and 2036. Though it may seem that, thus, no progress has been made, this does not come forward in the interviews. Therefore, the government is accepting the fact that there are many socio-economic differences between groups of people in the country and is working to progressively removing the inequality this brings along. For example, with the creation of the boarding houses and the wish of MINEDU to expand this way of working, the government is showing significant progressive steps in including marginalized groups, such as indigenous children.

For ICMs, however, it is a bit more complicated. Respondent 3 explains that in the villages where Fundación HoPe works, the ICMs normally stay with their family, who will raise the baby as their own. On the one hand, this is profitable, as the girl can educate herself during the week and be with her baby on the weekends. On the other hand, having seen the important aspects of motherhood for indigenous peoples, leaving a child behind for the entire week, may cause problems, resulting in the girl staying at home to take care of her child.

Acceptability

Acceptability of education means that it needs to comply with at least all minimum standards, meaning, of sufficient quality and relevant for the students. The RTEI measures this according to the aims of education and the learning environment.

Aims of education

Most importantly, as is the key principle of the CRC states, the education given should be in the best interest of the child. Before the presidency of Ollanta Humala, this was not the case. As has been mentioned before, the government did not care for the development of indigenous education. Respondent 3 explains that education was focused completely on Lima, the capital. Therefore indigenous children were learning from books that did not correspond to their realities. The government has been working on the improvement of the curricula. Foremost, with the implementation of bilingual intercultural education. Respondent 3 has been working with

MINEDU on these programs for years and explains that the education goes out from the child. In other words, bilingual education starting from one's mother tongue and then gradually moving to Spanish, so that children and young people coming out of secondary school have a good command of both languages (see image 6). Intercultural means that education starts from their own environment. Starting with their own culture and then slowly moving outwards. MINEDU is now going to introduce this type of education on a large scale. For indigenous children, this is a great improvement. As has been stated, indigenous peoples often are forced to reject their language and culture in order to improve their socioeconomic position. However, with this type of education, indigenous children do not reject their own culture, but build on their capacities and therewith improve their socioeconomic position. They develop respect for their parents, cultural identity, language, and values, as well as respect for the values of their country and other civilizations.

Picture 6: Demonstration of Bilingual Education in Patacancha, region of Cusco

Following both NEP 2021 and 2036, MINEDU has been aware of this necessity, stating that it is essential to have teachers trained in an intercultural perspective, with the ability to relate to diverse socio-cultural configurations. To understand and value those, but also to organise teaching based on the recognition of this diversity in the classroom, starting from the cultural capital of students and their communities, fostering dialogue between different worldviews, values and representations (Consejo Nacional de Educación, 2007, p. 45, 2020, p. 33). With the

development of this education, the Peruvian government complies with the Constitution (Article 5), the American Declaration on the Rights of Indigenous Peoples (Article 15), the UNDRIP (Article 14) and the UDHR (Article 26).

Considering ICMs, all respondents argue that the girls need to receive adequate education to help them understand their situations, next to bilingual intercultural education. This means, education addressing how to care for a child (respondents 1 and 3), but also education on gender inequalities in the Peruvian society, to create the realization that what happened to them is not acceptable (respondents 2 and 3). First of all, this curriculum stimulates the full development of the ICM's personality, talents, and mental and physical abilities, but moreover, it develops respect for human rights and fundamental freedoms, increasing the understanding of peace, tolerance, equality, and friendship among all persons and groups.

Learning environment

Generally, schools are meant to be a safe space for children. However, cases of (sexual) violence still occur. The governmental reaction to this, however, has been drastically changed. Respondent 3 explains that twenty years ago, they would see ICMs who had gotten pregnant from one of their teachers. As a punishment, these teachers were sent to another school – which obviously did not solve the problem. Nowadays, if this is found to be the case, the person is sent to prison for a long time. In the women shelters, this type of violence has not been mentioned, probably because they are only living with women who aim to protect them and their babies.

Conclusion for ICMs

The introduction of bilingual intercultural education opens the door to a better future for ICMs. As has been previously established, often future perspectives of ICMs diminish once the child has been born. However, with the support of the government and the possibility of developing their socioeconomic status, this might change. The most important thing now, is that the government needs to find a way to guarantee the safety of ICMs in school.

Adaptability

To measure the adaptability of education, RTEI focuses on specific groups, such as children with disabilities, children of minorities and out-of-school children. In this review, the relevant aspects will be taken into consideration in a specific sub-group: ICMs.

Adaptability of ICM's education

The most important aspect of the adaptability of education is that it bends to the needs of the pupil. At this moment, the Peruvian government is trying to adapt its education because of the pandemic, to virtual class. However, only 5.6% of the rural community has an internet connection (Save The Children, 2021). Save the Children (2021) states MINEDU's 'Aprendo en Casa' (I Learn at Home) campaign did not function. Out of the five-hundred targeted local governments, four-hundred-sixty-two reported difficulties, of which more than two-hundred-sixty were indigenous. As classes in person are not yet accepted in Peru, most of the indigenous children have not received any education in the last year.

