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Declared but Not Yet Claimable: Cultural Rights and Arts Education in Colombia

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Abstract

In Colombia, decades of formal recognition of cultural rights coexisted with the persistent marginalization of arts education in public schools. This article examines whether that gap has closed, analyzing five primary legal instruments spanning 1991 to 2025: the Political Constitution, Law 115 of 1994, Law 397 of 1997, Decree 458 of 2024, and Law 2555 of 2025 (Artes al Aula). Using historical-institutionalist analysis and the normative standards set by the Committee on Economic, Social and Cultural Rights (General Comments No. 13 and No. 21), the study codes each instrument against three markers of rights transformation: rationale, scope, and institutional permanence. The analysis finds that Law 2555 achieves a complete shift in rationale and scope, converting a discretionary curricular area into a universal, cross-curricular mandate, while its institutional permanence remains contingent on a still-pending participatory policy process. Comparing Colombia with Brazil, Chile, Finland, and South Korea, the article proposes a nine-dimension matrix for evaluating cultural-rights transformation in education policy globally.

Keywords Cultural rights · Right to education · Arts education policy ·Colombia

Introduction

Cultural rights occupy an ambivalent position within the human rights canon. Long regarded as the least developed and least elaborated of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, they have historically been treated as aspirational commitments whose practical content states have been slow to specify (CESCR 2009). Arts education sits at the intersection of two such under-specified rights: the right to take part in cultural life (Article 15(1)(a) ICESCR) and the right to education (Article 13 ICESCR). This article asks how, and how far, a single piece of national legislation can transform that intersection from a declared but largely ornamental curricular presence into a substantively realized right, taking as its case Colombia's Law 2555 of 2025, popularly known as Artes al Aula.

Colombia offers an unusually revealing site for this question. Its 1991 Constitution is among the most expansive in the hemisphere in its recognition of cultural rights, declaring the state pluri-ethnic and multicultural (Article 7) and establishing a duty to promote access to culture on equal terms (Article 70) (Colombia 1991). Yet for three decades that constitutional promise coexisted with a public school system in which artistic training was routinely treated as a complementary, optional, and fiscally dispensable area. On December 2, 2025, the Colombian Congress enacted Law 2555, which establishes arts and culture as a

mandatory, cross-curricular pedagogical tool in every official educational institution in the country, with explicit attention to rural, ethnic, and historically excluded territories (Colombia 2025).

The gap between constitutional promise and institutional practice is a familiar theme in human rights scholarship on the Global South, where expansive rights catalogues frequently outpace the administrative and fiscal capacity required to realize them. What is less well understood is how that gap closes, or fails to close, over time in the specific domain of cultural rights, where the absence of an authoritative international jurisprudence comparable to that developed around civil and political rights leaves considerable interpretive latitude to domestic legislators. This article treats Law 2555 as a test case for that broader question: under what conditions does the legislative recognition of a cultural right mark a genuine transformation in its legal and institutional status, and under what conditions does it instead reproduce what Hattori and Sugie (2025) call symbolic compliance -- the adoption of rights language without a corresponding shift in the underlying rationale, scope, or durability of state obligation?

Methodologically, the article combines documentary and legal analysis: it examines the constitutional text, the four statutes and one decree that constitute the primary corpus of Colombian arts education law, and the relevant General Comments and special procedure reports that supply the interpretive standard against which that corpus is assessed, supplemented by secondary comparative literature on Brazil, Chile, Finland, and South Korea. This is a policy and legal analysis rather than an empirical study of implementation outcomes; where the article draws conclusions about implementation, it does so on the basis of the best available secondary indicators, and it flags explicitly, in Sections 4 and 5, the points at which the law's transformation of arts education's legal status remains, at the time of writing, incomplete.

The article proceeds in four analytical moves. First, it situates arts education within the international legal architecture of cultural and educational rights, drawing on the two General Comments that give that architecture normative content (Section 2). Second, it traces the historical trajectory of Colombian arts education policy as a genealogy of partial transformation, in which successive instruments altered some markers of the right's status while leaving others unchanged (Section 3). Third, it evaluates Law 2555 itself against the four-part standard the Committee on Economic, Social and Cultural Rights uses to assess the right to education, and asks how completely the law transforms the rationale, scope, and institutional permanence of arts education relative to its statutory predecessors (Sections 4 and 5). Fourth, it situates the Colombian case comparatively against Brazil, Chile, Finland, and South Korea, and proposes a nine-dimension matrix adding a measure of conceptual transformation to the eight normative-institutional dimensions developed in the comparative policy literature for evaluating cultural-rights change in education policy in other jurisdictions (Sections 6 and 7). The article concludes by weighing what Law 2555 can plausibly be said to have transformed in the legal status of the right to culture in Colombian schools, and what remains contingent on processes the law itself cannot guarantee.

Theoretical Framework: Cultural Rights, Educational Rights, and the Problem of Enforceability

The Normative Content of the Right to Take Part in Cultural Life

The right to take part in cultural life was, for six decades after the adoption of the Universal Declaration of Human Rights, one of the most vaguely framed and least litigated provisions of international human rights law (Naciones Unidas 1948, Art. 27; CESCR 2009). The Committee on Economic, Social and Cultural Rights addressed this gap in 2009 with General Comment No. 21, which gives the right defined in Article 15(1)(a) of the ICESCR its first authoritative normative content. The Comment identifies availability, accessibility, acceptability, and adaptability of cultural goods and services as core elements of the right, and it explicitly names education as one of the principal vehicles through which states discharge their obligation to facilitate cultural participation, requiring in particular that education be culturally appropriate and enable children to develop their cultural identity (CESCR 2009, para. 25). It further specifies that children hold this right in their own capacity, not merely derivatively through their parents, and that states bear heightened obligations toward persons and communities requiring special protection, including ethnic minorities, indigenous peoples, and populations in rural or conflict-affected areas (CESCR 2009, paras. 26 and 37).

