

PRIVATE ACTORS IN EDUCATION & HUMAN RIGHTS: A PRACTICAL METHODOLOGY TO TACKLE THE NEGATIVE EFFECTS OF PRIVATISATION IN EDUCATION ON THE RIGHT TO EDUCATION

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The right to education guarantees that everyone is entitled to a free quality education, without any discrimination or exclusion

Yet, education systems in many low- and middle- income countries are struggling to meet urgent needs - and governments are failing to meet their obligation to deliver a quality education for all. This is a cause for serious concern among students, parents, teachers, education activists and policy makers and there is widespread agreement on the need for urgent action. Many argue that free public education is a strong weapon in the fight against socio-economic inequalities and that fairer taxation in order to pay for it is key to tackling inequality. Others argue that failings in public education systems can and should be remedied by increased involvement of private actors in education and/or the introduction of privatisation policies in education.

The Rise of Private Actors in Education

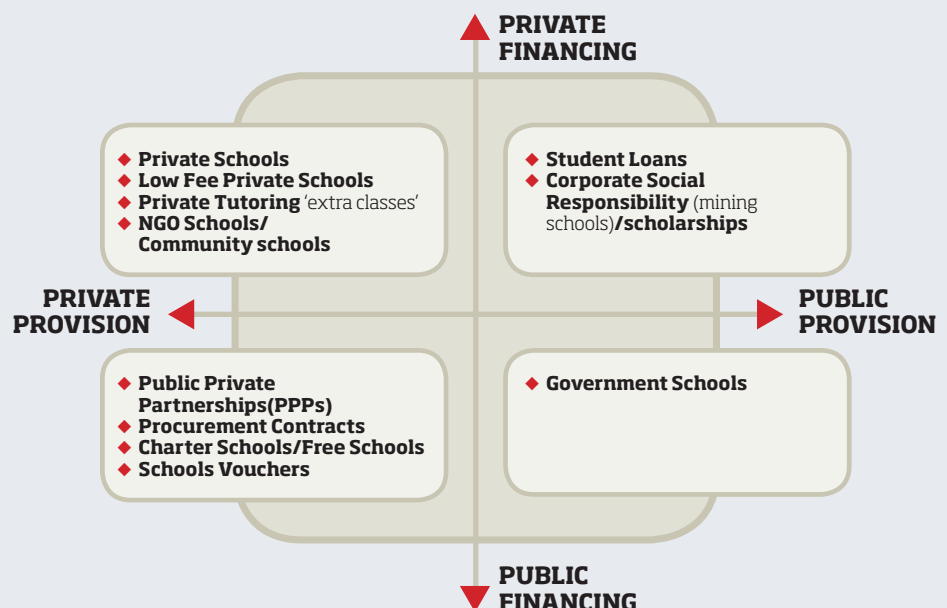
The past two decades have seen an increase in private actors in education at an unprecedented scale. This can be observed in almost all aspects of the education sector from administration to policymaking, and from formal provision to out of school activities such as private tutoring. There has also been a mushrooming of so-called 'low fee' private schools in developing countries. 'Low-fee' schooling is privately provided education run by small and large entrepreneurs. This can be fee-based though not profit making but also fee-based and profit-making.

The role of private actors in education is complex and takes many forms. One way to understand these forms is by classifying education according to financing and provision. The following diagram outlines examples of education privatisation using these classifications. Private sector involvement has the potential to be part of the solution to many education problems, but it is important to understand and respond to its manifestations and impacts, particularly how commercial practices affect the poorest and most marginalised.

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Soon, it may not be an exaggeration to say that privatization is supplanting public education instead of supplementing it.

