# Privatisation in Education Advocacy and Research Workshop Report

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## 1. Introduction

Privatisation in education is a growing global trend, particularly in developing countries, however limited attention is paid to its impact on the right to education and specifically the achievement of quality and accessible education for all. A number of organisations and academics are investigating this issue and undertaking research and analysis that is identifying concerns that privatisation in education is creating inequalities in the quality of and access to education, particularly for lower socio-economic and marginalised groups.

Organisations such as the Global Campaign for Education (GCE), the Privatisation in Education Research Initiative (PERI), and regional and national education coalitions have been conducting research and advocacy projects on privatisation, creating a solid body of research and analytical material, identifying this as a key emerging issue across the world, which could have a profound and long-lasting impact on the realization of the right to education in the coming years.

It is against this background that the Global Initiative for Economic Social and Cultural Rights (GI-ESCR) and PERI collaborated to coordinate a two-day meeting in Geneva to facilitate an initial discussion that brought together representatives of national education coalitions, civil society organisations, strategic litigation specialists, human rights experts and academics. The purpose of the workshop was to open space for these actors to reflect on their work, search for areas of commonality and explore whether it is possible to develop a collective approach to research and advocacy in and of privatisation in education and its impact on the right to education.

The intention of the workshop –anticipated to be the first in a series – was to: 1) clarify the meaning of the right to education in the context of privatisation, 2) build capacity on using international human rights mechanisms for local impact, 3) build capacity on using human rights law and indicators for monitoring and reporting on the right to education , 4) discuss potential advocacy plans of action including UN human rights mechanisms for national CSOs, and 5) start a participatory discussion on a set of international human rights standards on privatisation in education.

## 2. Goal and objectives

The ultimate aim of the workshop was to explore how to leverage international human rights mechanisms to address privatisation in education, catalysing a range of stakeholders and advancing the issue within UN human rights mechanisms.

**Specific objectives:**
1. Human rights advocates and other stakeholders within the UN system learn about the potential impacts of privatisation in education on the right to education.
2. Education coalitions and partners gain new knowledge and skills about how human rights and international human rights mechanisms can be used to advance the right to education within the context of privatisation.
3. Education coalitions, organizations and other stakeholders at national through to international levels agree to engage in undertaking collective advocacy to advance the right to education within the context of privatisation using international human rights mechanisms.

**Desired Long-term Impacts:**

1. National civil society organisations, in particular national education coalitions, regularly use international human rights mechanisms as a tool for mobilisation and advocacy, and international human rights mechanisms increasingly address privatisation in education and its impact on the right to education and contribute to the increased enjoyment of the right to education as a result of implementation of international standards at the domestic level.

2. Progressive definition of international human rights standards on privatisation in education and the right to education.
3. Effective implementation of strengthened international and regional norms, as evidenced by decreased violations of the right to education, as a result of implementation at the domestic level.

## 3. Approach and key themes

GI-ESCR and PERI developed an agenda based on themes that would allow for strategic discussions on how participants' independent and collaborative work could support or capitalise on opportunities to advance a critical engagement of education privatisation within human rights mechanisms, strategic litigation, the use of indicators on the right to education, research and advocacy.

Consequently the workshop agenda combined elements of information sharing, strategic discussion and planning.

Given the relatively short period of the workshop, participants provided, in advance, overviews of their organisations/institutions including, where relevant, work on privatisation. Preparatory briefing documents were kept to a minimum; a link to these items appears in Appendix A.

The following themes and issues were covered over the two days:

**Day One**
- Mapping participants' work on privatisation in different countries, highlighting achievements and challenges
- Training on UN human rights mechanisms
- Reflections on using strategic litigation to address privatisation in education

**Day Two**
- Training and discussion on research methodologies and indicators to monitor privatisation in education
- Development of an overarching plan of action to carry out international human rights advocacy work

The full workshop agenda appears in Appendix B.

## 4. Day One

### 4.1 Welcome and opening remarks

Mr. Hugh McLean (OSF) thanked all participants for joining the meeting, and for agreeing to work together with GI-ESCR and PERI on this important and timely workshop.

Mr. Ian MacPherson (OSF) outlined the objectives of the meeting, highlighting its purpose was to reflect on the increased traction of the neoliberal agenda in education policies around the world and the social justice implications of this trend. In addition, it was anticipated that the meeting would help identify new angles for analysing education privatisation, and discuss potential strategies for addressing them including how to make use of human rights norms and mechanisms and to develop a coherent approach to human rights advocacy at both national and international levels. By the end of the workshop, it was expected that all participants would have a sense of the UN human rights mechanisms; and where they may be applied within the context of privatisation of education. It was hoped that this would result in greater clarity and collaboration in undertaking research and advocacy around privatisation at both national and international levels.

## 4.2 Experience sharing from participants

Participants provided brief inputs on activities they have engaged in to coordinate research and advocacy on privatisation. The aim of the session was to provide an assessment of the national and regional contexts, share experience with other participants and begin to identify needs, gaps, and opportunities for future advocacy.

**Inputs from International, Regional and National Education Coalitions**

The workshop was attended by Global Campaign for Education (GCE) representatives as well as staff from national education coalitions and representatives from various regional agencies. These membership bodies and national-regional foundations are made up of civil society organisations and individuals working towards promoting quality education for all. The participation of these organisations and their advocacy activities and efforts to hold governments and donors accountable for their commitment to ensuring quality education for all is essential to address the social justice issues at the heart of the privatisation debate.

Brazilian Campaign on the Right to Education (BCRE) – Iracema Nascimento

The battle between private and public interests has always been at the heart of the BCRE's advocacy work in Brazil. BRCE is focusing mainly on a specific variation of privatisation happening in Brazil; the adoption by municipalities of standardized private education management systems sold to public schools.

BCRE has been campaigning around the creation of the new National Education Plan (NEP). On June 3rd 2014, the bill was finally approved with the main demand of BCRE: 10% of GDP for education. However, modifications made to the original text in the national plan in the senate means that this money is not reserved solely for public education. This means that 8% of GDP will go for the public sector (currently Brazil invests around 5% of GDP into public education general budget), with 2% being put towards public-private partnerships (PPPs).

The theme of privatisation recently became a core focus of BCRE's strategy. Key challenges for researching the private sector in Brazil include the lack of transparency of private sector actors, the rapid expansion of PPP's and the political weight and media influence that these organizations hold.

The Ghana National Education Campaign Coalition (GNECC) - Leslie Tettey

GNECC has largely focused on attaining quality and free compulsory universal basic education for all (EFA) in Ghana. Marketization in education is relatively new within the Ghanaian context however GNECC has recently commenced campaigning around this issue and plans to engage in additional advocacy efforts in 2015. Recent policy announcements herald renewed growth within the private sector, which is viewed by the general public to provide more efficient schooling linked to better learning outcomes. Hence there is an overwhelming need to increase awareness of private sector actors amongst civil society and within the general public surrounding the risks these actors pose to quality, demand and access to public education, with the private sector lobby heavily influential in the expansion of Low Fee Private Schools.

As in the case of Brazil the pro privatisation movement is trying to engage the Ghanaian coalition to legitimise their agenda, focused on the core messaging that the expansion of the private sector provides quality educational options to families that historically have been denied access to good schools. Thus, proponents argue that expanding school choice could reduce disparities in access.