General Comment No. 21 does not stand alone. It is best read alongside General Comment No. 13 on the right to education, adopted a decade earlier, which established the four-part interpretive standard now used across the Committee's jurisprudence: availability (the existence of functioning educational institutions and programs in sufficient quantity), accessibility (non-discriminatory, physical, and economic access), acceptability (relevance, cultural appropriateness, and quality of curricular content and pedagogy), and adaptability (the capacity of education to respond to the needs of diverse and changing communities) (CESCR 1999). Read together, the two General Comments supply the normative vocabulary this article uses in Section 4 to evaluate Law 2555: arts education is simultaneously an exercise of the right to education under Article 13 and a principal mechanism for realizing the right to cultural participation under Article 15(1)(a), and its adequacy can be assessed against the combined four-part standard those two Comments establish.

The link between arts education specifically and cultural rights has been reinforced by the mandate of the Special Rapporteur in the field of cultural rights. In her 2013 report to the Human Rights Council, Farida Shaheed treated the freedom of artistic expression and creativity as a distinct right requiring active state protection and promotion, and identified education as the primary channel through which states can either cultivate or foreclose that freedom over the long term (Shaheed 2013). Subsequent mandate holders have extended this analysis to the relationship between artistic participation and the broader realization of human rights, arguing that cultural rights are not peripheral to the human rights framework but are instead transformative and empowering preconditions for its fuller realization (OHCHR n.d.). This article treats that claim as an empirical proposition to be tested against a specific national case, rather than as a premise to be assumed.

This framing sits within a broader and long-running debate over what states actually owe under economic, social, and cultural rights instruments. Ssenyonjo (2011) surveys the central controversies over the nature and scope of state obligations under the ICESCR, arguing that the treaty's language of progressive realization has too often been read as license for indefinite deferral rather than as the qualified, immediately-binding duty the Committee intends it to be: states must take deliberate, concrete, and targeted steps toward full realization within a reasonably short time of assuming the obligation, regardless of resource constraints on the ultimate outcome. This distinction between the pace of full realization and the immediacy of the obligation to act is directly relevant to Law 2555: the six-month deadline Article 4 sets for policy formulation is precisely the kind of concrete, time-bound step Ssenyonjo's reading of the Covenant would require, independent of how long full implementation ultimately takes.

Historical Institutionalism and the Problem of Normative Layering

To trace how legal recognition of a right does or does not translate into institutional practice over time, the article draws on historical institutionalism, and in particular on the concept of institutional layering developed by Thelen (1999) and Mahoney and Thelen (2010). Layering describes the process by which new rules, resources, or normative commitments are added onto existing institutional arrangements without displacing them, producing a pattern of formal accumulation that can coexist indefinitely with substantive stasis. This concept is analytically useful for cultural rights specifically because international human rights instruments are themselves frequently absorbed through layering: a state ratifies a covenant, incorporates its language into domestic constitutional or statutory text, and reports periodically on its formal commitments, all without the underlying allocation of resources, personnel, or enforcement mechanisms materially changing (Hajer 1993).

The discourse-analytic literature on policy formation supplies a complementary lens. Hajer (1993) distinguishes between the discursive coalition-building that surrounds the adoption of a policy instrument and the substantive conditions required for that instrument to alter practice on the ground, a distinction this article uses throughout to separate what Law 2555 declares from what it can be expected, on present evidence, to deliver. Historical institutionalism further directs attention to critical junctures moments at which prior institutional trajectories become open to redirection and to the question of whether a given reform constitutes a genuine juncture or a further instance of layering onto an unchanged institutional core (Mahoney and Thelen 2010). Section 3 applies this distinction to the six-period history of Colombian arts education policy, and Sections 4 and 5 ask whether Law 2555 itself represents a critical juncture or a further, if more elaborate, act of layering.

From Symbolic Compliance to Substantive Transformation

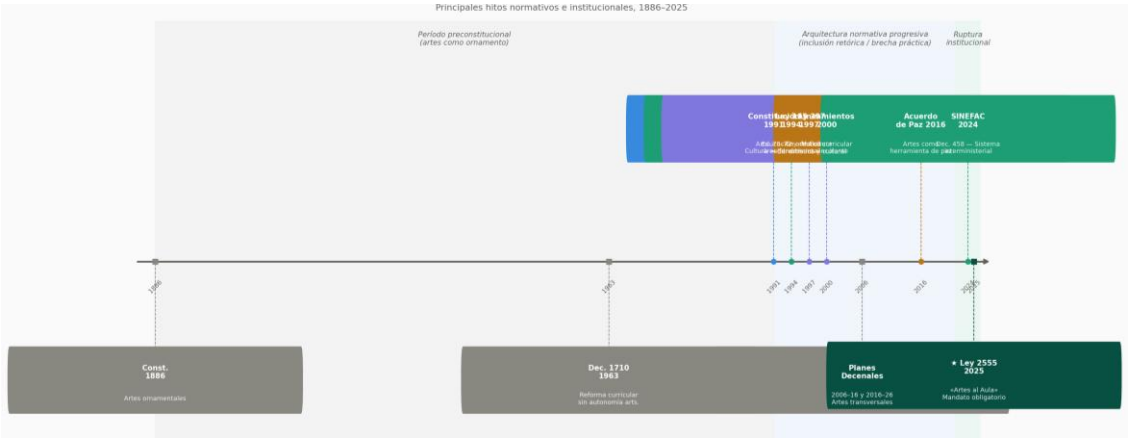
A right that exists only on paper is, for the individual seeking to exercise it, difficult to distinguish from no right at all. The foundational literature on symbolic legal compliance, developed most influentially by Hafner-Burton and Tsutsui (2007) in their cross-national analysis of human rights treaty ratification, shows that states frequently adopt the formal

