



# Submission to the UN Special Rapporteur on the Right to Education

*13 January 2023*

1. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Actionaid, Amnesty International, the Coalition for Transparency and Accountability in Education (COTAE), The East African Centre for Human Rights (EACHRights), the Initiative for Social and Economic Rights (ISER), the Mouvement Ivoirien des Droits Humains (MIDH) and OXFAM welcome the opportunity to contribute to the thematic report on “The Right to Education, Advances and Challenges” of the Special Rapporteur on the Right to Education, which will be presented to the Human Rights Council in June 2023.
2. This submission focuses on part II of the call: “Main challenges and crucial issues for the future”. In particular, the signatory organisations would like to draw the attention of the Special Rapporteur to three critical issues to address, nationally and internationally, to ensure the right to education (item 9 of the questionnaire):

1. **Commercialisation of education,**
2. **Digitalisation of education,**
3. **Environmental education.**

## 1. Commercialisation of education

3. The last two decades have seen a rapid growth of various forms of private involvement in education, principally at the primary and secondary levels. In particular, commercial actors bringing a market logic to education, and sometimes promoted by donor states and institutions, have been transforming education systems rapidly. The human rights concerns regarding this commercialisation and commodification of education have been well-documented.<sup>1</sup> On the one hand, privatisation of education is a driver of inequalities in educational access and outcomes, as well as wider socio-economic and gender inequality. These concerns can include economic discrimination and segregation; lower quality and unequal access for marginalised groups; frequent disregard for labour laws and standards; the reinforcement of unbalanced power relations; and lack of transparency and unequal participation in the governance of education institutions. On the other hand, the loss of democratic public control over the management and content of public education hinders the educational system from responding more effectively to student, environmental and feminist social movements that advocate for human rights centred educational values. Increased commercialisation of education shifts the power to decide how to run education from democratic, even if sometimes imperfect, structures to unaccountable and often powerful corporate actors, attempting to transform students into consumers buying learning thereby negatively impacting all stakeholders - students, teachers, parents.
4. The result is powerful multinational corporations increasingly influencing the sector in areas such as education curricula and the capture of limited public resources for education. It has also influenced policymaking in ways that benefit

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<sup>1</sup> See for example GI-ESCR, *Transparency of private commercial education providers: A case study of Bridge International Academies* (2022), available at: [https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/628d5e51f870352bfe9cf9d9/1653431894865/Transparency\\_of\\_private\\_commercial\\_education\\_providers\\_FINAL.pdf](https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/628d5e51f870352bfe9cf9d9/1653431894865/Transparency_of_private_commercial_education_providers_FINAL.pdf); OXFAM, *The power of education to fight inequality: How increasing educational equality and quality is crucial to fighting economic and gender inequality* (2019), available at: <https://www.oxfam.org/en/research/power-education-fight-inequality>; MIDH and GI-ESCR, *L'impact de la privatisation et de la marchandisation de l'éducation sur le droit à l'éducation en Côte d'Ivoire au regard des principes d'Abidjan* (2022), available at: [https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62cc37fb4d975773e522a3a2/1657550864697/Rapport+de+Recherche\\_Education\\_Final\\_Revise.pdf](https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62cc37fb4d975773e522a3a2/1657550864697/Rapport+de+Recherche_Education_Final_Revise.pdf); COSYDEP, *Privatisation et marchandisation de l'éducation au Sénégal* (2022), available at: <https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62f1505d28ab08105d1c3d8b/1659981932882/RAPPORT+DE+L%27ETUDE+2021+EDITION+2022+final.pdf>.

corporations. One key mechanism for this is the use of public-private partnerships (PPPs)<sup>2</sup> that transfer funds from the public to private actors despite clear evidence of their ineffectiveness and human rights abuses, including precarious labour conditions, issues of lack of transparency, accountability, and meaningful engagement with stakeholders, as well as negative impacts on learning outcomes, quality, and access to education.<sup>3</sup> The increasing reliance on digital education technologies in education systems also risks transferring public resources and democratic control of education to the private sector (this issue is further discussed in next section).

5. These challenges have been exacerbated by the COVID-19 pandemic, the effects of which have once again revealed that market-based education systems are, especially in times of crises, unsustainable. The widespread closure of private schools and private education companies undergoing bailout plans have left millions of children without a school, deepening structural inequalities in access to education with specific implications for girls and young women.<sup>4</sup> This experience has highlighted the importance of well-funded, inclusive, free public education systems that meet human rights standards.
6. Nonetheless, important progress has been made in shifting this trajectory. The normative framework outlining States obligations to provide education and

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<sup>2</sup> See for example OXFAM's comprehensive review of PPP's evidence, *False promises: How delivering education through public-private partnerships risks fueling inequality instead of achieving quality education for all* (2019), available at: <https://www.oxfam.org/en/research/false-promises>. As well as EURODAD's report, *History RePPeated II: Why public-private partnerships are not the solution*. The report features seven in-depth investigations into PPPs across a range of sectors, from education to healthcare, roads and water supplies, in Liberia, Scotland, Spain, India, Mexico, Peru and Nepal. The case studies are written by experts working in each region. The report found that all the projects investigated came at a high cost for the public purse and posed an excessive risk for the public sector. They resulted in a questionable diversion of public funds, particularly during the COVID-19 crisis in most cases. Overall, all the PPPs investigated lacked transparency and/or failed to consult with affected communities.

