



CRC, CESCR and CEDAW statements on private education September 2014 – June 2015

Synthesis paper - 25 June 2015

The UN Committee on the Rights of the Child ([CRC](#)), the UN Committee on Economic, Social and Cultural Rights ([CESCR](#)), and the UN Committee on the Elimination of all forms of Discrimination Against Women ([CEDAW](#)) have addressed the issue of the role of private actors in education in four States in the last 10 months, including three ground breaking concluding observations (recommendations) in May and June 2015. These add to more than 60 other concluding observations previously issued by these committees on the topic (the full list will be published in 2015).

The concluding observations clearly reflect the trend of the growth of unregulated private providers of education that the Global Initiative for Economic, Social and Cultural Rights and other organisations have been [researching](#). It also demonstrates the growing concerns raised by human rights experts regarding the impact this trend has on the right to education as protected under the three treaties monitored by these committees. As a response, the committees have made four types of recommendations focusing on monitoring, regulating, and addressing the impacts:

- “**Assess** and **address** the consequences of the rapid development of private education in the State party and its impact on the full realization of children’s right to education” (CRC, Ghana)
- “Take **all possible means** to eliminate the disparities that exist between private and public schools” (CESCR, Chile)
- “Strengthen **regulations** and expand **monitoring** and **oversight** mechanisms for private education institutions” (CESCR, Uganda)
- “Ensure that **teachers** from the public sector contribute to the improvement of education [...] rather than being used by the private sector” (CRC, Morocco)

The list of the relevant statements – list of issues (list of written questions sent to States prior to a State review) and concluding observations – made by the CRC, CESCR and CEDAW since September 2014 are listed below, by countries’ alphabetical order.

STATE	BODY AND DOCUMENT	KEY EXTRACTS
Chile	CESCR List of issues, E/C.12/CHL/Q/4, para. 24 (22 Dec. 2014)	Please also provide information on the reform of the education system under way in the State party. Report on any measures adopted to eliminate fee-paying and selective systems that restrict equitable access to education and indicate what concrete steps the State



	http://bit.ly/1LBxJGc	party has taken to reduce the inequality caused by the current education system.
Chile	CESCR Concluding observations E/C.12/CHL/CO/4, para. 30 (19 June 2015) http://bit.ly/1RwbqDx	Sin embargo, le preocupa que la escasez de recursos y la, en ocasiones, baja calidad de la educación pública siga provocando una alta segregación y discriminación por razones socio-económicas , limitando así la movilidad social en el Estado parte (Art. 13). El Comité recomienda al Estado parte que: a) Tome las medidas necesarias para asegurar que la reforma al sistema educativo elimine todos los mecanismos que provocan la discriminación y segregación de los estudiantes debido a su condición económica y social , y entre otros, asegure la implementación efectiva de la Ley de Inclusión que regula la admisión de los y las estudiantes, elimina el financiamiento compartido y prohíbe el lucro de los establecimientos educacionales que reciben aportes del Estado; b) Tome las medidas necesarias para eliminar las agudas disparidades que existen actualmente en la calidad de la educación entre las escuelas privadas, subvencionadas y públicas , asegurando también que todos los centros educativos cuenten con una infraestructura adecuada y personal docente debidamente capacitado;
Chile	CRC List of issues, CRC/C/CHL/Q/4-5, para. 14 (5 March 2015) http://bit.ly/1Lnc6eL	With regard to the current education reform bill, please indicate how the authorities intend to put an end to segregation in the education system and guarantee the right to equality and non-discrimination in terms of access to education and within schools. Please indicate whether there are plans to abandon the voucher system and the student selection process in all public, subsidized and private schools.
Ghana	CRC List of issues CRC/C/GHA/Q/3-5, para. 14 (10 October 2014) http://bit.ly/1TNeorh	14. Please provide detailed information on the reasons behind the increase in private education and the low quality of public education, including lack of teachers and teacher absenteeism, in the State party, limiting access to quality education for children who cannot afford private school tuitions.
Ghana	CRC Concluding observations CRC/C/GHA/CO/3-5, para. 57 – 58 (9 June 2015) http://bit.ly/1RwblzI	The Committee is, however, concerned that the education system continues to face serious challenges, and is particularly concerned about: (f) Private education developing very quickly , without the necessary supervision regarding the conditions of enrolment, the quality of education provided, and the transparency and efficiency in the management of education resources In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party: (h) Assess and address the consequences of the rapid development of private education in the State party and its impact on the full realization of children's



		right to education in accordance with the Convention and ensure the effective and efficient regulation and monitoring of private education providers , through the Private School Desk within the Ghana Education Service
Ghana	CEDAW Concluding Observations, CEDAW/C/GHA/CO/6- 7, para. 32 (7 November 2014) http://bit.ly/1LnbTrY	However, the Committee remains concerned about: (e) The lack of education facilities and of qualified teaching professionals, especially in rural areas, and the trend towards privatisation of education and the priority given to schooling of boys over girls, especially in rural areas.
Morocco	CESCR List of issues, E/C.12/MAR/Q/4, para. 25 (19 March 2015) http://bit.ly/1dgcJce	Please provide information on the establishment of private schools and the impact that privatization would have on the education system, in particular to prevent school dropout, to combat inequalities in access to education and to ensure full application of the principle of compulsory and free primary education for all.
Morocco	CRC Concluding Observations CRC/C/MAR/CO/3-4, paras. 60 – 61 (19 September 2014), http://bit.ly/1fAXKvb	The Committee is however concerned that the education system continues to face serious challenges. The Committee is particularly concerned that: (c) The lack of transparency and efficiency in the management of education resources reportedly leads to the effective use of only two thirds of the resources to improve the education system; (d) Private education is developing very quickly, especially at primary level without the necessary supervision regarding the conditions of enrolment and the quality of education provided , which has led to the reinforcement of inequalities in the enjoyment of the right to education as well as teachers increasingly engaging in private lessons in public schools and giving priority to the work they undertake in private schools; The Committee recommends that the State party: (b) Conduct a proper assessment of the shortcomings of the Emergency Plan 2009-2012 and on the basis of the lessons learned adopt all necessary measures to ensure an effective and efficient utilization and control of the financial resources allocated to the education system; (c) Assess and address the consequences of the rapid development of private education in the State party and ensure that teachers from the public sector contribute to the improvement of education in Morocco rather than being used by the private sector by effectively enforcing Ministerial Circular No. 109 of 3 September 2008;
Uganda	CESCR List of issues E/C.12/UGA/Q/1, para. 32 (22 December 2014)	Please also provide information on the impact the growth of private education in the State party has had on the right to education of girls and children living in poverty. Please also indicate steps taken to improve



	http://bit.ly/1QPVIbs	quality of education and qualifications and skills of teachers.
Uganda	CESCR Concluding observations E/C.12/UGA/CO/1, para. 36 (24 June 2015) http://bit.ly/1BK6Or0	It also expresses concern at the: (c) Widening of the gap in access to quality education resulting from the increase in the provision of private education and disproportionately affecting girls and children of low-income families; Recalling its general comment No. 13 on right to education, the Committee recommends that the State party assumes primary responsibility for the provision of quality education to all children. To this end it should: (b) Allocate sufficient resources to the education sector with a view to improving infrastructure of schools including sanitation, working conditions of teachers, and teaching materials; (c) Strengthen regulations and expand monitoring and oversight mechanisms for private education institutions

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