commitments of rights instruments as a low-cost act of international legitimation, decoupling the ratified norm from the domestic practice it was meant to alter a pattern of decoupling that is not confined to hard treaty ratification but recurs, this article argues, in the domestic legislative enactment of cultural rights as well. More recent studies extend this logic to specific national instruments: Hattori and Sugie (2025), studying sex-based harassment policy in Japanese universities, and Chokprajakchat and Techagaisiyavanit (2025), examining Thailand's National Human Rights Action Plan, both show that even elaborated, well-resourced rights instruments can function primarily as symbolic gestures rather than as enforceable entitlements when they lack an independent mechanism through which rights-holders can compel compliance. Distinguishing genuine transformation from further layering requires criteria that can be applied independently of any single enforcement mechanism. This article treats three markers as evidence of substantive transformation, drawn directly from the historical-institutionalist literature introduced in Section 2.2: a shift in the underlying rationale for the right, from instrumental or ornamental justification to recognition of its intrinsic value; a shift in scope, from optional or locally discretionary provision to a universal, binding mandate; and a shift in institutional permanence, from advisory guidance to a framework accompanied by dedicated funding, personnel, and monitoring obligations. Section 3 traces the presence or absence of these three markers across six historical periods of Colombian arts education policy, and Section 5 asks whether Law 2555 satisfies all three, or whether notwithstanding its considerably more elaborate text it satisfies only some of them, reproducing at a more sophisticated level the same pattern of partial transformation the historical record already displays.

The Historical Trajectory of Arts Education Policy in Colombia (1886-2024): A Rights Genealogy

The development of arts education policy in Colombia can be read as a genealogy of the right to culture: a sequence of moments in which the right was named, elaborated, or reaffirmed, set against the persistently narrower question of whether it was, at each moment, realized. Six periods structure this trajectory, illustrated in Figure 1.

Fig. 1 Historical trajectory of arts education policy in Colombia as a rights genealogy: normative recognition versus institutional realization, 1886-2025



Note. Upper milestones correspond to cultural and educational policy instruments; lower milestones to curricular reforms and development plans. Own elaboration based on documentary review. Source: Colombia (1991); Colombia (1994); Colombia (1997); Colombia (2000, 2010); Decreto 458 de 2024; Colombia (2025).

The Pre-Rights Period: The Arts as Ornament (1886-1991)

Under the 1886 Constitution, education was constitutionally tied to the Catholic Church and cultural formation was framed in terms of national and religious unity rather than individual or collective cultural rights. Where the arts appeared in schools, they occupied an ornamental role, unconnected to any rights-bearing claim. Twentieth-century curricular reforms, including the 1963 reorganization under Decree 1710, entrenched a hierarchy privileging mathematics, language, and the natural sciences over artistic and cultural formation. This period precedes the existence of a domestic legal category of cultural rights altogether, and functions in this genealogy as a baseline against which subsequent layers of rights recognition can be measured.

Constitutional Recognition Without Statutory Content (1991-1994)

The 1991 Constitution inaugurated the rights era of Colombian cultural policy. Article 7 declared Colombia a pluri-ethnic and multicultural state; Articles 70 through 72 recognized culture as a right and assigned the state a duty to promote equal access to it; Article 67 enshrined education as a fundamental social right (Colombia 1991). Yet constitutional recognition alone created no statutory content specific to arts education, and no administrative mechanism through which the right to cultural participation could be claimed in an educational setting. This is the clearest instance in the Colombian case of what General Comment No. 21 would later describe as the gap between the recognition and the realization of the right to take part in cultural life (CESCR 2009).

Statutory Layering: The 1994 and 1997 Laws

Law 115 of 1994, the General Education Law, designated arts and cultural education one of nine fundamental areas of basic education (Colombia 1994, Arts. 22-23). Law 397 of 1997, the Culture Law, consolidated the designation Arts and Cultural Education and created a National Culture System (Colombia 1997). Both statutes added rights-adjacent language to the constitutional layer without altering the underlying allocation of resources or curricular authority: the autonomy granted to individual schools under Law 115 allowed most institutions to subordinate the arts to subjects assessed by standardized testing, and the General Participation System that financed public education allocated no earmarked resources to arts instruction. This is a textbook instance of institutional layering in Thelen's (1999) sense new normative commitments accumulating atop an unchanged institutional core.

Pedagogical Elaboration Without Enforceability (2000-2010)

The Ministry of National Education's 2000 Curricular Guidelines for Arts Education and its 2010 Pedagogical Orientations represented the most substantive pedagogical elaboration of the period, addressing precisely the acceptability and adaptability dimensions later formalized in General Comment No. 13 what arts education should contain and how it should respond to diverse student populations (Colombia 2000; Colombia 2010). Both documents nonetheless retained an advisory, non-binding character. Neither created a legal entitlement that a student, parent, or community could invoke, and neither was accompanied by a funding mandate. Their impact on the ground was correspondingly uneven, with the weakest implementation concentrated in regions affected by armed conflict.