Africa Network Campaign on Education for All (ANCEFA) - Marise Sagna

The main focus of ANCEFA has been civil society monitoring education budgets at the national level, with an additional focus on tax justice and exploring alternative ways for governments to generate domestic funds for education. In relation to issues around education financing and privatisation, ANCEFA focuses on mobilising CSO

participation in international debates where concrete contributions drawn from research anchored on Right to education and social justice are shared. In addition ANCEFA advocates on how governments should ensure that education spending is equitable, reflects national priorities and is delivered in accordance with international norms. In this regard ANCEFA builds capacity and encourages National Education Coalitions (NEC) to continue to undertake budget analysis, monitoring and advocacy as well as address concerns regarding abuse of resources through corruption and other mal-practices such as inadequate infrastructure and insufficient access to learning materials. Some challenges to tackling the issue of education privatisation within the African context include limited research and evidence on the scale and scope of privatisation, a lack of capacity and resources within the NECs to undertake research and lack of a common language to discuss different forms of privatisation across the diverse geographical region.

Asia South Pacific Association for Basic and Adult Education (ASPBAE) - Cecilia Soriano

ASPBAE's current work on education privatisation involves building capacities of education coalitions in gathering evidence on the impact of Public-Private Partnerships (PPPs) and education privatisation on the right to education. From this research, it is hoped that coalitions will be able to launch critical campaigns and engage their governments and the key education stakeholders around PPPs and education privatisation and its impact on marginalized sectors' access to quality education. Importantly, ASPBAE's current intervention is within the larger context of education financing and education rights advocacy. Current challenges in engaging with the privatisation issue include the fact that a number of coalition partners consider privatisation as a way of democratising education and breaking the monopoly of the state and the widespread failure of the public education system within some countries. In addition many of coalitions are advocating for lifelong learning opportunities provided by NGOs, private providers and missionaries so part of ASPBAE's advocacy is for the state to support these programs.

Arab Campaign for Education for All (ACEA) - Refaat Sabbah

ACEA seeks to raise awareness on privatisation and the potential of private actors in education to undermine the role of the state. In contrast to a number of the other regional coalitions positions ACEA and its coalition members have previously engaged in advocacy around privatisation and how this trend provides choice to parents, makes schools more responsive, produces efficiencies and even better-quality education. In contrast to the critical positions of the other national coalitions represented at the workshop, ACEA's stance on privatisation is indicative of the complex education landscape within the region which has seen the rise of a myriad of private education actors as a result of its colonial past, state failure and conflict and the direct transfer of Western systems of education delivery both on the part of regional governments and led by international donors.

The Latin-American Campaign for the Right to Education (CLADE) -Tatiana Lotierzo

CLADE has dedicated increasing attention to privatisation of education over the last two year, with a focus on research, driving public debates and dialogues to strengthen capacities of civil society organisation in public policy advocacy, as well as strategic litigation. CLADE seeks to raise awareness around the issue of education privatisation, addressing the actors engaged, the power dynamics and the impact on the realization of the right to education. Core challenges to advancing this aim include a lack of research and evidence linking violations of the right to education to privatisation, the diversity of education models within the region – for example Haiti and Chile (highly privatised) and Bolivia (strong public education system) – and how to tailor advocacy objectives and communications outputs to address this regional diversity in light of existing resource constraints.

<u>The Global Campaign for Education (GCE) - Anjela Taneja</u>

GCE has recently been working with its members to better understand current dynamics relating to public and private education, in particular how these may threaten equity and the realisation of quality education for all. GCE held two workshops, in collaboration with Open Society Foundations, Education International  and regional partners (ASPBAE in Asia and ANCEFA and ACEA in Africa and the Middle East) to explore these issues and build capacity for research and advocacy on this topic. GCE is currently working on an advocacy report and toolkit, which draw on member experience and inputs, to support coalitions in challenging those aspects of privatisation that threaten to undermine the achievement of the right to education. Challenges facing GCE include the organisational structure of GCE and its in-ability to both support national work (taking into account differences of opinion, ideology and context) and influence global processes. There is also a general lack of funding for advocacy and dissemination of materials that challenge privatisation, particularly as many of international donors have interests within the private sector. It can also be difficult to access the right spaces for intelligence gathering as the discussions between private actors take place in different, often closed fora.

**Input from Strategic Litigation participants**

In the most general sense strategic litigation is litigation with a particular purpose: to advance an agenda broader than one specific case, usually aimed at effecting systemic change, either by setting legal precedents or by drawing attention to the case as a method of highlighting the perceived injustices. Strategic litigation as a mechanism to bring about social change has both advantages and disadvantages. It can be seen as a key tool in changing the law by setting important legal precedents and hence lead to significant systemic changes. In addition, the secondary effects of strategic litigation, such as heightened media coverage and placing an issue in the public forum, can be significant, even if the case itself fails. However, litigation can be costly and place a huge strain on resources and an unsuccessful case may generate negative publicity that may be damagingly channelled towards the organisation or applicant(s) personally. It was emphasised that civil society organisations should consider strategic litigation as part of a broader campaign which may involve political lobbying and use of the media to increase public awareness around a particular issue, wider campaign methods are particularly important to apply pressure in systems where getting a judgement may not necessarily mean it is complied with.

<u>Global Initiative for Economic, Social and Cultural Rights – Bret Thiele</u>

GI-ESCR has used strategic litigation to shape international human rights norms and effect systemic change (shaping existing bureaucratic structures).  GI-ESCR's most recent work has focused on women's' right to land, states' extraterritorial obligations, and the rights to water and sanitation through conducting research, advocacy and strategic litigation. A key lesson from this experience is that regardless of the outcome of a case in the courts, it is vital to engage with your constituency (desired audience) via social mobilisation and social movements to apply political pressure to bring about societal change.

<u>Section 27 – Nikki Stein</u>

Section 27 has used litigation against the National Department of Basic Education in South Africa on inadequate and unsafe school infrastructure, including school sanitation and school buildings damaged during heavy storms, and the Limpopo Department of Education on non-delivery of textbooks to schools in the Province in 2012 and 2014. Section 27 is also undertaking work to address the interconnectedness of public and private healthcare services in South Africa, and participating in ongoing policy processes that will have an impact on the equality and accessibility of the overall health system. Social mobilisation is a huge part of getting people to recognise that their rights are being violated, with community buy-in critically important. One of the biggest challenges is the urgent nature of Section

27's work, such that often there isn't time to engage in social mobilisation beforehand thus strategic litigation is sometimes used as a catalyst to foster social mobilisation.

Equal Education Law Centre (EELC) – Dmitri Holtzman

Since its inception EELC has used litigation and legal advocacy to address a range of issues relating to, among others, access to schooling, prevention of discrimination, school safety and poor performance. One focus area over the past year has been aimed at developing a general legal strategy to address the issue of 'underperforming schools.' The aim of this strategy is to create, through strategic litigation and legal advocacy, a basis for greater state accountability in the way it intervenes and supports improvement at these state schools.

Privatisation of education has become a matter of interest most significantly in relation to the demand for increased privatisation of schooling in response to the state's failure to improve the quality of education accessed by the majority of learners. EELC views this as a dangerous trajectory with a worrying potential to undermine public education in the long run.

Ação Educativa – Salomao Ximenes

Ação Educativa works to strengthen democratic participation in the management of public education and ensure transparency in decision-making and funding processes. With the support of PERI, Ação Educativa is carrying out research on the commodification of basic education in Brazil, through the insertion of private management systems in public schools and the consequences on the realization of the right to education. Ação Educativa has experience at local, national and regional level (via the Inter-American Court of Human Rights) to litigate around the right to education and aims to link this experience with issues of education privatisation in the future. For example in 2011 the organisation co-authored a report presented to the Inter American Human Rights Commission on education and gender inequalities in Brazil within the framework of its non-sexist and anti-discrimination education campaign.