At this moment, Peru is one of the countries with the most deaths of COVID-19. The countries reputation for handling the pandemic is not good (The International Work Group for Indigenous Affairs, 2021). However, at the beginning of the pandemic, regarding their school policies, MINEDU has trained teachers to rightfully educate the students about what was going on in the world and how to respond accordingly. Also, the government ensured to their knowledge sufficient sanitary products and facilitated COVID tests if necessary (Ministerio de Educación Peru, 2020b). Furthermore, Juana d'Aza and Casa Mantay immediately shut their doors for volunteers, not risking the chance of any of the children getting infected. Even though the Peruvian government did not manage the pandemic well, these actions show the intent of acting rightfully.

Concerning education, the best interest of the child was not respected, nor protected at Juana d'Aza. Respondents 1 and 2 describe that the women from their project did not have the chance to go to an official school, even if the women shelter is situated in the heart of Cusco city and the nuns run a private school next door. To compensate, the mothers receive three hours of evening school, taught by the nuns. This fails the right to education at several aspects: the nuns did not teach the women the subjects necessary to work themselves up and improve their socioeconomic position, nor did they teach them how to accept their situation and take care of their children, nor are the nuns trained teachers. This implies that even though education has

significantly improved with the creation of the boarding houses, there are still children who fall through the system and do not enjoy their right to education properly.

Once a week, Juana d'Aza would provide an English teacher to come in the evening (respondents 1 and 2). Yet, respondent 1 is very sceptical about these classes: "They (the mothers) seemed very eager to learn and enjoyed the classes, but at the same time, they did not have the energy to learn or participate in the classes. Some of them were barely able to stay awake because they were just so tired. Them the ones with small children were just sitting in the class, nursing their child while trying to learn English words. Even when they want to and get the chance to get some form of education, their life situation makes it hard to get a lot out of it".

This proves the inadaptability of the education the mothers were provided. First of all, being taught English was probably not their first necessity. Moreover, given the time of the class, it is unlikely that their education was seen as a priority. As respondent 1 (Western- European) argued: "We would never send a fourteen-year-old to an evening class to learn a new language". Lastly, all the girls were following the same education, regardless of their age or previous knowledge. This way, their right to education is violated in a way that does not at all represent their needs.

Respondent 1 also did not see education as a priority in Juana d'Aza, nor was improving their socioeconomic position. In her vision, they will land low-paying jobs and will most likely become dependent on a husband, who can provide for the family. In conclusion, the girls will enter a vicious circle, greatening the chances of their children also becoming ICM. In this sense, the lack of government monitoring is countering the efforts of Juana d'Aza, trying to provide a safe home for the mothers and their babies.

Lastly, the government is indirectly violating the right to education, as the women who live in Juana d'Aza need to be a student and worker at the same time. As the government does not provide young mothers with benefits, the ICMs need to work to sustain their family. This is at the expense of their education.

One thing all NGOs do very well relating to adaptability is the arrangement for psychologists for the ICMs. ICMs likely have a trauma, especially considering the conditions under which the girls got pregnant are often out of sexual abuse. Providing a psychologist proves excellent adaptability and is exactly what these girls need.

Conclusion 4A's

For this research, the acceptability and adaptability of the right to education are most important. However, the interconnectedness of the four essential features makes it necessary to cover them all. We have seen that the availability and accessibility of education have improved significantly with the help of local initiatives, such as NGOs. More can and should be done, but as Jover (2001) already in 2001 stated – though not specifically about Peru: "[…] what matters is no longer only the need to increase opportunities for equal access to formal educational institutions, but also to increase and diversify educational resources".

While schooling strives to meet the educational requirements of ICMs, implementation of effective policies has proven to be difficult. It has to be mentioned, the situation of ICMs is not an easy one for the State to handle and the current pandemic has not made it any easier. ICMs require a lot of help and the adaptability of the education needs to of significant level. The state has shown a willingness to safeguard the young mothers' education, but it must take all required efforts to ensure the educational continuation of ICMs. With Fundación HoPe working closely with MINEDU, the adaptability seems to increase in the coming school year, after having dealt with COVID-19. Still, the problem does not lay in the creation of programs, but in the execution of exactly those. Foremost, better monitoring mechanisms must be set in place so that initiatives actually have a positive effect on the future part of their lives, instead of getting caught in a vicious cycle. The adaptability of educational institutions is required to educate the girl's in their particular needs. However, the implementation of such a curriculum is limited, if not non-existent in some cases, resulting in girls dropping out of school because they are unable to balance the demands of their education and pregnancy.