Post-Agreement Institutional Scaffolding (2016-2024)

The 2016 Peace Agreement positioned the arts as an instrument of reconciliation and community reconstruction, situating cultural participation within Colombia's broader transitional justice architecture. Decree 458 of 2024 created the National System for Arts and Cultural Education for Coexistence and Peace, known by its Spanish acronym SINEFAC, the first systematic inter-ministerial framework for arts education, articulating the Ministries of Cultures, Education, Labor, and Science (Decreto 458 de 2024). SINEFAC supplied, for the first time, institutional infrastructure capable of supporting an enforceable right rather than merely declaring one. It is on this infrastructure that Law 2555 was built one year later.

Read as a whole, this trajectory exhibits precisely the pattern General Comment No. 21 warns against: successive, increasingly elaborate acts of rights recognition -constitutional, statutory, and pedagogical that repeatedly stopped short of the institutional and fiscal commitments the Committee identifies as necessary for realization. Law 2555 must be evaluated against this baseline, not against the null hypothesis of no prior rights language at all.

Law 2555 of 2025: Content, Institutional Architecture, and Rights Compliance

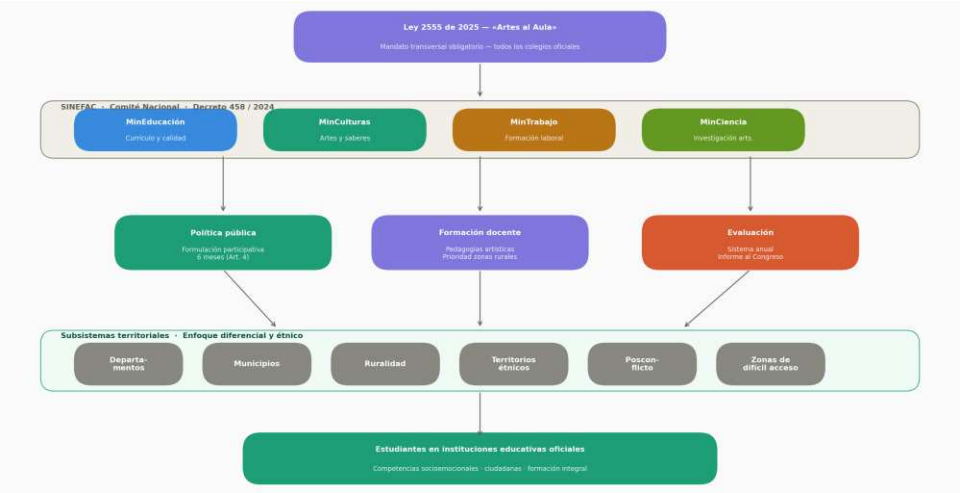
Legislative Background and Core Provisions

Law 2555 was the product of a nearly three-year legislative process, reflecting mobilization by arts teachers, cultural organizations, educators' unions, and civil society actors, and was enacted on December 2, 2025 (Colombia 2025). Article 1 establishes the law's purpose as the implementation of arts and culture as pedagogical tools in official educational institutions, with particular attention to rural, ethnic, and hard-to-reach contexts. Article 3 designates arts and culture a fundamental area for strengthening basic and socio-emotional competencies and the integral formation of children and adolescents. Article 4 mandates the formulation, within six months of enactment and within the SINEFAC framework, of a participatory public policy on arts education.

Institutional Architecture

Figure 2 represents the institutional coordination structure established by Law 2555 together with Decree 458 of 2024. The architecture operates across five levels: the law's normative mandate; the SINEFAC National Committee, which brings together four ministries; three policy instruments specified in the statute itself (participatory formulation, teacher training, and evaluation); a system of territorial subsystems with a differential ethnic and rural approach; and, as final beneficiaries, students in official educational institutions. This is, on its face, a considerably more developed institutional architecture than any of the law's statutory predecessors the first Colombian instrument in this field to specify, in a single piece of legislation, an implementing body, a participatory formulation procedure, a teacher training mandate, and an evaluation mechanism.

Fig. 2 Institutional architecture of Law 2555 of 2025: inter-ministerial coordination flow and territorial reach through SINEFAC



Note. The law is implemented across five articulated levels, from the normative mandate to students in official educational institutions. Source: Colombia (2025, Arts. 1, 4, 5); Decreto 458 de 2024; Colombia, Ministerio de Educación Nacional (2025). Own elaboration.

Evaluating Law 2555 Against the Four-Part Standard of General Comment No. 13

Table 1 applies the availability-accessibility-acceptability-adaptability standard developed in General Comment No. 13, and extended to cultural participation in General Comment No. 21, directly to the text and design of Law 2555. The exercise makes visible both the law's genuine advances over its predecessors and the specific points at which its rights-realizing potential remains, on the text alone, unverified.

On availability, Law 2555 goes further than any prior instrument by making arts education mandatory and cross-curricular rather than optional or dependent on individual school discretion (Colombia 2025, Arts. 1, 3). On accessibility, the law's explicit territorial and ethnic differential approach directly addresses the accessibility deficits documented in Section 5.2, though the statute itself contains no funding formula that would guarantee that

differential mandate against future budgetary contestation. On acceptability, the law's requirement of a participatory policy formulation process (Article 4) creates a procedural channel through which cultural appropriateness a core acceptability criterion under General Comment No. 13 can in principle be secured for Indigenous, Afro-descendant, and rural communities, though the substantive outcome of that process was, at the time of writing, still pending. On adaptability, the SINEFAC subsystem model is designed precisely to allow regional variation, giving the law a structural capacity for adaptability that its statutory predecessors lacked.