**Input from other civil society organisations**

Privatisation in Education Research Initiative (PERI) - Ian MacPherson

The Privatisation in Education Research Initiative (PERI) is a global research and networking initiative seeking to animate an accessible and informed public debate on alternative education provision. In particular, it examines the social justice implications of changes in the coordination, financing and governance of education services. Since 2011 PERI has convened numerous regional conferences, roundtables, and civil society workshops on privatisation in education. The initiative has supported 32 pieces of research in Africa, South Asia, South East Asia, Latin America and the Middle East and North Africa region.

PERI is looking to work with regional education coalitions and core partners to initiate further research within this field, to support human rights advocacy around government accountability at both a national and international level through strategic litigation and civic activism.

Right to Education Project (RTE) – Delphine Dorsi

RTE began carrying out research on the privatisation of education since 2012. RTE's work has largely focused on increasing awareness of this issue from the human rights perspective as well as developing and operationalising a comprehensive set of indicators based on international human rights law. RTE research has identified a number of violations including the principle of non-discrimination and selection bias in relation to already marginalised groups.

Education International (EI) – Mireille deKoning

Education International (EI) privatisation work has focused on the important role that teacher unions have to play in identifying privatisation trends and tendencies in their national and local contexts and to inform the profession, policy makers and parents of its effects on student access to and participation in education.

Research undertaken by EI members has identified the detrimental effects of privatisation for teachers' working conditions and identities, including the flexibilisation of labour and undermining of collective bargaining rights. Many of these trends are exemplified within low-fee private schools operating with inexperienced, unqualified and poorly paid teachers thereby limiting the quality of learning and a continued de-professionalisation of the teaching profession. EI believes it is vital for teachers and unions to formulate alternative models based on rigorous evidence to illustrate how and why a quality public education system is the only way of effectively and sustainably reducing inequalities.

*Participants were then introduced to the political and economic circumstances which facilitate the adoption of privatisation policies and the conditions that favour their advancement. This introduction specifically addressed the different reasons why countries adopt privatisation policies, the role of international actors in promoting them, and how local actors respond to these types of reforms.*

## 4.3 Presentation: Privatisation of education: Global Trends, Multiple Manifestations and Common Concerns

Mr. Toni Verger from the centre for Globalisation, Education and Social Policies (GEPS) at the Autonomous University of Barcelona, Spain presented a summary of past and current national and international advocacy efforts against privatisation. The presentation addressed the different forms of education privatisation, describing the global nature of privatisation and outlining the scope and scale of the actors involved in driving the privatisation agenda (international donors, multinational corporations and individual entrepreneurs). It sought to debunk key underlying assumptions behind private education including improved quality, access for out of school children and increased effectiveness, as well as highlight some of the impacts on the right to education.

A link to this presentation appears in Appendix A.

*Following the participant inputs, a series of questions were addressed through a group brainstorming session that aimed to identify common challenges and objectives.*

## 4.4 Mapping Privatisation of education: Focus, Key Objectives and Challenges

Participants were asked to address the following set of questions to begin to develop a collective approach to research and advocacy in and of privatisation in education and its impact on the right to education: *What form of privatisation do we want to focus on? What are the central changes that we are seeking to bring about, who are we seeking to influence and how? What are some challenges we may encounter?*

Key responses included:

-Participants stressed the importance of ensuring that the right to education was justiciable, and was effectively safeguarded as a public good.

-Given the complexity of the privatisation issue and different spaces and roles occupied by private actors within and across countries, it was agreed that any common advocacy messages must focus on failure of the state to fulfil its obligation to provide free quality education services.

-Advocacy messages should also address the assumption that private education provides better quality education than public, making use of examples where experiments with the private sector have been unsuccessful i.e. Sweden and Chile. This will create space for informed and objective debate around education policies at a national level.

- A core challenge identified was the marketization of education and associated pronouncements against education as a public good. Advocacy would need to problematize public funds going to private schools, with core messages focused on the state's obligation to provide quality public education.

- A central aim should be to address issues of governance, transparency and accountability within private schools. Most important should be to prioritise the involvement of teachers, parents and the broader community in creating spaces for collective dialogue at a school level.

- Discussions also highlighted an emerging stream of international law focusing specifically on extra territorial obligations of states, which seeks to clarify the human rights obligations of states beyond their own borders, especially their obligation to avoid causing harm and to protect human rights extraterritorially. Whilst to date these have largely focused on rights to food, water and sanitation such measures could prove significant when considering the operations of large private education providers such as Pearson's and the promotion of private education by international donors.

-There was consensus that increased regulation and monitoring of the private sector would not address the underlying deficiencies within public education systems which are leading parents to look elsewhere – i.e. to private and non-state provision – to educate their children. Strengthening and improving public education systems is essential to stem demand for private sector education.

**Summary of the core advocacy challenges**

1. Elusiveness of the private sector, lack of information around what private actors are doing
2. Lobbying and co-opting of civil society by the private sector to legitimise their own agendas
3. Any communications highlighting deficiencies within public education systems could push parents further towards private education providers thereby legitimising the private sector itself
4. Constitutional frameworks allowing space for private sector
5. Building the case for public schools can be difficult, in particular when the quality of public schools is poor
6. Lack of awareness, lack of data, lack of common language and terminology
7. Concern that civil society actors are often tied up in these processes themselves, hence any advocacy around this issue could lead to accusations of co-option and hypocrisy
8. Limited technical capacity of civil society organisations to undertake research
9. Lack of access to spaces for information about private actors operating (transparency)
10. Diversity of private actors operating across the regions, the significant gaps in the evidence and that available research is rarely generalisable in itself
11. Political opposition and corruption within government, this could make any advocacy around this issue hard to disseminate at both a local and national level
12. Given the nature of the argument it may be difficult to mobilise funds for this sort of advocacy from international donors who may be linked to the privatisation movement
13. Strong public support for private schools
14. Depth of conviction which exists within some sectors around privatisation as a legitimate opportunity for social transformation and have to provide a counter narrative in a positive manner
15. Need for global, citizen and civil society momentum behind the issue

*The theme of the workshop then shifted to introduce some of the opportunities presented with the UN human rights system to achieve the objectives raised within the previous session and how these mechanisms could also be used to mitigate some of the advocacy challenges raised within the discussions.*

## 4.5 UN human rights mechanisms

Ms. Lucy McKernan from GI-ESCR presented on the UN human rights mechanisms. She emphasized the potential to create new human rights standards or to strengthen existing standards; publicize a specific human rights theme or situation; build relationships with other governmental and non-governmental actors; and influence governments and inter-governmental bodies both directly and indirectly.

A link to this presentation and associated briefing document on *International Human Rights Mechanisms* appears in [Appendix A.](#)

The major mechanisms for reporting human rights violations include:

### Human Rights Council (HRC)

Comprised of 47 UN member states elected by the United Nations General Assembly (UNGA), the Human Rights Council (HRC) is an inter-governmental body within the UN system responsible for strengthening the promotion and protection of human rights worldwide. The Council was created by the UNGA in 2006 and has the mandate to debate all thematic human rights issues and situations that require its attention and make recommendations to the global human rights bodies as well as national states on them.

As the Council is comprised of state delegations the HRC is an effective way of influencing the international standards on the right to education and raising awareness amongst states and UN agencies. Potential opportunities for advocacy include delivering oral statements whilst the Council is in session and lobbying individual states to influence the content of the resolutions presented before the Council.

### Special Procedures

Special Rapporteurs are part of the UN special procedures processes. As independent experts they hold country specific or thematic mandates. Special Rapporteurs may undertake country visits, issue public statements and submit annual reports to the UN General Assembly on specific areas of concern within their mandates. Recent reports by the Special Rapporteur for the Right to Education have covered education financing, Technical and Vocational Education and Training (TVET) and the Post-2015 Education Agenda.