KISHORE SINGH, UN
SPECIAL RAPPORTEUR ON THE
RIGHT TO EDUCATION, 2014



Equal access to quality education is not only a human right and a legal requirement it is also a key to development and poverty reduction. It can also address many contemporary challenges in society, from corruption to terrorism. Yet, despite years of progress in the realisation of the right to education, this progress is potentially threatened by the marginalisation and segregation that result from unregulated privatisation in education, compounding inequalities in society. As the UN Special Rapporteur on the Right to Education recently stated:

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In many parts of the world inequalities in opportunities for education will be exacerbated by the growth of unregulated private providers of education, with wealth or economic status becoming the most important criterion to access a quality education.

KISHORE SINGH, UN SPECIAL RAPPORTEUR ON THE RIGHT TO EDUCATION, 2014

Privatisation in Education and Human Rights

For these reasons, it is imperative to critically examine the effects of private education, using principles and norms underpinning the right to education and the obligations of States under human rights law to uphold this right. In particular, this work looks at the effect of private education on inequality and discrimination.

For example, the Ghana National Education Campaign Coalition (GNECC) found that privatisation in education increases discrimination against girls in accessing education. Families often

prioritise the education of boys over girls and girls are less likely to be enrolled in private education

In Morocco, the growth of fee-charging, for-profit schools increases discrimination and inequalities in education for disadvantaged children by creating a system that favours the most economically advantaged. The growth in private education has the risk of developing a highly segregated education system and an unstable society.

Using Human Rights Tools and Mechanisms

For the past 18 months, a number of international, national and local organisations have been working together to research and assess the impact of the growth of private education in light of human rights standards. This work, which is led by the Global Initiative on Economic Social and Cultural Rights (GI-ESCR) in Partnership with the Privatisation in Education Research Initiative (PERI) and the Right to Education Project (RTE), has produced an effective methodology, templates and other resources that can be made available to and used by other organisations.

This methodology involves desk and/or field research and preparation and presentation of so-called “parallel reports” (also known as “shadow reports”) to human rights bodies.

The work was conducted initially in Morocco, and then repeated in Ghana, Uganda, Kenya, Brazil, Chile and Nepal. In the UK, the work examines the impact of DFID support to private education in developing countries. In each country, we work with local civil society organisations to produce research and parallel reports to relevant UN or

regional human rights bodies (including the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, and the African Commission on Human and Peoples’ Rights). The related documents provide more detail on this methodology.

The main goals of the work are to research, understand and assess the effects - positive or negative - of the growth of private actors in education at the national level, to mobilise stakeholders around potential issues, and to engage in a dialogue with education authorities, private actors and other stakeholders. In addition, the project aims to develop guidelines, principles and frameworks that stakeholders can use to advocate on the issue.

There is a unique opportunity for civil society to tackle complex issues of privatisation by using this framework and benefitting from the support of organisations who have been implementing this work in their national contexts and internationally.

IMPACT

This work has had real impact in affected countries as well as internationally. We have developed case studies to give examples of the impact at the national level. Some of the key developments are outlined in the following table.

OCTOBER 2014	◆ The UN Committee on the Rights of the Child (CRC) formally asks the Ghanaian Government to explain the growing privatisation in education in the country and the effect it has on the realisation of the right to education for all ◆ In a report to <u>United Nations General Assembly</u>, the Special Rapporteur on Right to Education warned that the global rise and lack of regulation of privatization deepens inequality in education
NOVEMBER 2014	◆ Committee on the Elimination of Discrimination against Women (CEDAW) <u>expressed its concerns</u> "about the trend towards privatisation of education and the priority given to schooling of boys over girls" in Ghana
DECEMBER 2014	◆ Committee on Economic, Social and Cultural Rights (CESCR) <u>raised issues</u> on the impact of privatization in education on the realization of the right to education in Uganda ◆ 70 civil society organisations <u>express condemnation</u> of the African Development Bank and other international organisations' support to privatisation in education
MARCH 2015	◆ CRC <u>questions Chile</u> on its progress on providing free quality basic education and the elimination of fees and selection practices
APRIL 2015	◆ The Committee on Economic Social and Cultural Rights (CESCR) <u>publishes list of issues</u> related to privatisation in education in Morocco around provision, vouchers and inequality
MAY 2015	◆ CRC <u>expresses serious concerns</u> about the increasing commercialization of education in Ghana ◆ Over one hundred national and international organisations across the world release a joint open <u>statement expressing</u> concern about World Bank support to privatisation in education
JUNE 2015	◆ Special Rapporteur on Right to Education submits a report to Human Rights Council on <u>protecting the right to education against commercialisation</u> ◆ CRC and CESCR make <u>ground-breaking statements</u> on privatisation of education in Ghana, Chile and Uganda
JULY 2015	◆ A <u>landmark UN resolution of the United Nations Human Rights Council (HRC)</u> is passed urging States to regulate and monitor private education providers and recognising the potential "wide-ranging impact of the commercialization of education on the enjoyment of the right to education"