Table 1 Evaluation of Law 2555 against the CESCR four-part standard (General Comment No. 13)

Dimension	Guiding question	Assessment
Availability	Is arts education provided as a mandatory, functioning part of the curriculum in sufficient quantity?	Strong: mandatory and cross-curricular in all official institutions (Arts. 1, 3).
Accessibility	Is access non-discriminatory, physically and economically guaranteed, including for rural and ethnic communities?	Declared but unfunded: explicit differential mandate (Art. 1) without a statutory funding formula; teacher coverage gaps persist (Section 5.2).
Acceptability	Is the content culturally appropriate, relevant, and of adequate quality for diverse communities?	Pending: contingent on the outcome of the participatory policy process mandated by Art. 4, not yet concluded at time of writing.
Adaptability	Can the content and delivery adapt to the needs of diverse and changing communities and territories?	Structurally favorable: SINEFAC subsystem model designed for territorial variation (Decreto 458/2024).

Note. Standard drawn from CESCR General Comment No. 13 (1999), applied here to the text and design of Law 2555 (Colombia 2025). Own elaboration.

Significance: A Normative Rupture of Uncertain Depth

Law 2555 formally closes the gap between the constitutional recognition of cultural rights in 1991 and the practical treatment of arts education in public schools. For the first time, arts and culture in education are not simply a curricular area but a mandatory, cross-curricular pedagogical tool accompanied by a specific mandate for public policy formulation, teacher training, evaluation, and budgetary provision. The law's explicit post-conflict framing is consistent with a growing empirical literature documenting the role of creative and artistic practice in Colombia's own reconciliation processes: Pinto-García et al. (2022), evaluating an art-based intervention with victims of violence, former combatants, and security-force veterans in Medellín, find that structured creative practice measurably reduced intergroup hostility and stigma, lending empirical support to the premise embedded in Law 2555's own text that arts participation is not merely compatible with post-conflict reconciliation but can be one of its instruments. Measured against the historical pattern traced in Section 3, the law is a plausible candidate for a critical juncture in Mahoney and Thelen's (2010) sense, rather than a further instance of layering. Whether it in fact functions as one depends on questions that lie outside the four corners of the statute: the adequacy of the resources allocated to its

implementation, and the fidelity of the participatory policy process mandated by Article 4 the subject of Section 5.

Implementation Challenges and the Depth of Transformation

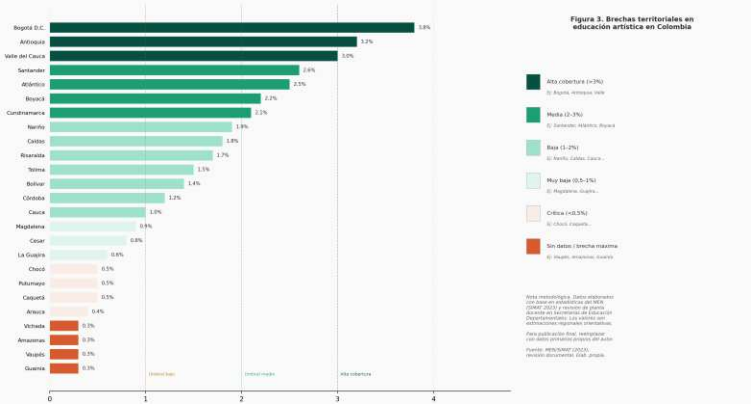
The Implementation Gap in Colombian Education Policy

A recurring feature of Colombian education policy is the gap between legislative ambition and institutional implementation capacity, which Roth Deubel (2002) has characterized as the tension between the programmatic state and the operative state. The quality of the policy formulation process mandated by Article 4, and the adequacy of the resources allocated to it, will be decisive in determining whether Law 2555 produces lasting systemic change or becomes the latest layer in the pattern documented in Section 3.

Teacher Availability as an Accessibility Constraint

Decades of marginalization have produced a significant shortage of specialized arts teachers, particularly in rural and peripheral territories, constituting a direct constraint on the accessibility dimension assessed in Table 1. Figure 3 illustrates the scale of this disparity through estimates of specialized teacher coverage by region: consolidated urban centers such as Bogotá, Antioquia, and Valle del Cauca maintain relative coverage above 3 percent, while territories such as Vaupés, Amazonas, and Guainía among Colombia's most ethnically diverse and historically marginalized departments show estimated coverage below 0.5 percent. This disparity matters for rights analysis specifically because it falls disproportionately on the populations Law 2555 names as its priority beneficiaries, raising the possibility that the law's differential-access commitment and its on-the-ground accessibility will move in opposite directions unless teacher training investment is itself differentially targeted.

Fig. 3 Territorial gaps in arts education in Colombia: estimated index of specialized teacher coverage by region



Note. Data represent indicative estimates based on Ministry of National Education (SIMAT 2023) statistics and a review of teaching staff at Departmental Education Secretariats. Coverage is expressed as the percentage of teachers with specialized training in arts education relative to the total number of basic and secondary teachers. For final publication, replace with the authors' primary data. Own elaboration.

Territorial and Ethnic Diversity: Acceptability at Risk

Colombia's territorial, ethnic, and sociocultural diversity presents simultaneously the greatest opportunity and the greatest risk for Law 2555's acceptability dimension. A homogenizing national curriculum imposed on Indigenous, Afro-descendant, and peasant cultural contexts would violate the acceptability requirement of General Comment No. 13 as much as the prior absence of any arts curriculum did. The genuineness of the participatory policy formulation process mandated by Article 4 is therefore not a procedural detail but the central mechanism through which the law's acceptability, in the Committee's technical sense, will be secured or forfeited. SINEFAC's subsystem model offers a promising institutional channel for this participation, though its capacity to withstand pressure toward curricular standardization has not yet been tested.