Due to resource and time constraints Special Rapporteurs rely heavily on NGOs and CSOs to provide them with timely information regarding violations within their area of concern. This is an important for avenue for awareness raising as statements and reports by the rapporteurs can be persuasive in engaging governments and encouraging domestic actors to speak out against violations.

### Universal Periodic Review (UPR) Process

Arguably one of the most credible and effective human rights mechanisms with growing evidence of implementation by states, the UPR process relies heavily on NGOs to provide substantive information about human rights situations. NGOs have the opportunity to both submit a written report and make an oral statement to the HRC regarding issues of concern. UPR reports and outputs also provide a credible and persuasive basis to raise awareness and lobby the state at national level.

**UN Treaty Bodies and Committees**

The ten UN treaty bodies constitute a fundamental pillar of the international human rights protection system. UN treaty bodies are made up of independent experts and oversee the implementation of a treaty, each Committee engages in a periodic review of all States party to the treaty as well as in issuing General Comments (alternatively called General Recommendations) on thematic and procedural issues relevant to each treaty. For example the UN Committee on the Rights of the Child (CRC) monitors states' implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000). Given financial and human resource constraints UN treaty bodies rely heavily on civil society to provide them up to date and timely information on human rights situations on the ground. CSOs should consider that their engagement with the treaty bodies in a constructive and non-adversarial manner is most likely to yield tangible results.

A key way civil society can engage with treaty bodies is through the Parallel Reporting process. Periodically, countries have to report to the various treaty bodies regarding the implementation of their treaty obligations when these have been signed or ratified. Civil society also has the ability to provide input, both in writing and in oral statements, to the treaty bodies. Written reports are the most common means and are referred to as Parallel Reports or Shadow Reports. These reports can provide both facts and legal analysis to the treaty bodies and are essential for these international mechanisms to get the full picture of human rights on the ground. At the end of the process the treaty bodies issues their findings, known as Concluding Observations, which can be of a general nature, such as to devote more resources to primary education, or quite specific, such as the need to amend a particular law.

Civil society organisations should consider Concluding Observations and strong recommendations issued by treaty bodies as fundamental advocacy opportunities for naming and shaming governments. CSOs can monitor the efforts of governments to implement the concluding observations and increase the visibility of the work of the treaty bodies at a national level through a variety of ways such as issuing press releases to accompany the submission of reports.

*A concrete example of the impact that CSOs can exert within the UN human rights system was provided by the Moroccan Coalition on Education for All, described in the next section.*

## 4.6 Practical applications applying the UN human rights mechanisms to Morocco: A Case Study

Two representatives from the Moroccan Coalition on Education for All shared their experience in producing a Parallel Report presented to the UN Committee on the Rights of the Child (CRC). The report compiled existing research on the impact of the growth of private education in Morocco, drawing attention to the structural inequalities inherent within private education provision with services targeted at wealthy urban households, thus not improving access for the majority of the population who do not have the financial means to pay for schooling. The recommendations outlined in their initial report were successfully reflected in the list of issues to be addressed by Morocco within its UPR later this year. The report also provided a useful basis to promote national advocacy around education privatisation and increased awareness amongst Geneva-based institutional and civil society stakeholders. In addition, despite resource constraints the processes of producing the report has reinforced the capacity and enthusiasm of national coalition members and strengthened media relations and understanding of UN human rights mechanisms within the coalition as a whole.

A link to this presentation appears in [Appendix A](#).

## 5. Group work on the opportunity to use UN human rights mechanisms

Prior to closing at the end of day one, participants were divided five into groups to discuss the following questions:

*Question 1.Thinking about the overarching goal agreed on in the morning, what are the main results that we want to achieve from engagement with international human rights mechanisms?*

*Question 2.Thinking about the results we want to achieve, what are the main opportunities for engaging with international human rights mechanisms over the coming 2 years?*

*Question 3.Thinking about the main opportunities for advocacy that you have identified, what information, networks, resources, etc. do you already have that would be helpful to you in taking advantage of those opportunities? How would this work coordinate with existing initiatives?*

*Question 4.List the activities that you'd suggest to undertake in order to engage in work with the UN human rights treaty bodies and the UPR over the coming years:*
*-                   How many countries to focus on?*
*-                   Which countries would you focus on?*
*-                   What are the activities you'd suggest to undertake?*
*Please take note of the challenges you think this plan may encounter.*

*Question 5.Are there other key advocacy opportunities of advocacy to consider in Parallel to the advocacy with UN human rights bodies, e.g. with the World Bank, the UNESCO, the IMF, regional human rights bodies, etc.? How may this coordinate with UN human rights work?*

*Question 6.What is the timeframe for the action?  Are there any deadlines or reporting periods to note?*

Feedback from the group work was presented the following day.

## 6. Day two

### 6.1 Group work on the opportunity to use UN human rights mechanisms

Following a brief recap of day one, the groups reported back on their discussions from the previous session's group work activity:

| Questions to Discuss | Consensus Answers developed during group discussion |
|---|---|
| **Question 1.**<br><br>**Thinking about the overarching goal agreed on in the morning, what are the main results that we want to achieve from engagement with international human rights mechanisms?** | - Overall goal is to raise public awareness and educate people on privatisation<br><br>- Strengthening public schools and making sure there is a viable to private schooling<br><br>- Use indicators to debunk the myths around private education<br><br>- Replicate the Moroccan coalition's work though the submission of Parallel Reports<br><br>- Focus on the issue of discrimination and women's rights<br><br>- Influence guidelines on state reporting to include questions related to privatisation (in education)<br><br>- Start by working at country level in order to build norms and standards<br><br>- Building an alternative discourse/vision of education in which private education would not fit well; building on the idea of education as a common good, built on a principle of equity. What does a good education system look like? Need to do both denouncing issues and building an alternative discourse. Build on Finland's example, where equity is at the core and best system in the world |
| **Question 2.**<br><br>**Thinking about the results we want to achieve, what are the main opportunities for engaging with international human rights mechanisms over the coming 2 years?** | - Focus on bodies that have said something on Extra Territorial Obligations (ETO's) including the CRC and Committee on Economic, Social and Cultural Rights (CESCR).<br><br>- Build on previous work on ETOs related to natural resources and food security, and expand these to address the actions of multi-national educational providers such as Pearson's specifically around the areas of governance and accountability.<br><br>- Committee on the Elimination of Discrimination Against Women (CEDAW), because of discrimination issues<br><br>- Committee on Migrant Workers (CMW), to address privatisation effect on migrants. Also potentially raising the issue of Internally Displaced Person's (IDPs) depending on the country context.<br><br>- UPR, for countries scheduled to be reviewed within the next cycle. Attempt to get States to acknowledge the issue of education privatisation; this would go hand in hand with the submission of Parallel Reports and national advocacy efforts.<br><br>- Potential to explore existing International Labour Organisations (ILO) mechanisms specifically conventions 169 and 182 related to vocational training, teachers, child labour and indigenous peoples' right to education.<br><br>- Invite the UN Special Rapporteur to undertake country visits and encourage him to |