<sup>3</sup> EURODAD, *History RePPeated: How Public Private Partnerships are failing* (2018), available at: [https://assets.nationbuilder.com/eurodad/pages/508/attachments/original/1590679608/How\\_Public\\_Private\\_Partnerships\\_are\\_failing.pdf?1590679608](https://assets.nationbuilder.com/eurodad/pages/508/attachments/original/1590679608/How_Public_Private_Partnerships_are_failing.pdf?1590679608).

<sup>4</sup> See for example *Re-building resilient education systems: three lessons on the privatisation of education emerging from the COVID-19 pandemic* (2020), available at: <https://www.gi-escr.org/covid-19-blog-all-posts/re-building-resilient-education-systems-three-lessons-on-the-privatisation-of-education-emerging-from-the-covid-19-pandemic>; GI-ESCR, *GI-ESCR's Magdalena Sepúlveda discusses the impact of COVID-19 in the leading (spanish language newspaper El País)* (2020), available at: <https://www.gi-escr.org/latest-news/gi-escrs-magdalena-sepulveda-discusses-the-impact-of-covid-19-in-the-leading-spanish-language-newspaper-el-pas>; Pfunye, A. and Ademola-Popoola, I. *The effects of the COVID-19 pandemic on girls' education* (2021), available at: <https://www.globalpartnership.org/blog/effects-covid-pandemic-girls-education>

regulate private actors has been elaborated in the [Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education](#) (Abidjan Principles)<sup>5</sup> and this has received widespread recognition by the United Nations, African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights, together with other regional and international institutions, as well as being a helpful tool in the design of education systems at national level. This momentum has also seen significant shifts in policy and practice within the [World Bank's International Finance Corporation](#)<sup>6</sup> and the [Global Partnership for Education](#) (GPE)<sup>7</sup> which have both resolved not to provide funding to fee-charging/for-profit private education providers. While this is important progress, far more remains to be done to secure the right to education.

7. To comply with their obligation to realise the right to education for all, States must provide free, inclusive, quality, public education, and regulate the involvement of private actors. This obligation is grounded in the Universal Declaration of Human Rights of 1948 and elaborated in the International Covenant on Economic, Social and Cultural Rights of 1966, as well as in other relevant international instruments.<sup>8</sup> The provision of public education is crucial to guaranteeing the right to education for all, including the most marginalised populations.

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<sup>5</sup> The [Abidjan Principles](#) compile and unpack existing legal obligations that States have regarding the delivery of education, and in particular the role and limitations of private actors in the provision of education. Since their adoption, they have been [recognised](#) by the main eight U.N. and regional human rights institutions and mandate-holders working on the right to education, including the Special Rapporteur on the Right to Education, [Dr. Boly Barry](#), as well as the United Nations High Commissioner for Human Rights, Ms. [Michelle Bachelet](#).

<sup>6</sup> In line with [CSO advocacy](#) work, in June 2022, [World Bank's International Finance Corporation \(IFC\) announced that it would not resume its investments in K-12 private schools](#). This decision reinforces the narrative about the negative impact of for-profit commercial schools on the achievement of the right to quality, inclusive education for all, in particular, the most disadvantaged and vulnerable groups.

<sup>7</sup> GPE's Private Sector Engagement Strategy 2019-2022 specified clear parameters for GPE's engagement with the private sector and prohibited funding to for-profit commercial private schools. Following this decision, UNESCO's [2021/2 Global Education Monitoring \(GEM\) Report](#) stated that "profit making is inconsistent with the commitment to guarantee free pre-primary, primary and secondary education."

<sup>8</sup> Introduction of the *Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education* (2019). Adopted in February 2019, in Côte d'Ivoire, by a group of 57 global education and human rights [experts](#) (Abidjan Principles), Available at: [https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES+\\_ENGLISH\\_August2021.pdf](https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES+_ENGLISH_August2021.pdf)

8. In that regard, the co-signatory organisations recommend to the Special Rapporteur that, in the exercise of its mandate, urges States to:
- a) Reverse the trend of commercialisation of education by prioritising investment and strengthening of public education systems, both at national level and by donor states and institutions.
  - b) Effectively regulate private actors operating in the education sector, including maintaining human rights principles of transparency and public participation.
  - c) Take effective measures to mobilise adequate resources towards funding public education, including through progressive taxation, to ensure equal access for all without discrimination to high quality education.
  - d) Take effective measures to mobilise adequate resources towards funding public education including through progressive taxation.
  - e) Promote public education services that stimulate the full development of the human personality and a sense of dignity and self-worth, as well as being indispensable to the promotion of peace, democracy, environmental sustainability, citizenship, and for realising other human rights.
  - f) Promote a persuasive collective narrative that convinces the public and mobilises action to demand public services that promote and comply with human rights.
  - g) Implement and be guided by the Abidjan Principles on the right to education to foster strong public education systems.