The Peruvian government should have taken efforts to ensure adolescent women' participation in school during their pregnancy, according to the responsibility to fulfil. While plans are being made, too many ICMs are falling through in the process. To reach a situation in which ICMs are supported and encouraged to be educated properly, the State should take immediate action in providing professional teachers and creating a safe environment for ICMs to understand how to cope with their early pregnancy while enhancing their socioeconomic status.

Furthermore, the Peruvian government is violating the principle of non-discrimination. As improvements are being made in the curricula, ICMs fall behind in the decision-making process, while they are the subjects. It is undeniable that students are unaware of their rights and how to

defend them. As the government decides for several girls where they will be taken care of, they decide on the level of education they will receive, making it inaccessible and unacceptable. Such acts demonstrate a lack of protection for ICMs, emphasizing the education's inadaptability.

Still, it should be mentioned that all data sources mention a great enhancement of the human rights protected by the Peruvian government. In comparison with the governmental approach before the presidency of Ollanta Humala, the government has made significant improvements. However, this does not mean that the right to education of ICMs has sufficiently been protected, respected and fulfilled.

Implementation hindrances

Given that the government is trying to improve education according to the 4As, for example with the help of the NEPs, it must be concluded that certain obstacles are blocking this. This has to do, for example, with some obstacles in the Peruvian culture, or gaps in the relationship between the government and private agencies.

The gap between State -and non-State actors

From the interviews, it appears that whether educational needs for indigenous girls are met, depends strongly on the initiative. Though MINEDU is working hard on new regulations, proven by the existence of the NEPs, for example, in practice they do not monitor close enough whether the right to education truly reaches every child in Peru. Respondent 2 worries about this issue. She underlines that firstly the Peruvian authorities decided for these women to have to move into the women shelter, but in the end, the government does not care for the women, the nuns do. She concludes: “The nuns could do whatever they wanted and at many stages, they failed. Mostly relating to education. The government did not monitor them, demonstrating how lack of control leads to ICMs falling behind on their education. To overcome this, the government needs to build a child-protection system that cares for these women, too, and needs to monitor whether their plans actually reach every child”.

For Fundación HoPe, their experience might be different, as they work very closely with MINEDU. This is what MINEDU tries to achieve with all NGOs in the future. According to the NEP 2036, the State wants to eliminate the current divide between state and non-state actors providing education.

Expectancies: girl or woman or both?

What further hinders the implementation is the vagueness and sometimes lack of clarity on who the girls are supposed to be. On the one hand, ICMs are expected to be children who go to school. At the same time, these children need to suddenly reach a certain level of maturity, to be able to take care of their child(ren). Therefore, the line of when they need to behave like an adult and when as a child, blurs. Respondent 1 argues: “It is quite hard to help a child grow up if you haven't quite figured out how to live independently and be an adult yet yourself”. As a consequence, and a lack of psychological help it seems, some ICMs struggle a lot with the acceptance of having a child and care for it. Moreover, “They did not have the capacities to care for their child. Of course not, the girls were never ready and never consented and therefore not ready to accept the situations they were in” (respondent 2).

To get ICMs to respond to their educational needs, they need help to understand the situation they are in and how this can be improved according to their needs.

The Catholic church and the need for sex-education

One of the biggest difficulties in realizing education that fits ICMs is the influence of the church. All respondents have mentioned feeling setbacks, because of the power of the Catholic church in Cusco. One of the respondents lived with the founder of Juana d’Aza She explained that all of the indigenous girls were kicked out of their homes, because of the church: the girls were pregnant without being married. The respondents also described a taboo on homosexuality; families will fight it with a heavy hand, as not being straight is not the traditional way between a man and a woman as described in the Bible. As NEP 2036 states, more than half of the population does not feel safe to express their sexuality, of which more than 70% expresses fear of being discriminated against. More than 50% expresses the fear of losing their family. Furthermore, 57,6 % of those polled claim to have experienced some form of violence or discrimination against LGBTIQ+ in the educational setting, of which 55.8 % of survey respondents report being assaulted by classmates or classmates' parents (Consejo Nacional de Educación, 2020, p. 55).

Additionally, the Catholic church also has a big influence on the government. Respondents 1 and 3 both express that the church firmly resists the development of programs on sex education, while these programs are very necessary, considering the increasing number of ICMs and the

unawareness of their rights (relating to consent, childcare support, basic sex education as to how one gets pregnant or not).

As respondents 1 and 2 describe, in Juana d'Aza, the influence of the church is very apparent, logically because the shelter is run by nuns. Respondent 2 explains that the mothers were obliged to go to church every week, even if they did not believe in God themselves. Furthermore, the women were raised very conservatively. Respondent 2 states: "They (the girls) know how to care for a home, but they don't even get taught how to take care of their kids. The nuns taught these women to cook and to clean, which of course reinforces sexism. They never learned they have the potential to become anything they want: they are housewives and have to take care of the kids". Also Brusco (Brusco, 2011, p. 2) underlines sexism. The author states that "religious ideology has been a powerful tool of patriarchy in the past, reinforcing women's subordination and mystifying it".