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|---|---|
| | make public statements when presenting his annual report to the UNGA. |
| | - Investigate opportunities to use existing trade practice laws and false advertising, demystifying the claims that private providers are making. Using advertising standards authority at national level. |
| **Question 3. Thinking about the main opportunities for advocacy that you have identified, what information, networks, resources, etc. do you already have that would be helpful to you in taking advantage of those opportunities? How would this work coordinate with existing initiatives?** | - GCE confirmed a number of the national education coalitions already have access to a lot of information/evidence and are active around the privatisation issue however there is an urgent need to identify the gaps in this research.<br><br>- Need to develop indicators that can allow for comparisons between private and public education.<br><br>- Build evidence and discourse around existing effective systems, including what is the role of the teachers, parents etc. Need to develop an alternative paradigm to present within advocacy messaging.<br><br>- ANCEFA and Tax Justice Network have an existing project funded by IBIS on education financing gaps in Sierra Leone and Zambia in 2013.<br><br>- Coalitions active within the Post 2015 debate are already engaged in discussions around issues of education financing, which could be linked to privatisation. |
| **Question 4. List the activities that you'd suggest to undertake in order to engage in work with the UN human rights treaty bodies and the UPR over the coming years:**<br><br>- **How many countries to focus on?**<br><br>- **Which countries would you focus on?**<br><br>- **What are the activities you'd suggest to undertake?**<br><br>**Please take note of the challenges you think this plan may encounter.** | - Look at existing research so as to identify the gaps.<br><br>Specific groups and focus areas:<br><br>• Brazil and Chile (important, using the recent reforms to show progress through the Parallel Report, and encourage the country)<br>• Ghana, Uganda, Senegal<br>• UK, as home of Pearson's and DFID (linked to Extra Territorial Obligations)<br>• Morocco (Committee on Economic, Social and Cultural Rights)<br>• Kenya, Pakistan (where coalitions have strongest capacity and research is available)<br>• Sweden<br>• Lebanon (during its upcoming Universal Periodic Review)<br>• Sudan (several, very strong coalitions)<br><br>Suggested activities to undertake:<br><br>- Talk to people at the national level.<br><br>- Link to other human rights issues where privatisation has an impact: water, health.<br><br>- Try to mainstream privatisation issues where they can come up; e.g. toilets in schools and girls' rights. |

| Question 5. Are there other key advocacy opportunities of advocacy to consider in parallel to the advocacy with UN human rights bodies, e.g. with the World Bank, the UNESCO, the IMF, regional human rights bodies, etc.? How may this coordinate with UN human rights work? | - Engage with international funders and regional entities such as the World Bank, African Union and Organisation of American States.<br><br>- NGOs already active on the privatisation issue including Save the Children.<br><br>- UN Agencies with education in their mandate including UNESCO and UNICEF.<br><br>- Trying to influence big development agencies, E.g. Save the Children, DFID, USAID, Asian Development Bank.<br><br>- Build alliances with coalitions involved in post 2015 and EFA processes and advocacy within the context of the Collective Consultation of NGOs.<br><br>- Engage in discussions with Global Partnership for Education, with the aim to get it to be more outspoken about privatisation issues.<br><br>- Collaborate further with organisations around the table sharing information, collecting evidence, advocacy materials and sharing best practice. |
|---|---|
| Question 6.<br><br>What is the timeframe for the action? Are there any deadlines or reporting periods to note? | - Largely dictated by the schedules of the human rights bodies, available online.<br><br>- Already know the Special Rapporteur annual reporting deadline, it is essential to send him strong materials and case studies well in advance and if possible to organise a meeting with some of his writing team.<br><br>- Submit combined statements from regional coalitions on privatisation issue, this will give greater weight to submissions.<br><br>- Explore possible Education International, Open Society Foundations, Global Campaign for Education engagement for an event at the UNGA in the lead up to when the Special Rapporteur presents his report. |

*The next session sought to familiarise participants with the Parallel Reporting process further and commence participatory discussions on a set of international human rights standards on privatisation in education.*


## 6.2 Introduction to Parallel Reports and discussion of the implications for research

Mr. Bret Thiele from GI-ESCR presented a brief outline of the Parallel Reporting system and how the reports can feed directly into recommendations and observations from UN treaty bodies. Largely factual in structure, committee members look to Parallel Reports to provide concrete evidence of violations taking place on the ground, often favouring the use of direct testimony, quantitative data and concise direct messaging. This has implications for research undertaken in preparation for submission of a Parallel Report. A key note for civil society organisations is that the individual treaty bodies may differ in terms of structure and length of Parallel Reports so it is vital to consult the submission criteria available on the treaty bodies' website.

Once a Parallel Report is produced, the tangible opportunities for advocacy come to light. It is essential to make use of the Concluding observations/recommendations contained within reports to engage both the committee members themselves (ideally through in-person briefings) and also national and international media outlets. Many committees have NGO liaison officers based in Geneva with whom it is vital to build a working relationship; it is also worthwhile

to consider producing a brief summary document which can illustrate the issue to a variety of audiences in an accessible way, ending with key statements by the Special Rapporteur.

## 6.3 Presentation and introduction to using indicators for measuring the impact of privatisation on the right to education

In order to promote mobilisation and accountability on the right to education and to ensure effective mechanisms by which to measure state compliance, both the Right to Education Project (RTE) and RESULTS Educational Fund have focused on developing and operationalising a comprehensive set of indicators based on international human rights law. These indicators are intended to serve as a tool to evaluate progress towards the full realisation of the right to education and to enable civil society to generate evidence to support advocacy initiatives. Over 200 indicators have been initially developed by RTE. This list is currently in the process of being reviewed and reduced by RESULTS Educational Fund who are currently developing an online monitoring guide which will provide step-by-step guidance for civil society to monitor the right to education. The guide includes an indicators selection tool with a specific filter on private education.

A link to this presentation appears in [Appendix A.](#)

Mr. Toni Verger and Mr. Tony Baker presented participants with five research themes focused on assessing the impact of privatisation on national education systems including: (1) structural discrimination: (2) motives for privatisation and parental freedom to choose public education; (3) impact of privatisation on the nature of education as a public good; (4) norms in private schools and State regulation and (5) process and participation. These over-arching themes encompassed the essential characteristics, which according to law, must be exhibited in all forms of education provision, commonly referred to as the 4As:

- Availability - that education is free and available to all and that there is adequate infrastructure and trained teachers able to support education delivery
- Accessibility – that the education system is non-discriminatory and accessible to all and that positive steps are taken to include the most marginalised
- Acceptability – that the content of education is relevant, non-discriminatory, culturally appropriate, and of good quality; that the school itself is safe and teachers are professional
- Adaptability - that education can evolve with the changing needs of society and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts.

This session took the format of an interactive group work exercise intended to introduce participants to the current list of indicators relating to privatisation in education and allow them to assess the practical applications of operationalising these indicators within their national contexts. When considering the use of indicators participants were asked to take into account potential resource constraints, availability and accessibility of data sources at both national and international level.

The overall consensus amongst participants was that the proposed indicators will provide comparative quantitative information that can demonstrate trends in privatisation and be used to directly feed into Parallel Reports and support national-level advocacy campaigns taken up by education coalitions and advocates. However a number of concerns were raised regarding gaps within the proposed indicators and the capacity of civil society organisations to effectively collect and collate the data necessary to answer the research questions posed. It was also stressed that existing international data bases including UNESCO's Education for All Development Index, OECD measurements including PISA and TALIS and the UN Human Development Index could provide some of this data.

In light of the list of additional indicators provided RTE and RESULTS Educational Fund, in consultation with research specialists and civil society members, will continue to work on finalising the list of indicators and regularly inform participants of its development status and future operationalization.

Individual group feedback is presented in Appendix D, with suggested additional indicators in red.