Instrumentalization Risk and the Intrinsic Value of Cultural Participation

A recurring tension in the policy discourse surrounding Law 2555 is the risk that arts education will be justified primarily through its instrumental contributions socio-emotional skills, academic performance, conflict reduction at the expense of its intrinsic value as aesthetic experience, creative practice, and exercise of cultural rights. This tension has direct legal significance: General Comment No. 21 treats participation in cultural life as valuable independent of its instrumental yield, and a purely instrumentalist implementation of Law 2555 would satisfy the letter of the statute while falling short of the right it purports to realize. The law's own conceptual framework, which positions the arts as both 'means and end' of integral formation, provides textual grounds for resisting such an instrumentalist drift, though textual grounds are not self-enforcing.

This is not a tension unique to human rights law; it reproduces, in different vocabulary, a long-standing debate within arts education scholarship itself. Efland (2004), assessing Eisner's contribution to the field, argues that arts education has recurrently had to defend itself against exactly the instrumentalization this article identifies as a legal risk, and that its most durable justifications rest on the arts' distinctive, non-substitutable contribution to cognition and meaning-making rather than on their capacity to boost outcomes properly attributable to other domains. Read together with General Comment No. 21, Efland's argument suggests that the intrinsic value the human rights framework protects and the intrinsic value the arts-education field has spent decades defending are, in substance, the same claim, reached from different disciplinary directions a convergence that strengthens rather than merely supplements the legal case against instrumentalist implementation.

The Depth of Transformation: From Ornamental Inclusion to Rights-Based Mandate

Section 3 traced six historical periods in which arts education moved from an ornamental presence with no rights content (1886-1991), through constitutional recognition without statutory content (1991-1994), successive acts of statutory and pedagogical layering (1994-2010), to institutional scaffolding under SINEFAC (2016-2024). Applying the three markers

of substantive transformation introduced in Section 2.3 rationale, scope, and institutional permanence to Law 2555 itself indicates that the law satisfies at least two of the three unambiguously, and the third only conditionally.

On rationale, Law 2555 explicitly breaks with the instrumentalist justifications that dominated even the more elaborate instruments of the 2000s, positioning the arts as 'means and end' of integral formation (Section 5.4) and grounding that positioning in the constitutional recognition of cultural rights rather than in socio-emotional or academic byproducts alone. On scope, the law converts what was, under Law 115 of 1994, a nominally fundamental but locally discretionary curricular area into a universal, cross-curricular mandate binding on every official educational institution, closing the discretionary gap that had allowed decades of de facto marginalization. On institutional permanence, the law is more ambiguous: it creates, for the first time, an inter-ministerial architecture, a teacher-training mandate, and an evaluation requirement (Section 4.2), but the funding formula, personnel allocation, and monitoring indicators that would make that architecture durable are deferred to the participatory policy process Article 4 mandates, and had not been finalized at the time of writing.

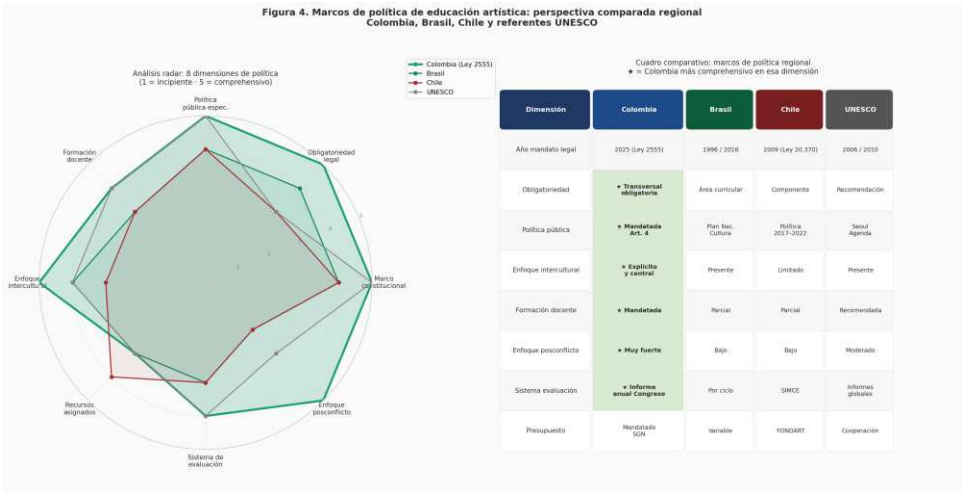
Read against this three-part standard, Law 2555 represents the most complete transformation of arts education's legal status in the history of Colombian education policy, and a plausible candidate for the critical juncture historical institutionalism distinguishes from layering (Section 2.2). Its transformation is nonetheless asymmetric: complete on rationale and scope, contingent on permanence. This asymmetry, rather than any single implementation failure, is the most precise account this article can offer of what remains unfinished in the passage from a declared to a fully realized cultural right.

Comparative Perspective: Is Arts Education Treated as a Right Elsewhere?

Regional Comparison: Colombia, Brazil, Chile, and the UNESCO Benchmark

Law 2555 does not emerge in a vacuum. Figure 4 situates it against Brazil, Chile, and the international benchmarks set by UNESCO's Road Map for Arts Education and Seoul Agenda (UNESCO 2006; UNESCO 2010), along eight structural variables. Brazil's Lei de Diretrizes e Bases and subsequent National Culture Plan (Brasil 1996; Brasil 2010), and Chile's General Education Law and 2017-2022 Cultural Policy (Chile 2009; Chile 2017), both recognize arts education as a curricular area, but neither couples that recognition to the kind of participatory-policy and inter-ministerial coordination mandate found in Law 2555, and neither is explicitly framed in rights-based or post-conflict terms. This divergence tracks a broader split Yúdice (2018) identifies across Latin American cultural policy generally, between an economic-instrumental tendency organized around the cultural and creative industries and a rights-based tendency organized around inclusion, access, and the well-being of citizens; Yúdice observes that the two tendencies rarely integrate into a single coherent policy because they follow different institutional logics. Law 2555's explicit anchoring in cultural rights language, rather than in the creative-economy framing more common regionally, places Colombia unusually far toward the rights-based pole of Yúdice's spectrum among its regional peers.