Countering this statement, Fundación HoPe has been working on informative programs about sex and everything related to it. With the current pandemic, sex education at school has not been realized just yet, but information gatherings in indigenous villages are being organised, discussing topics such as contraceptives, homosexuality and sexual harassment. Respondent 3 states that it is somewhat more difficult for men to (actively) participate, than it is for women, but "little by little there is room to talk about these things together". This resistance comes from the idea of having to admit mistakes. Most of all, having to admit in a group setting that the relationship between men and women needs to be much more balanced and equal. Respondent 3: "You notice that in a group men have trouble with that. Whereas if you talk to them individually, they are much more inclined to say: yes, this has to change". These meetings touch on taboos and stereotypes existing in contemporary Peruvian society.

Already in 2016, UNFPA strongly urged for "strengthened policies and programmes to improve access to integrated sexual and reproductive health services […], adopting human rights-based, gender and culturally-sensitive approaches, particularly addressed to adolescents and youth, Andean and Amazonian indigenous women" (UNFPA, 2016), but this has not been realized yet. Yet, Fundación HoPe states that the government has already created the program, but the church is hindering its implementation.

Gender-inequality

In general, 'machismo' is still very large and high in Peru (respondent 2). Machismo has been studied extensively, along positive and negative lines (Arciniega et al., 2008; Brusco, 2011). Positively, machismo is characterised as 'a Latin American man with proper, respectful manners, living by an ethical code of chivalry', while negatively the term is related to 'sexist, chauvinist, hypermasculine men, who are violent, womanizing and prone to alcoholism, dominating women (who are viewed as responsible for raising children and serving men) through intimidation'. While these two views differ, the main idea is that either way in a machista culture, certain expectancies about men exist, being superior over women (Arciniega et al., 2008). Respondent 2 claims that in the lower class of Peru, machismo is still very much apparent, and therefore also among the indigenous communities. To illustrate, West-European respondent 2 expressed that people would always ask her when she was going to get married to her boyfriend, "even though they knew I was in Peru to study and to work. I always felt that they thought this was my only destiny in life".

In another example, respondent 2 describes a situation of a student who had to listen to her professor saying that it is very normal for a man to go out with his friends at night and does 'what not', while women, in general, cannot do that. This exposes the need for transformation of common beliefs, foremost in teachers. If not, the right to education can never be completely be fulfilled.

Also in Juana d'Aza, sexism seems to be a problem. As mentioned above, the shelter did not provide sex education. But besides that, there was neither any critical thinking towards the sexism (respondent 2): "The house didn't encourage them realizing that they were disrespected and that the people treated them really badly", referring to the girls having been sexually abused and their right to protection.

Though, Juana d'Aza also contributes to a change of future gender roles. As respondent 1 argues, both the mothers and their children grow up in an all-women environment. In this sense, "it is not even necessarily the absence of men, but very much the presence of women that are in charge. This not often the case, but then for them (the children) it is normal. […] So the future generation of the shelter, the kids will be used to seeing women in charge".

Autonomy and sexual abuse

With the vast ideas about motherhood, the autonomy of a girl is double-layered: autonomy as to the will to get pregnant on the one hand and autonomy as to what happens after getting pregnant on the other. In both cases, the girls lack autonomy, linked to cultural norms and values.

First, a girl needs to be able to decide for herself whether she wants to get pregnant or not. This is strongly related to the indigenous ideas of motherhood. As came forward from the interviews, it is a common idea that once a girl turns twenty and does not have children yet, she is too old to start the creation of her family. While in Western cultures a twenty-year-old mother is still considered young, the girl has every right to decide when she wants to have babies. Also, girls decide to become pregnant, because of a lack of life opportunities and the low quality of education that the system offers (Save The Children, 2015). While this should drastically change, autonomy is not at stake here. The issue arises when the girl has no option and is sexually abused. NEP 2036 states that more than half of Peru's women between fifteen and fifty years say they have been abused at some point by their partner (Consejo Nacional de Educación, 2020, p. 93).

As to the question of how Peruvians respond to ICMs, all respondents said that it is well-known that almost all ICMs are victims of rape. Though, the perception about it being a problem is double. Respondent 2 explains: "Many times, Peruvians told me: 'it is terrible, but this is the situation these women are in now, maybe they should have been more careful. They should make the best of it'. Completely disregarding all of their traumas! It is scary that everyone knew, but no one did anything about it". On the other hand, respondent 3 states that there is attention for the issue, but mostly from women. Them being the victim, this makes sense.