*Having gained an insight into the Parallel Reporting process, the experience of the Moroccan Coalition and the research implications of the proposed list of indicators, participants were presented with the opportunity to input directly into an upcoming written submission to the Committee on the Elimination of Discrimination against Women (CEDAW). Similar to the Parallel Report a written submission provides civil society actors with an opportunity to influence the substantive work of the committees either through providing input into the need for, or on the content of, a General Recommendation or Comment.*

## 6.4 United Nations Committee on the Elimination of Discrimination against Women General Recommendation

Ms. Mayra Gomez from GI-ESCR informed participants of the opportunity to input into a written submission to be presented to Committee on the Elimination of Discrimination against Women (CEDAW). The CEDAW submission seeks to inform the Committee's process of elaborating a "General Recommendation on girls' and women's' right to education". The overall purpose of the General Recommendation is to provide guidance to States party to the Convention on the measures to be adopted with a view to ensuring full compliance with their obligations under article 10 of the Convention to respect, protect and fulfil the right of women and girls to education.

In light of a tight deadline for submission of the report participating organisations were requested to indicate their interest in contributing to the document and provide specific examples of how the effects of privatisation impact negatively on the right to education of girls and women.

Suggested issues for inclusion within the report were:
- Gendered inequality in enrolment in private schools (proportion of girls in private schools is consistently lower than that of boys for all levels)
- Gender stereotyping in curriculum and textbooks
- Discriminatory practices against pregnant girls and young mothers

Whilst it was noted that all of the above conditions exist within state education systems and the report should acknowledge this fact, the main issue from the points above is that privatisation – especially when access is monetised – exacerbates and deepens societal gender discrimination.

## 6.5 Planning for future Advocacy and Research around privatisation

The final session of the workshop looked at the immediate next steps necessary to take forward the advocacy and research agenda and to harness the capacity of partners to utilise UN human rights mechanisms around privatisation in education.

An initial three year plan (2014-2017) was suggested with the following activities and outputs scheduled:

**National Actors/ Coalitions**
- Identify key people within coalitions to undertake national advocacy campaigns
- Identifying if and where there is grassroots capacity to take work forward
- Identify key actors within national coalitions to support work
- Prepare and present Parallel Reports
- Document impact/cases of privatisation connected to foreign aid
- Engage in Local Education Group (LEGs)[1]
- Undertake advocacy in donor countries
- Document and share experiences with coalition partners
- Engage new countries within discussions
- Lead on national avenues for redress
- Support litigation process (identify national lawyers)

**Regional Coalitions (ASPBAE, ANCEFA, CLADE, ACEA)**
- Undertake regional advocacy campaigns and engagement with regional bodies
- Identify partners and potential trainers in the region
- Coordinate activities between countries at the regional level
- Explore avenues for funding of research and advocacy
- Disseminate Parallel Reports at a regional level
- Engage in discussions with regional funders

**Global Campaign for Education/ Education International/ RESULTS/RTE**
- Mobilise membership (where applicable)
- Assist with the dissemination of Parallel Reports
- Lead on the dissemination and adoption of Global Campaign for Education good practice toolkit
- Funding role through the Civil Society Education Fund or other
- Mapping of existing activities and interests
- Engage with international actors
- Continue to promote research into the role of international actors in promoting privatisation policies
- Promote research into the Extra Territorial Obligations of international education providers
- Mobilise membership in donor countries (where applicable)
- Engage with constituency on international advocacy efforts
- Facilitate work on a set of international CSO human rights principles on privatisation in education

**GI-ESCR**
- Support/provide information and tools (in particular on indicators)
- Disseminate written submissions and Parallel Reports amongst international networks
- Look for opportunities to organise follow up meetings and workshops

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[1] Local Education Groups (LEGs) are the coordination and planning structures for GPE countries http://www.globalpartnership.org/local-education-groups

- Engage with constituency on international advocacy efforts
- Facilitate work on a set of international CSO human rights principles on privatisation in education

**PERI / Open Society Foundations**
- Support/provide information and tools (in particular on indicators)
- Disseminate written submissions and Parallel Reports amongst international networks
- Engage in advocacy with UK, US based organisations/funders (DFID, World Bank, GPE)
- Look for opportunities to organise follow up meetings and workshops
- Engage with constituency on international advocacy efforts
- Facilitate work on a set of international CSO human rights principles on privatisation in education

**International strategic litigation advisors (EELC, Section 27, Ação Educativa)**
- Disseminate written submissions and Parallel Reports amongst organisational networks
- Support Geneva based advocacy work undertaken by National and Regional Education Coalitions
- Provide technical assistance and input into research surrounding Extra Territorial Obligations
- Mobilise Extra Territorial Obligation specialists around the right to education
- Support and advise strategic litigation efforts particularly at an international level

**International academic advisors (Toni Verger/AUB)**
-Provide input and feedback on written submissions and Parallel Reports developed by National Education Coalitions
-Promote and facilitate research training opportunities for National Education Coalition members
-Take forward potential collaboration with colleagues based in Queensland University relating to work on multi-national private education providers including Pearson Education-Provide input and technical assistance into future follow up meetings and workshops

## 7. Concluding remarks

All participants confirmed their commitment to build upon the work undertaken and commitments made within the workshop and towards the development of common advocacy materials and research tools to address education privatisation within different national and regional contexts.

The workshop was successful in opening discussions around the meaning of the right to education in the context of privatisation and how this differs across different geographical regions and contexts. In addition a number of potential opportunities were identified for the harmonisation of working methods and coordination between national and regional education coalitions, civil society organisations and litigation specialists to develop advocacy plans around the right to education making full use of existing UN human rights mechanisms at national, regional and international levels. It is anticipated that GI-ESCR in collaboration with PERI and other partner organisations will continue to support national coalitions, teachers unions and regional actors to design research, analyse government policies and access UN human rights mechanisms so that informed and evidence based advocacy and campaigns can be developed to ensure the right to education.

# 8 Appendices

## 8.1 Appendix A: Links to additional materials
**Presentation Materials, Briefing Papers and PowerPoint Presentations**

All materials presented and disseminated throughout the two-day workshop are available to view and download on Box via the following link https://osf.box.com/s/4i0d8txbtkyq8lxenu74

**Flicker Album**

As you may have been aware PERI and RTE colleagues were busy taking photos throughout the UN Human Rights Council Side Event and two-day Privatisation in Education Workshop. We have created an album on Flicker where you can view some of the photos https://flic.kr/s/aHsjZ6MjNt.

**Right to Education Website, Blog Post and Discussion Forum**

In order to keep momentum around discussions started within the workshop, Delphine Dorsi has agreed to facilitate and moderate a private members discussion forum. If you haven't already done so please register to the forum via the following link http://discussions.campaignforeducation.org/members/register/51923538-914c-45e6-8ff2-3669cdba915d

An online recording of the Privatisation in Education UN Human Rights Council Side Event and an accompanying blog post are available on the Right to Education website http://www.right-to-education.org/