## **2. Digitalisation of education**

9. Special attention should also be paid to the [digitalisation of education](#) given that increasing reliance on digital technology, and online education poses major risks for education systems and hence the right to education. Experts, including previous [UN Special Rapporteurs](#), have flagged those risks, particularly after the COVID-19 pandemic. These include the threat of digital exclusion for some learners who do not have access to the technology required to participate in digital learning, and/or for those with special needs; as well as the increased gaps in access to digital learning technology based on income, geography, and gender.
10. Digital exclusion risks exacerbating existing inequalities and human rights abuses and violations in education particularly as the most marginalised

populations normally do not have the financial capacities or even just the physical possibility to access the means for supporting their children with digital distance learning.<sup>9</sup> The limited access to electricity, internet connectivity, power supply and digital technologies, poses a great barrier to e-learning to marginalised populations, particularly in developing countries.

Digitalisation of education further poses threats of 'standardization instead of personalized teaching, enhanced stereotypes instead of diversity, reduced autonomy and freedom instead of creativity and participation, and data mining for the benefits of a few at odds with the public interest.'<sup>10</sup>

11. The move towards digitalisation of education has also facilitated the rapid influx of private actors in education, which raises concerns regarding its further commercialisation. This may seriously jeopardise the realisation of the right to free, quality public education for all and associated human rights. There is also the risk of diverting limited public resources to commercial profit-making entities, which do not contribute to increasing access to education, considering the prohibitive fees and other costs they levy.
12. Regarding the digitalisation of education, co-signatory organisations would like to recommend that in the implementation of their mandate, the Special Rapporteur calls on States to:
  - a) Ensure that the integration of digital technology in education is effectively regulated and monitored by States.
  - b) Guarantee that digital technology contributes towards the full enjoyment of the right to education, including through equal access for all, with particular attention to marginalised and disadvantaged groups.
  - c) Undertake human rights impact assessments before introducing digitalisation initiatives in education.
  - d) Enact regulations governing the collection of learners' and teachers' data through these digital mediums to protect their privacy rights.

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<sup>9</sup> OXFAM, Digital Dollar? An exploratory study of the investments by IFC in the Indian educational technology sector (2022), available at: <https://www.oxfamindia.org/knowledgehub/workingpaper/digital-dollar-exploratory-study-investments-ifc-indian-educational-technology-sector>

<sup>10</sup> *Impact of the digitalization of education on the right to education. Report of the Special Rapporteur on the right to education, Koumbou Boly Barry* (2022), available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc5032-impact-digitalization-education-right-education>

### 3. Environmental Education

13. The current ecological breakdown poses an existential risk to the full range of internationally recognised human rights and the conditions sustaining life on the planet. In this context, States have agreed that education should be directed to the development for the respect of human rights and the natural environment.<sup>11</sup> Education systems should thus play a critical role in facilitating and achieving a just and rapid shift to raising awareness about the need for greater environmental sustainability. However, to date, education systems have not introduced environmental education on a large scale.<sup>12</sup> A recent report from UNESCO on education curricula in more than fifty countries found that more than half did not refer to climate change at all, and only 19% discussed biodiversity.<sup>13</sup> To contribute to averting the climate crisis and catastrophic ecological breakdown, a more holistic and integrated approach to education and sustainability is needed to transform the public's understanding of the relationship between human beings and nature and encourage adopting more sustainable practices and lifestyles.
14. From this perspective, education is critical in two dimensions. Rights-holders and communities must acquire skills, information, and knowledge to reduce disaster risks and become more climate resilient. And societies will need trained people in a range of disciplines (energy, transport, waste management, construction, engineering, agriculture, economics, health, etc.) to carry out a just transition towards sustainable societies and economies. Education curricula should therefore increase students' understanding of the relationship between human beings, culture, and nature; deepen their appreciation of the natural world; and equip them to deal with climate and broader environmental challenges and the social and economic challenges they will create.<sup>14</sup> Learning and teaching for

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<sup>11</sup> UN Convention on the Rights of the Child, Article 29.

<sup>12</sup> UNESCO, *Educational content up close: Examining learning dimensions of ESD and GCE* (2020), available at: <https://unesdoc.unesco.org/ark:/48223/pf0000372327> (last accessed 5 January 2023).