Related to gender inequality, girls also lack autonomy during and after the pregnancy. Respondent 2 argues: "Once a woman gets pregnant, they don't have any choice. If you get pregnant you just take care of your kid. You are not part of the decisions anymore, although you are the person who is pregnant". National legislation is one component of this. In the first place due to the illegality of abortion, but also, in terms of the right to education, many ICMs drop out for fear of discrimination and cultural taboos, despite Law No. 29600 that promotes reintegration in school in case of pregnancy (Save The Children, 2015).

The government should raise awareness about the issue and stimulate critical dialogues regarding the stereotypes existing in Peruvian society. In doing so, the aim should be to create a collective need for equality, between genders, but also between socioeconomic opportunities.

This way, the government will protect the principle of non-discrimination, while also tackling a rising number of ICMs who became pregnant without their consent.

CONCLUSION

The right to education is one of the most important human rights. Through this right, other human rights get empowered. Furthermore, it can significantly improve someone's socioeconomic circumstances (Tomaševski, 2001). For this reason, it is of utmost importance that the government of Peru ensures the right to education to all of its citizens. Taking into consideration the social context of the country, the right to education can be progressively protected, respected and fulfilled.

For certain groups, the adequate fulfilment of this right is more difficult than for others, as their circumstances create some difficulty to follow an education at all, or stay in school. One of those groups is ICMs. In Cusco, Peru, one in four indigenous girls has been pregnant before the age of nineteen. Getting pregnant while still in school frequently results in harsh social consequences. The ICMs need to make tough decisions with life-long effects. Indigenous child-mothers face the chance of being expulsed from both home and school, which makes them susceptible to early marriage, humiliation and stigmatization by family, community members, and peers. The risk of violence and abuse enlarge as they face increased poverty and economic difficulty.

The most widely accepted definition of indigenous peoples has been presented in ILO 169 (1989). The most significant aspect of this definition is the recognition that an indigenous individual's self-identification and acceptance as such by a group is a vital component of indigenous peoples' sense of identity. However, outside of the community, indigenous peoples are not considered equal citizens, but second-rate citizens. Discrimination against indigenous peoples is still a problem. For example, many indigenous people are forced to reject their language and culture in order to improve their socioeconomic position (Patrinos & Psacharopoulos, 1997; The International Work Group for Indigenous Affairs, 2021). To fully overcome poverty means for indigenous peoples to become 'whiter' and to shed an Indian way of life. Demonstrating this, relating to education, up until former president Ollanta Humala took office in 2011, the Peruvian government did not subsidize indigenous schools in the mountains, because 'these people did not require education', even though in multiple legal documents is stated that basic education needs to be freely granted to every Peruvian, regardless of their socioeconomic position.

Improving the status of indigenous peoples both socially as legally, since the creation of ILO 169 all documents on indigenous peoples have been working *with* the people, not *for* the

people (Barsh, 1987). As Gómez Isa argues, the rights of indigenous peoples have been claiming a greater recognition, demonstrated by the adoption of the UNDRIP in 2007, showing indigenous peoples' greatest ambitions and their trust in international law and human rights legislation as powerful tactics for changing persistent patterns of dominance and exclusion that have afflicted them since colonial times.

This thesis has not been written with the idea to criticize ICMs about having a child at such young age, as various factors play a role as to why these girls get pregnant at such a young age. Firstly, one needs to understand that the cosmovision on motherhood, created by the hegemonic West, cannot be imposed on other, strongly deviant cultures, such as indigenous cultures. We break the notion of motherhood as a "monolithic phenomenon" by examining it through a cultural lens and paying attention to the many social settings. The core values of indigenous motherhood are relationships, respect, reciprocity and responsibility. These are strongly connected to collectivity, which is very important in indigenous communities. As indigenous values are not shared in the West, values need to be passed on to the children and their offspring, to in that way keep the community alive. In today's Western culture, where capitalism and individualism dominate, communal ideals are often not regarded as normal. While biology proves that getting pregnant at a very young age is not recommended concerning health issues, this research is not written to judge on this idea, and, therefore, embraces the cultural idea that a woman must have at least started a family before the age of twenty, to not be categorized as a ‘spinster’. In this view, there is a sharp division of gender roles that makes men producers and women reproducers. Becoming a mother creates some kind of status. Your value in the community goes up, which might interfere with the wish to become a mother at a young age.

With Cusco city’s culture being different from the more traditional Quechua culture, a balance needs to be found between respect for indigenous cultures and the enjoyment of human rights for indigenous peoples, among which the right to education of indigenous girls. The right to education is not simply a beneficial opportunity, but a legal requirement that all chill should obtain, as everyone has the same right to develop their capabilities, including impaired or disadvantaged groups, such as girls and/or indigenous peoples.