## 8.2 Appendix B: Workshop Agenda

### FRIDAY 13TH JUNE: DEFINING ON THE ADVOCACY AGENDA

| TIME | # | SESSION | FACILITATION | OUTPUTS |
|---|---|---|---|---|
| 9.00 – 09.30 | 1 | Presentation of the agenda, introduction to the event and the broader context, presentation of the objectives of the event. | • Ian/Hugh (welcome comments) • Mayra/Bret (introduction) | |
| 09.30 – 10.30 | 2 | Experience sharing - Presentation and brief mapping of the work done on privatisation in countries, highlighting achievements and challenges. | • Facilitation: Ian or Trine • Short presentations from coalitions | |
| 10.30 – 11.00 | 3 | Experience sharing – Litigating for the right to education and against privatisation in South Africa and Brazil. | • Facilitation: Bret • Short reflections by Section 27, EELC, Asso Educative | |
| 11.00 – 11.15 | | COFFEE BREAK | | |
| 11.15 – 12.30 | 4 | Experience sharing – summary of what has been done so far to coordinate research and advocacy on privatisation. Assessment of the situation and identification of needs, gaps, opportunities and objectives for future advocacy – leading to the afternoon discussion. | • Facilitation: Mireille • Presentation by Toni • Short reflections from GCE and OSF | • Summary of past, existing and future advocacy efforts and processes and a reflexion on their coordination |
| 12.30 – 13.30 | | LUNCH | | |
| 13.30 – 15.00 | 5 | Training/interactive presentation on the UN human rights mechanisms and its potential (parallel reporting and individual complaints function) | • GI-ESCR | |
| 15.00 – 15.30 | 6 | Practical illustration: experience in Morocco | • Facilitation: Sylvain • Reflections from Moroccan coalition | |
| 15.30 – 15.45 | | COFFEE BREAK | | |
| 15.45 – 18.30 | 7 | Group work and on the opportunity to use UN human rights mechanisms / one group on using litigation, from national to international level. Discussion of the groups' findings. Identification of the steps to move towards the goal and implement the strategy; how each organisation can contribute and of potential gaps and needs / division of labour / commitment of each / what would practically be able to do. | • Facilitation: Mayra | • Joint draft overarching plan of action to carry to international human rights advocacy work forward. • Coherent set of strategic reflections on using strategic litigation to address privatisation in education |

### SATURDAY 14TH JUNE: TOWARDS A RESEARCH FRAMEWORK

| TIME | # | SESSION | FACILITATION | OUTPUTS |
|---|---|---|---|---|
| 9.00 – 09.45 | 8 | Recap and debrief from previous days | • Facilitation: Lucy | |
| 09.45 – 10.30 | 9 | Presentation on the format of parallel reports and discussion of the implications in terms of research | • Facilitation: Bret and Mayra | |
| 10.30 – 11.15 | 10 | Presentation/discussion on introduction to using indicators for on privatisation | • Facilitation: Tony Baker • Short reflections by Delphine Dorsi and Tony Verger | |
| 11.15 – 11.30 | | COFFEE BREAK | | |
| 11.15 – 13.00 | 11 | Group work: research methodology and indicators to prepare reports on privatisation in education taking into account resource constraints One group on litigation Plenary discussion | • Facilitation: Toni Verger and Bret/Mayra | • Start of a framework to conduct research for the purpose of conducting UN advocacy, based on the work that has been done so far. |
| 12.30 – 13.30 | | LUNCH | | |
| 14.0 0 – 15.0 0 | 12 | Contribution to the CEDAW General Recommendation on education on privatisation | • Facilitation: Mayra | • Content developed for CEDAW submission, based on a draft prepared in advance |
| 15.0 0 – 17.3 0 | 13 | Sum up and planning to move forward, taking into account resource constraints | • Facilitation: ? | • Agreement on the immediate next steps and responsibilities (coming 3 months) • Finalised drafts advocacy and research plans |
| 17.3 0 | | Departure / drinks | | |

## 8.3 Appendix C: Participants List

| Name | Organisation | Contact Email |
|------|--------------|---------------|
| Sylvain Aubry | Independent Consultant | aubry.sylvain1@gmail.com |
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|---|---|---|
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| Toni Verger | Academic, Centre for Globalisation, Education, Societies and Policy, Autonomous University of Barcelona | tverger@gmail.com |
| Salomão Ximenes | Ação Educativa | salomao.ximenes@acaoeducativa.org |

**8.4 Appendix D: Group Work on the use of to using indicators for measuring impact of privatisation**

Workshop participants were presented with five research themes focused on assessing how privatisation affects state capacity to provide education. Participants were divided into smaller groups and asked to consider the practical applications of operationalising these indicators within their national coalitions and identify any additional indicators which may be useful. The suggested additional indicators are shown in red with the text below.

# Research Theme #1: Structural discrimination

Does privatisation in education create any kind of discrimination on any aspect of education, directly or indirectly? Has the State taken adequate measures to address and redress the discrimination learning outcomes:

- Mean performance on the reading scale (disaggregated by public/private)
- Mean performance on the mathematics scale (disaggregated by public/private)
- Mean performance on the science scale (disaggregated by public/private)
- Percentage of primary school students in their final year who pass the requisite examinations (disaggregated by public/private)
- Percentage of secondary school students in their final year who pass the requisite examinations (disaggregated by public/private)

Completion:

- Primary completion rate (disaggregated by public/private)
- Secondary completion rate (disaggregated public/private)
- Tertiary completion rate (first degree) (disaggregated by public/private)
- Dropout and survival rate
- Disaggregate data by groups of people

Access/participation:

- Percentage of private enrolment (disaggregated by gender, income, minority, region, urban/rural, disability, etc. applying all discrimination grounds)
- Level of segregation
- Private + public schools selective?
- Cost of education for families &?

Learning environment:

- Classroom-pupil ratio
- Percentage of schools with potable water (disaggregated public/private)
- Percentage of schools without toilets (disaggregated public/private)
- Percentage of schools without electricity (disaggregated public/private)
- Percentage of schools without access to a library (disaggregated public/private)
- Number of years of education required for qualified teachers (disaggregated public/private)
- Pupil/teacher ratio (disaggregated public/private) (and pupil/trained teacher ratio)
- Percentage of trained teachers (disaggregated public/private)
- Pupil/textbook ratio (disaggregated public/private)
- Availability of resources for persons with disabilities
- Availability of material for teaching
- Availability in urban/rural area of private school
- Enrolment in private school

Availability:

- Proximity of private schools in relation to various social strata compared to public schools

Access:

- Percentage of household expenditure on education (disaggregated by public/private)
- Average fee in private school

**In addition to the above list of indicators participants felt it was necessary to compile data on the following:**

Positive discriminations measures which may be in public and not in private, other schemes available in public schools but not in private, classroom interaction, attention of the teacher to the class, unfair marketing, corporal punishment in public/private, mother tongue instruction in public/private, community participation and disaggregate this data by low/middle/high fee private school.

# Research Theme #2: Motives for privatisation and freedom to choose public education

Why are parents sending their kids to private schools? Do the State and international State donors (including IFIs) support public education to the maximum of their available resources and make all possible efforts to offer quality public education for all? Is the development of private education connected to a limitation of the efforts of the State to fulfil its obligation to directly provide quality education? Does the State actively support private education in an effort to withdraw from its responsibilities and leave the primary responsibility of providing education to private actors?

## Indicators

Financing/planning (to establish State support to public education/obligation to fulfil):

- Change in public expenditure ratio (% of GDP that goes to public expenditure)
- Change in current public expenditure per pupil as a percentage of GDP per capita
- Change in education allocation ratio (% of GDP allocated to education)
- Change in primary education priority ratio (% of education expenditure allocated to primary education)
- Change in secondary education priority ratio (% of education expenditure allocated to secondary education)
- Taxation of private schools (or taxation on schools, disaggregated by private) Are there concessions given to private actors?
- Is there a plan of action? (Or is there a national education plan that seeks to achieve free and compulsory education within a reasonable time and with intermediate benchmarks?)
- Cost per pupil?

Availability (to determine if public education is actually available to parents/children):

- Is a public school available in a distance less than 5 km?
- Is part of the curriculum only taught after school in private tuition tutoring?
- Transport options to access public schools
- Nutrition programmes and feeding programs

Learning environment (to establish if poor quality public is forcing parents to "choose" private):

- Percentage of schools with potable water
- Percentage of schools without toilets
- Percentage of schools without electricity
- Percentage of schools without access to a library
- Classroom-pupil ratio
- Number of years of education required for qualified teachers
- Pupil/teacher ratio (and pupil/trained teacher ratio)
- Percentage of trained teachers
- Pupil/textbook ratio
- School nutrition and feeding programmes in public schools?
- Extra curricular activities in public schools?
- Perception of violence in public schools?
- Teacher absenteeism and management?
- Library, science labs, etc.