Fig. 4 Arts education policy frameworks: regional comparative perspective Colombia, Brazil, Chile, and UNESCO benchmarks



Note. Radar scale is qualitative (1 = incipient; 5 = comprehensive). Source: Colombia: Colombia (2025), Colombia (1991); Brazil: Brasil (1996), Brasil (2010); Chile: Chile (2009), Chile (2017); UNESCO: UNESCO (2006), UNESCO (2010). Own elaboration.

The comparison reveals that Colombia, on paper, now occupies the most rights-elaborated position in the region: it is the only case in which cross-curricular mandatory status, participatory policy formulation, teacher training, and an evaluation system are all specified within a single legislative instrument, and the only case with an explicit post-conflict cultural-rights framing. Brazil and Chile, with less textually elaborate frameworks, show comparatively stronger implementation records a reminder, consistent with the symbolic-compliance literature discussed in Section 2.3, that textual elaboration of a right and its practical realization are analytically distinct variables that can move independently of one another (Hattori and Sugie 2025).

Part of the explanation lies in institutional age rather than institutional design. Brazil's and Chile's frameworks, though less textually ambitious, have had two to three decades to accumulate implementing regulations, trained personnel, and municipal-level funding practices that a two-year-old statute cannot yet possess, regardless of how comprehensively that statute is drafted. This suggests a methodological caution for the matrix developed in Section 7: a low observed implementation score for a young instrument such as Law 2555 may reflect institutional immaturity rather than a design flaw, and comparative assessments should therefore control for time since enactment wherever possible, rather than treating implementation snapshots as directly comparable across instruments of very different vintage.

Beyond the Region: Rights Framing in Finland and South Korea

Two extra-regional cases illuminate alternative relationships between arts education and rights framing. Finland integrates visual arts and music as compulsory subjects within the common basic curriculum, complemented by a separately regulated system of basic arts education funded through discretionary state grants, recently restructured into a single

certifiable national syllabus of 800 teaching hours (Finlandia 2026). This model achieves high accessibility and acceptability without an explicit rights-based statutory framing, resting instead on decades of consolidated welfare-state institutional capacity suggesting that formal rights language may be less necessary for realization where institutional capacity is already high, and correspondingly more necessary as a substitute mobilizing device where it is not, as in the Colombian case.

South Korea's centralized National Curriculum currently the 2022 Revised National Curriculum uniformly regulates artistic content nationally but channels specialized arts training into differentiated upper-secondary tracks rather than universal provision (Corea del Sur 2022). Evidence on the implementation of successive Korean curricular reforms documents persistent teacher resistance to centrally mandated change (Kim 2024), illustrating that centralized normative authority the dimension on which Law 2555 also scores highly does not by itself secure the acceptability or adaptability that rights realization requires; both depend additionally on the legitimacy afforded the reform process by the professionals responsible for implementing it.

Read together, the Finnish and South Korean cases suggest that neither strong rights framing nor strong institutional centralization is independently sufficient for realization; each functions as a substitute for, or complement to, the other depending on the historical starting point. Colombia's comparative advantage in explicit rights and post-conflict framing must therefore be read as compensating for, rather than obviating, exactly the institutional capacity and professional legitimacy gaps identified in Section 5.

Applying the transformation lens developed in Section 2.3 to these two cases sharpens the point. Finland's arrangement scores high on institutional permanence decades of consolidated funding and personnel but its rationale was never explicitly reconceived in rights terms; the arts are simply an established part of what a well-functioning welfare state provides, not a claim advanced against a history of exclusion. South Korea's 2022 reform scores comparably high on formal scope, given its national uniformity, but Kim's (2024) findings suggest its rationale remains substantially unchanged at the level of classroom practice, where teachers continue to treat centrally mandated curricular content as an external imposition rather than an internalized shift in purpose. Colombia's profile is close to the inverse of both: transformed rationale and scope, unsettled permanence. No case in this comparison scores uniformly high across all three markers, which is itself evidence that the three-part standard captures independent dimensions of transformation rather than a single underlying trait.

Toward a Transferable Framework: A Nine-Dimension Matrix for Evaluating Cultural-Rights Realization in Education Policy

The contrast between Colombia's textual elaboration and its still-uncertain implementation record, set against the regional and extra-regional cases reviewed in Section 6, permits the formalization of a comparative instrument of wider application. The matrix is not intended to substitute for the situated qualitative analysis any single jurisdiction requires, but to offer researchers and rights advocates a common vocabulary and a replicable coding scheme for

assessing whether a given legal instrument moves cultural-rights recognition toward enforceable entitlement.

Dimensions of the Matrix

Table 2 presents nine dimensions. The first eight formalize variables already developed in the comparative arts-education-policy literature constitutional anchoring, explicit mandatory status, inter-institutional architecture, participatory formulation, teacher training guarantees, evaluation mechanisms, differential territorial and ethnic approach, and the balance between intrinsic and instrumental framing. The ninth dimension, depth of conceptual transformation, is this article's principal analytical addition: whether the instrument marks a genuine shift in rationale, scope, and institutional permanence relative to its predecessors, or instead layers new normative language atop an otherwise unchanged institutional core. Its inclusion follows directly from the theoretical argument of Section 2.3: a right's textual elaboration across the first eight dimensions can be extensive while its ninth-dimension score remains only partial, producing exactly the symbolic-compliance pattern this article has traced through the Colombian case.