The five principal international treaties relating directly to education are: ICESCR (1966)(Articles 13 and 14); the Convention against Discrimination in Education (1960)(Article 4); the Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for

Seeking the Settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education (1962), the Convention on the Rights of the Child (1989)(Articles 28 and 29) and the Convention on Technical and Vocational Education (1989). Peru has not ratified the third-mentioned Protocol, nor the Convention on Technical and Vocational Education. The most important features relating to indigenous education are the respect for the cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.

Having elaborated extensively on the legal documents regarding indigenous peoples and the right to education, it is clear that the Peruvian State must progressively improve the right to education, to have a one-hundred per cent enrolment rate of its citizens. Furthermore, the State must provide meaningful education, meaning that it has to be available, accessible, acceptable and adaptable. This '4A-system' summarizes the government's responsibilities in terms of the human right to education.

While the four essential features being interrelated, one cannot go without the other. However, in measuring the right to education of ICMs, special attention has gone to the acceptability and adaptability of education. Summing up, the Peruvian government has improved significantly as to the protection of the right to education for ICMs, in comparison to ten years ago, but improvements still need to be met. While the government before did not comply with Article 47 of the Charter of the OAS, stating that the Member States shall give primary importance to the encouragement of education, within their respective development plans, this seems to have changed. For example, there is equal access to education for both men and women. However, the quality of education between rural and urban education can not yet be considered equal. This has often to do with language disparities. To overcome this, local initiatives, in combination with MINEDU have created intercultural bilingual education programs, complying with (inter)national law, such as Law No. 27558 promoting the education of rural children and adolescents and Law No. 27818 for intercultural bilingual education.

Creating this type of education enhances the chances of a better socioeconomic position in Peruvian society. Still, ICMs face a lot of hardship while in school, regardless of the overall social position indigenous women take up in Peruvian society, which leads to the dropping out of the girls. ICMs need education specifically designed to their needs, as would adaptable education do.

Most ICMs have gotten pregnant without consenting to sex, directly related to the prevalence of strongly patriarchal cultural patterns that still exist in Peruvian society. As has been mentioned in the interviews, 'machismo' is still very present in Peruvian society, especially in the lower classes, such as indigenous communities. Therefore, as is stated as required in CEDAW Article 10, ICMs need intercultural, age-appropriate, information and perspectives on sexual and reproductive health and rights, including on responsible sexual behaviour, prevention of early pregnancy and sexually transmitted diseases and measures to protect against sexual abuse (Committee on the Elimination of Discrimination against Women, 2014), next to standard education. Furthermore, the educational facilities need to be compliant with the needs of a mother, such as a nursery and clean sanitary facilities. As long as this has not been completely realized, ICMs face discrimination. With non-discrimination as the premise of accessible education and the overriding principle of international human rights law, the Peruvian government needs to improve in this aspect. Also, as the government decides for the girls where they will be taken care of, they decide on the level of education they will receive, making it inaccessible and unacceptable. Such acts demonstrate a lack of protection for ICMs, emphasizing the education's inadaptability.

It is noted that MINEDU has created a new curricular framework including comprehensive sex education, but this has so far not been implemented, due to several reasons. Foremost because the current global pandemic has closed all schools, but also because of the role of the church in Peruvian society and therefore in the execution of meaningful education for ICMs.

Although there are numerous hooks and catches in the existing Peruvian education system for ICMs, it must be noted that all data sources indicate a significant improvement in the Peruvian government's protection of human rights. In comparison to the government's strategy before Ollanta Humala's presidency, the government has achieved considerable changes. However, this does not mean that the right to education of ICMs has sufficiently been protected, respected and fulfilled. The State must set better monitoring mechanisms in place. This way, the gap between paper and practice will diminish. In the end, the only certainty is that if adolescent females become pregnant before the age of eighteen, their educational path becomes a challenge, greatly depending on the social context of Peru and the intersectional elements connected to indigenous child pregnancy.

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APPENDIX I : TOPIC LIST & RESPONDENT MATRIX

English	**Spanish**
EXPLANATION → Main question → about *indigenous* girls specifically	EXPLICATION → Pregunta principal → tesis sobre las niñas indígenas específicamente
CONSENT - Audio recording - Totally anonymous - Safe space, no judgements	CONSENTIMIENTO - Grabación de audio - Completamente anónimo - Especio segura, sin juicios
Personal (introduction) - Name - Age - Role / job - Education	Personal (introducción) - Nombre - Edad, tu y de tu familia - Titulo de trabajo - Educación
Casa Mantay/Juana d'Aza/Fundación HoPe - Day-to-day activities - What is it like for the girls to live in the house? - What would happen to the girls if they were not living with you? - What are the core values of the house? - Why exactly these	Casa Mantay/ Juana d'Aza/ HoPe - Actividades diaria - ¿Cómo es para las chicas vivir en esta casa? - ¿Qué pasaría con las niñas si no vivieran con usted? - ¿Cuáles son los valores fundamentales de la casa? - ¿Por que exactamente esos?
Education - How is education managed in Peru/Cusco? - What do you teach them? - Why is education by you necessary? - How is education normally arranged?	Educación - ¿Cómo se administra la educación en Perú/Cusco? - ¿Que les enseñan? - ¿Por que es necesario tu educación