<sup>13</sup> UNESCO, *Learn for our planet: a global review of how environmental issues are integrated in education* (2021), available at: <https://unesdoc.unesco.org/ark:/48223/pf0000377362> (last accessed on 5 January 2023).

<sup>14</sup> Knox, J. *Framework Principles on Human Rights and the Environment: The main human rights obligations related to the enjoyment of a clean, healthy and sustainable environment* (2018), available at: <https://www.ohchr.org/en/special-procedures/sr-environment/framework-principles-human-rights-and-environment-2018> (last accessed on 5 January 2023).



sustainability from a young age and throughout life are critical to giving people the capacities collectively to transform the present and cope with the future.

15. Furthermore, gender-just transition policies and frameworks should adopt a gender intersectional approach to education that considers the specific needs of all students, especially those living in marginalised conditions, and includes environmental education and critical areas of knowledge relevant to the transition. Plans and curricula should extend teaching beyond climate and environmental science to include traditional and indigenous knowledge, human rights, social justice, sexual and reproductive health, and the gender dimensions of the planetary crisis.
16. In the interests of advancing environmental education through a feminist and intersectional approach, co-sponsoring organisations would like to recommend that in the implementation of their mandate, the Special Rapporteur urges States to:
  - a) Incorporate environmental education at all levels of education. Environmental teaching should start early and continue throughout the educational process.
  - b) Ensure that environmental teaching covers climate and environmental sciences and includes the ecological crisis's human rights implications. It should increase students' understanding of the relationship between human beings, society, and nature.
  - c) Combat harmful practices that accord preferential treatment to boys and men in education systems, especially in male-dominated areas of work that are key for the transition to sustainability, such as energy, transport, building and waste collection.
  - d) Ensure that curricula promote substantive gender equality and provide equal opportunities to all persons of different genders.
  - e) Create favourable conditions for women and girls in all their diversity to attend school safely, including their journeys to and from school, considering the increased risks of disasters and extreme weather events created by the environmental breakdown when young women and girls are especially at risk of sexual harassment and gender-based violence.
17. In conclusion, we recommend that the Special Rapporteur on the right to education maintain and expand the efforts done by her predecessors and address the crucial issues mentioned above: the commercialisation of education,



the digitalisation of education, and environmental education with a feminist approach.

**For more information, please consult the following publications:**

*Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education* (2019), available at: [https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES\\_+ENGLISH\\_August2021.pdf](https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES_+ENGLISH_August2021.pdf)

*The Future is Public: Global Manifesto for Public Services* (2021), available at: <https://futureispublic.org/globalmanifesto/manifesto-en/>

*Principles for Human Rights in Fiscal Policy* (2022), available at: [https://www.cesr.org/sites/default/files/2021/Principles\\_for\\_Human\\_Rights\\_in\\_Fiscal\\_Policy-ENG-VF-1.pdf](https://www.cesr.org/sites/default/files/2021/Principles_for_Human_Rights_in_Fiscal_Policy-ENG-VF-1.pdf)

*Setting a Roadmap for a Feminist Green Transformation: Using Economic, Social, Cultural and Environmental Rights as Guiding Tools for a Gender-Just Transition* (2022), available at: <https://www.gi-escr.org/publications/setting-a-roadmap-for-a-feminist-green-transformation-using-economic-social-cultural-and-environmental-rights-as-guiding-tools-for-a-gender-just-transition>

*L'impact de la privatisation et de la marchandisation de l'éducation sur le droit à l'éducation en Côte d'Ivoire au regard des principes d'Abidjan* (2022), available at: [https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62cc37fb4d975773e522a3a2/1657550864697/Rapport+de+Recherche\\_Education\\_Final\\_Revise.pdf](https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62cc37fb4d975773e522a3a2/1657550864697/Rapport+de+Recherche_Education_Final_Revise.pdf)

*Privatisation et marchandisation de l'éducation au Sénégal* (2022), available at: <https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/62f1505d28ab08105d1c3d8b/1659981932882/RAPPORT+DE+L%27ETUDE+2021+EDITION+2022+final.pdf>

*Transparency of private commercial education providers: A case study of Bridge International Academies* (2022), available at: [https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/628d5e51f870352bfe9cf9d9/1653431894865/Transparency\\_of\\_private\\_commercial\\_education\\_providers\\_FINAL.pdf](https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/628d5e51f870352bfe9cf9d9/1653431894865/Transparency_of_private_commercial_education_providers_FINAL.pdf)

*History RePPPeated: How Public Private Partnerships are failing* (2018), available at: <https://www.eurodad.org/historyrepppeated>

*History RePPeated II: Why public-private partnerships are not the solution* (2022), available at: <https://www.eurodad.org/historyrepppeated2>

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