Table 2 Nine-dimension matrix for evaluating cultural-rights realization in education policy

Dimension	*Guiding question*	*Colombia (Law 2555)*
Constitutional anchoring	Is the right anchored in a constitutional cultural or educational right?	Yes: Arts. 7, 67, 70-72, Constitution of 1991 (Colombia 1991).
Explicit mandatory status	Is the instrument mandatory and cross-curricular, or advisory only?	Mandatory and cross-curricular (Colombia 2025, Arts. 1, 3).
Inter-institutional architecture	Is there a formal inter-sectoral coordination mechanism for implementation?	SINEFAC: four ministries (Decreto 458 de 2024; Colombia 2025, Art. 5).
Participatory formulation	Is the policy built through participation with a verifiable deadline?	Yes, six-month statutory deadline (Colombia 2025, Art. 4).
Teacher training guarantee	Does the instrument guarantee specialized training and its funding?	Mandated; coverage gaps unresolved (Section 5.2).
Evaluation and monitoring	Are there indicators and follow-up mechanisms?	Envisioned within SINEFAC; still in design.
Differential territorial/ethnic approach	Does the policy explicitly address ethnic, rural, and regional diversity?	Yes, explicit in Arts. 1 and 4.
Intrinsic vs. instrumental orientation	Does the framework protect intrinsic value against instrumentalization?	Declared as “means and end” of integral formation (Section 5.4).
Depth of conceptual transformation	Does the instrument mark a genuine shift in rationale, scope, and institutional permanence, or incremental layering atop unchanged assumptions?	Complete on rationale and scope; contingent on permanence pending the Art. 4 policy process (Section 5.5).

Note. Dimensions 1-8 formalize variables developed in the comparative arts-education-policy literature; dimension 9 (depth of conceptual transformation) is this article's principal analytical addition. Own elaboration.

Application and Limits

To apply the matrix to a new jurisdiction, a researcher should: identify the governing normative instrument or instruments; code each of the nine dimensions on a qualitative 1-5

scale using primary legal sources; and, critically, triangulate the resulting normative profile against independent evidence of implementation -- teacher coverage, executed budget, and, where available, litigation or complaint data bearing on the ninth dimension. As the Colombian case illustrates, high scores on the first eight dimensions do not predict a high score on the ninth; the two must be assessed separately and reported together, not aggregated into a single index that would obscure precisely the gap the matrix is designed to reveal.

The matrix's evidentiary base Colombia, Brazil, Chile, Finland, South Korea, and the UNESCO benchmarks is deliberately limited, and its claims to generalizability should be treated as a working hypothesis rather than a validated finding. Its principal value is heuristic: it supplies a common set of guiding questions, including the conceptual-transformation question this literature has tended to leave implicit, for future comparative work on the legal status of cultural rights in education policy.

Two further limitations should be stated explicitly. First, the depth-of-transformation dimension as coded here relies on textual and documentary analysis of the instrument and its immediate implementing architecture, not on longitudinal outcome data, since Law 2555 had been in force for less than a year at the time of writing; the coding offered in Table 2 should therefore be read as an assessment of transformative potential to be revisited as implementation unfolds, rather than as a settled empirical measurement. Second, the matrix necessarily privileges the kind of formal-legal and documentary indicators that are traceable from public legislative sources; it does not capture informal or customary mechanisms through which indigenous and Afro-descendant communities may already be sustaining cultural transmission outside state institutions, a limitation that mirrors a broader critique of formal-legal approaches to cultural rights in post-colonial and post-conflict settings.

Conclusion

This article set out to determine how far Colombia's Law 2555 of 2025 transforms the legal status of arts education, from a declared but largely ornamental curricular presence toward a substantively realized cultural right. The answer that emerges is genuinely conditional. Measured against the historical pattern of partial transformation traced in Section 3, and against the four-part standard of General Comment No. 13 applied in Section 4, Law 2555 represents the most elaborated act of cultural-rights recognition in Colombian arts education policy to date, and a plausible candidate for the kind of critical juncture that historical institutionalism distinguishes from mere layering. It achieves this transformation completely on the dimensions of rationale and scope; its institutional permanenceand, with it, its accessibility, acceptability, and adaptability remains contingent on a participatory policy process that had not yet concluded at the time of writing.

Three contributions follow. First, the Colombian case demonstrates the analytical value of reading historical institutionalism together with the technical apparatus of international human rights law: normative layering and the CESCR's four-part standard are complementary tools for distinguishing genuine rights transformation from its symbolic approximation, in arts education and, by extension, in other under-specified cultural rights. Second, it demonstrates that the depth of a cultural right's transformation cannot be inferred from the textual elaboration of the instrument that creates it; rationale, scope, and institutional

permanence must be assessed independently, and a legislative act can score highly on some while remaining contingent on others. Third, it offers, in the nine-dimension matrix of Section 7, a replicable instrument through which researchers can extend this disaggregated assessment to arts education policy, and potentially to other cultural rights, beyond the Colombian case.

What Law 2555 achieves without qualification is to place arts education at the center of Colombia's education policy agenda in a manner without precedent in the country's history, and to do so in explicitly rights-based, intercultural, and post-conflict terms. Whether that transformation of rationale and scope matures into a durable, fully realized right will depend on developments the statute itself cannot guarantee: the substantive content of the policy Article 4 mandates, and the resources ultimately allocated to its implementation. Future research should track these developments as they unfold, and should extend the comparative matrix proposed here to jurisdictions beyond the five examined in this article.

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