- Sex education? - Contraceptives	- ¿Cómo se organiza normalmente la educación afuera de la casa? - ¿Hay educación sexual? - Contraceptivos?
The child-mothers - Story about what happens to them - Love - Violence - Other incentives? - What happens after? - Is there a difference between the indigenous girls and non-indigenous girls? - How is their child perceived by their family and other surroundings? - How do the girls view their own family? - How is the relationship with the child? - How are child-mothers perceived in the Peruvian culture?	Las niñas-madres - Historia sobre sus pasados: ¿que pasó? - Amor - Violencia - Otros incentivos? - ¿Que pasa después? - ¿Hay diferencia entre las chicas indígenas y non-indígenas? - ¿Cómo es percibido su hijo por su familia y su entorno? - ¿Cómo ven las chicas a su propia familia? - ¿Cómo es la relación con el niño? - ¿Como es percibido ser madre-niña en la cultura Peruana?
Man vs Woman relationship - What about the fathers? - Who are they - Where are they - What is the general relation between men and women? - Difference IPs and non-IPs?	Relación entre hombres y mujeres - ¿Y los padres? - ¿Quienes son? - ¿Donde están? - - ¿Cuál es la relación general entre hombres y mujeres? - ¿Hay diferencia entre indígenas y non-indígenas?
Motherhood - What does it mean for these girls to be a mother?	La maternidad - ¿Que significa ser madre para las niñas?

- Important values of motherhood? - Are they happy?	- ¿Cual son los valores importantes de la maternidad? - ¿Están felices?
Government	Gobierno
- Any government help for the house? - How? - Is there a big influence from the church? - Other policies? - How do they work? - Do they work?	- ¿El gobierno les ayuda con la casa? - ¿Como? - ¿Hay un gran influencia de la iglesia? - ¿Otras medidas (políticas)? - ¿Como funcionan? - ¿Funcionan?
Legal	Legal
- Is there any (legal) protection for the girls? - Broadly put: If there is so much legislation, how come in practice it still doesn't function optimal? - Do you feel influence from the West on legislation that ultimately affects Peru and these girls?	- ¿Hay alguna forma de protección (legal) para las niñas? - ¿En términos generales: si hay tanta legislación, cómo puede ser que en la práctica sigue sin funcionar de forma óptima? - ¿Siente usted la influencia de los países occidentales en la legislación que finalmente afecta a Perú y a estas niñas?
ENDING	FIN
- Something I didn't ask you but could be important for me? - Thank you for your time - Will send you the thesis if you want	- ¿Hay algo que no le he preguntado pero que podría ser importante para mí? - Gracias por su tiempo - Si quiere, le enviare el tesis

RESPONDENT MATRIX

Respondent	Organisation	Role
1	Juana d'Aza	Volunteer
2	Juana d'Aza	Volunteer
3	Fundación HoPe	Founder

APPENDIX II : RTEI QUESTIONNAIRE

GOVERNANCE	
International Framework	1.1.1 Is the State party to the following United Nations treaties?
	1.1.2 Is the State party to the following UNESCO treaty?
	1.1.3 Is the State party to the following ILO conventions?
	1.1.4 Is the State party to the following Geneva conventions?
	1.1.5 Is the State party to the following regional treaties?
National Law	1.2.1 Do national laws protect the right to education?
	1.2.2 Do national laws protect the liberty of individuals to establish private schools?
	1.2.3 Do national laws protect the minorities' right to establish their own schools?
	1.2.4 Do national laws expressly recognize the liberty of parents to choose the religious and moral education of their children in conformity with their own convictions?
Plan of Action	1.3.1 Is there a national education plan that aims to achieve free and compulsory primary education?
	1.3.2 Are there targeted implementation dates for each stage of the progressive implementation of the plan?
	1.3.3 Does the national education plan include measures to encourage regular attendance at schools and reduce drop-out rates?
Monitoring and Reporting	1.4.1 Are there minimum educational standards applicable to all schools, including private schools?
	1.4.2 Is there a State body responsible for monitoring the education system?
	1.4.3 How often is data on primary school net enrollment rate collected nationally?
	1.4.4 Is the data on primary school net enrollment rate publicly available?
Financing	1.5.1 What is the percent of the national budget allocated to education?
	1.5.2 What is the percentage of the total national education budget allocated to each level of education?
	1.5.3 What is the percentage of the total national education budget allocated to the following components?