- Language of instruction
- Nature of interactions within the school public/private
- Nature of uniform…

Learning outcomes (to establish if poor quality public is forcing parents to "choose" private): Group deemed indicators on learning outcomes not relevant to research area

- ~~Mean performance on the reading scale~~
- ~~Mean performance on the mathematics scale~~
- ~~Mean performance on the science scale~~
- ~~Percentage of primary school students in their final year who pass the requisite examinations~~
- ~~Percentage of secondary school students in their final year who pass the requisite examinations~~

Completion (to establish if poor quality public is forcing parents to "choose" private):

- ~~Primary completion rate (%)~~
- ~~Secondary completion rate (%)~~
- Dropout rate
- Discrimination in public school and cater for specific groups?

Access/participation (to correlate decrease in public quality with increase in private):

- Percentage of schools that are private
- Percentage of private enrolment
- Vouchers for private schools?

Public perception:

- Perception of the families enrolled in private schools
- Perception of the general population, disaggregated by socio economic status
- Evolution of the out of school population? (To check whether private schools are participating to increase enrolment)

**Which indicators will be difficult to determine information/data?**

Participants felt it would be extremely difficult to measure public perception.

**How could information be collected for the more difficult indicators?**

Possible research methods could include national census data and use of individual surveys and interviews, however concerns were raised that these methods would prove both timely and costly and may be beyond the financial and human resource capacity of many of the national education coalitions.

# Research Theme #3: Impact of privatisation on public education and the nature of education

Does the development of private education impact, directly or indirectly, the delivery and success of public education? In particular, does the development of private school affect parents and children's participation in the content of education, and accountability of the education system? Does the development of private education affect the nature and value of public education as a common good, and solidarity within society? Has the State taken adequate measures to address and redress this issue?

An additional question posed by the group was how can we assess the impact of education as a public good?

## Indicators

- Are tuition courses/shadow schooling perceived as an acceptable norm for education provision?
- Discrimination/social injustice as demonstrated in Research Question #1 (which negatively impacts the aim of education)
- Are there any established mechanisms that enable parents participate in the development of the content of education provided in private schools?
- Are there any established mechanisms that enable parents to hold private schools accountable for the quality of education provided?
- Financing/planning (to establish corrective measures being taken by the State):
  - Public expenditure ratio (% of GDP that goes to public expenditure)
  - Current public expenditure per pupil as a percentage of GDP per capita
  - Education allocation ratio (% of GDP allocated to education)
  - Primary education priority ratio (% of education expenditure allocated to primary education)
  - Secondary education priority ratio (% of education expenditure allocated to secondary education)
  - Taxation of private schools (or taxation on schools, disaggregated by private)
  - Percentage of funding on public education and PPP, in primary, secondary and tertiary
  - Current public expenditure per pupil as percentage of GDP per capita?
  - Taxation of private schools? Changes the nature of education

Governance and democratization:

- Existence in PTAs in public/private?
- Accountability mechanisms for parents in public/private?

Impact of privatisation on the public education

Proposed indicators to address deterioration of quality as a result of increase of private education provision:

- De- professionalisation of teachers
- Number of trained teachers in public/private
- Union members within public/private
- Access to social security in public/private
- Remuneration in public/private
- Private to public of secondary schools graduates with 3 weeks training? ("teachers")?
- Public to private transfers of pupils, by type of pupils? Of teachers?

Proposed indicators to assess the nature of education:

- Teachers' test
- Standardized test use/increase
- Civic education
- Attention to art
- Attention to sport
- Private tutoring
- Evolution interaction between different types of pupils by socio economic status? Enrolment in public disaggregated by socio economic status...?
- Transition of pupils through the system I public/private? Number of students in high schools coming from public v private?

# Research Theme #4: Norms in private schools and State regulation

Do private schools respect human rights standards? In particular: Is the curriculum delivered in private schools consistent with international standards, in particular with the aims of education? Are teachers' conditions in private schools adequate? Is the State willing and able to adequately regulate private schools to ensure their respect human rights standards?

## Indicators

Policy regulations:

- Is there a private school accreditation system? Are there minimum educational standards applicable to all schools, including private schools?
- Is there a monitoring body controlling whether minimum educational standards are met? Is there a school inspection system? What is the frequency of inspection visits at private schools?
- Do curriculum guidelines provided by the Ministry of Education include promoting respect for other nations, racial, ethnic or religious groups and indigenous peoples, and are they applied to private schools?
- Does the required training for private school teachers include improving the skills necessary for teaching according to the aims of education set out in international human rights standards?
- Ratio inspectors/pupils? What are they monitoring? Process for inspection? What done with information?

School standards:

- Classroom-pupil ratio in private schools
- Percentage of private schools with potable water
- Percentage of private schools without toilets
- Pupil/textbook ratio in private schools
- Number of years of education required for qualified teachers in private schools in comparison with public schools. Is it the same as that of public schools?
- Percentage of trained teachers in private schools in comparison with public schools. Is it the same as that of public schools?
- Teachers' salary rate in private schools in comparison with public schools. Is it the same as that of public schools? Teachers' salaries in comparison with International Labour Organisation standards in private schools?
- Pupil/teacher ratio (pupil/trained teacher ratio) in private schools in comparison with public schools. Is it the same as that of public schools?
- Playground/space for recreation
- Time allocated for lesson planning in public/private?

Labour standards:

- Do they apply to the private standards?
- Is there a body enforcing them?
- National discrimination frameworks apply to private? Important source of information would be a local lawyer
- Do private schools have discrimination policies?
- Teachers' training on discrimination and other issues?
- Profile of teachers in private schools in terms of socio-economic status, religion, etc?

Transparency:

- Measures available to access information in and on private schools?
- Mechanisms available for redress for children and parents in private schools?
- Assessment of procurement and governance policies
- State involvement in policies of private schools? How is relationship defined?
- Corporal punishment and violence in private school? Any staff subject to criminal record checks?

# Research Theme #5: Process and participation

Is the development of private education a societal choice done in accordance with human rights principles? Did the State conduct a genuine consultation, following an open debate and a human rights impact assessment? Does the State monitor and assess the impact of privatisation and associated policies?

## Indicators

Policy dialogue/participation/civil society oversight:

- Are there any established mechanisms that enable parents, children, community leaders, or civil society to contribute to policy debates?
- Did the State conduct a genuine consultation, following an open debate and a human rights impact assessment?
- Does the State monitor and assess the impact of privatisation and associated policies?
- Do civil society organisations face obstacles set by the State when monitoring the right to education?

Accountability/transparency context:

- Supporting indicators from Corruption Perceptions Index
- Level of awareness of people about the mechanisms?
- Consultations/conversations and engagement on privatisation and right to education/nature of education.
- Role of Parent Teacher Associations
- Ongoing discussions and consultation on obligations of the government to provide free primary education?
- What are the mechanisms by which parents etc. contribute to monitoring?
- Participation within different levels: e.g. ministries, in other ministries….
- Structure to represent different groups? And related enforcement policies?
- Monitoring the participation at different levels?
- Public dissemination of the reports?
- Whistle blower and unfair dismissal mechanisms available?
- Adequate access to information to allow for participation.
- Available mechanism to collect data?
- Are policies on procurement, contracting made available within the private sector?
- Participation in the budget making process? (e.g. on issues of vouchers)
- Public hearings on policies and programs that involve private sector, e.g. PPP strategy?
- Is there victimization of people reporting about issues related to the right to education?