Media coverage ►
in Morocco

Expert meeting on ►►
Privatisation and the
Right to Education, Geneva,
June 2014



Getting Involved

If you are interested in undertaking this kind of work where you are, we can offer support on including activities similar to those described in this document in your funding proposal to the Civil Society Education Fund (CSEF) or others, as well as identifying key partners to work with nationally and internationally.

The methodology for this work is very straightforward, even if you have not engaged in reporting to human rights bodies before. There are a number of resources and tools that we can make



This work has deepened GNECC's contact with the Ministry of Education who had to respond to the CRC and CEDAW. They now approach us directly on issues related to privatization in education. We have also started to work with other civil society actors on this issue, particularly teacher unions.

**VERONICA DZEAGU, GHANA NATIONAL
 EDUCATION COALITION CAMPAIGN**

available to you including templates and background materials. You can read more detailed case studies as well as a step-by-step break down of the process in the attached documents.

We have received feedback from a number of our partners that this work has helped raise their profile both at the national and international level, established or strengthened relations with other civil society organisations and education actors, and has benefited other areas of their work.



Our reporting to the CESCR raised our profile with a number of international human rights funders which aided our fundraising for other work.

**SALIMA NAMUSOBYA, INITIATIVE FOR SOCIAL AND
 ECONOMIC RIGHTS (UGANDA)**

FURTHER READING

**REPORT OF THE
 SPECIAL RAPPORTEUR ON
 The Right To Education To
 The Un General Assembly,
 September 2014**

**REPORT OF THE
 SPECIAL RAPPORTEUR ON
 The Right To Education To
 The Human Rights Council
 On Protecting The Right
 To Education Against
 Commercialisation**

**LOW-FEE PRIVATE
 SCHOOLING: what do we
 really know?
 Prachi Srivastava
 responds to The
 Economist, August 2015**

**CRC, CESCR AND CEDAW
 STATEMENTS ON
 PRIVATE EDUCATION
 September 2014
 - June 2015**

**RIGHT TO EDUCATION
 PROJECT WEBSITE**

This is 1 of 3 documents designed to present recent research and advocacy work led by the Global Initiative for Economic Social and Cultural Rights (GIESCR) in partnership with civil society organisations in 7 countries around the world as well as the Privatisation in Education Research Initiative and the Right to Education Project. The work critically examines the effects of privatisation in education using human rights mechanisms. The documents are designed to be an introduction to this work and GIESCR can provide more resources, information and support to anyone wishing to engage in this work.

The other documents are:

- 02 | [How to Use Human Rights Mechanisms](#)
 03 | [Case Studies on Parallel Reporting to Tackle Privatisation in Education](#)

You can find these documents along with methodological resources for working on private actors and the right to education here:
<http://bit.ly/PrivatisationMethodo>



If you would like to get involved or learn more about this project please contact Sylvain Aubry, Research and Advocacy Advisor at the Global Initiative for Economic, Social and Cultural Rights: sylvain@globalinitiative-eser.org