Financing	1.5.4 What is the government expenditure on education as reported as the percentage of GDP allocated to education?
	1.5.5 What percent of the national education budget comes from foreign aid sources (bilateral and multilateral)?
	1.5.6 What is the percentage of GNI PPP allocated to foreign aid in relation to education in the public sector? [donor countries]
	1.5.7 What percentage of the approved budget for education was actually executed?
	1.5.8 What is the current public expenditure per pupil in relation to average income?
AVAILABILITY	
Classrooms	2.1.1 Is there a minimum standard in place setting the numbers of pupils per classroom?
	2.1.2 What is the pupil-classroom ratio?
Sanitation	2.2.1 Is there a minimum standard in place setting the number of pupils per toilet?
	2.2.2 What is the pupil-toilet ratio?
	2.2.3 What is the percentage of schools with potable water?
Teachers	2.3.1 What is the percentage of teachers that are appropriately trained?
	2.3.2 Is there a national minimum standard in place setting the number of pupils per trained teacher?
	2.3.3 What is the pupil-trained teacher ratio?
	2.3.4 What is the mean teacher salary relative to the national mean salary?
Textbooks	2.4.1 Is there a minimum standard in place setting the number of pupils per available textbook?
	2.4.2 What is the pupil-textbook ratio?
	2.4.3 What percent of schools have a library, computer facilities, and information technology?
ACCESSIBILITY	
Free Education	3.1.1 Do national laws provide for free and compulsory primary education?
	3.1.2 Is primary education free in practice?
	3.1.3 What percent of household spending is spent on primary education?
	3.1.4 What percent of household spending is spent on secondary education?
	3.1.5 Are tuition fees charged for public university/higher education?
	3.1.6 Is free basic education publicly provided for adults who have not completed primary education?

Discrimination	3.2.1 Do national laws forbid discrimination in education on the following grounds?
	3.2.2 Is the expulsion of girls from school because of pregnancy or for having a baby explicitly forbidden in national legislation?
	3.2.3 In practice, are girls expelled from school because of pregnancy or for having a baby?
	3.2.4 Do migrant, refugee, or internally displaced children have to present documents stating their legal status to enroll in school?
Participation	3.3.1 What is the gross enrollment rate?
	3.3.2 What is the net enrollment rate?
	3.3.3 What is the completion rate?
ACCEPTABILITY	
Aims of Education	4.1.1 Do national laws or policies direct education towards the following aims?
	4.1.2 Does the national curriculum direct education towards the following aims?
	4.1.3 Does the required training for teachers include improving the skills necessary for teaching towards the full development of the following aims?
	4.1.4 Are there established mechanisms to ensure that textbooks used in both public and private schools are aligned with the curriculum guidelines provided by the Ministry of Education?
	4.1.5 Does national curriculum include the following topics?
	4.1.6 Do national laws include children in the decision-making process of school curricula, school policies, and codes of behavior?
Learning Environment	4.2.1 Has the national government adopted specific measures to protect children from violence and abuse in school?
	4.2.2 In practice, are children in schools free from violence and abuse?
	4.2.3 Do national laws prohibit corporal punishment?
	4.2.4 Does corporal punishment occur in practice?
Learning Outcomes	4.3.1 Do national assessments or exams attempt to evaluate pupil's progress towards the following aims?
	4.3.2 Do national assessments or exams evaluate pupil's understanding of the following topics?
	4.3.3 What percent of students received a passing score on the national assessment/exam?
	4.3.4 What is the literacy rate?

ADAPTABILITY	
Children with Disabilities	5.1.1 Do national laws recognize the right to education for children with disabilities?
	5.1.2 Are reasonable accommodation measures available for children with disabilities in schools?
	5.1.3 What is the percentage of teachers trained to teach children with disabilities or work in inclusive schools?
Children of Minorities	5.2.1 Are there mobile schools for nomadic or hard-to-reach children?
	5.2.2 Do national laws provide for language of instruction to be in the child's mother tongue?
	5.2.3 What percentage of students are not taught in their mother tongue?
Out-of-School Education	5.3.1 Is primary education available in retention centers/camps for refugee children?
	5.3.2 Do refugee children receive education integrated with the general education system (i.e., same curricula)?
	5.3.3 Is education available in prison?
	5.3.4 Do imprisoned children receive education integrated with the general education system (i.e. same curricula)?
Out-of-School Children	5.4.1 Do national laws prohibit early marriage (below the age of 18)?
	5.4.2 What percent of women are married by the age of 18?
	5.4.3 Is the legal minimum age of employment 15 or above?
	5.4.4 Has the government adopted specific measures to combat child labor?
	5.4.5 What percent of children under the age of 15 work in the labor force?
	5.4.6 Is the legal minimum age of military recruitment 15 or above?
	5.4.7 Are children under the age of 15 recruited by the military in practice?