



Human rights bodies statements on private education

September 2014 – October 2023

Synthesis paper – version 13 – December 2023

At the United Nations (UN) level, the Committee on the Rights of the Child ([CRC](#)), the Committee on Economic, Social and Cultural Rights ([CESCR](#)), the Committee on the Elimination of all forms of Discrimination Against Women ([CEDAW](#)) and at the regional level the African Commission on Human and Peoples' Rights ([ACHPR](#)) have addressed the issue of the role of private actors in education 51 times in 35 States in the last nine years.

These institutions, known as treaty bodies, are established by various international and regional treaties. The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) has analysed the Concluding observations and List of issues issued by these committees from September 2014 to October 2023 on the topic of privatisation of education. [Concluding observations](#) are remarks and recommendations given by a treaty body after the periodic review of a State Party. They are quasi-legal interpretations of how the human rights obligations of a State should be interpreted and applied. [List of issues](#) provide a framework for constructive dialogue with the State party, they are formulated and shared in advance of the session when the treaty body will review the report. They are based on the State party report as well as other information available to the treaty bodies (NGO's submissions, information from UN specialized agencies, among others). List of issues are crucial for treaty bodies as they provide up-to-date information to the committee regarding the State party.

The Concluding observations and List of issues analysed clearly reflect the trend of the growth of unregulated private providers of education that GI-ESCR and other organisations have been [researching](#). It also demonstrates the growing concerns raised by human rights experts regarding the impact this trend has on the right to education as protected under the four treaties monitored by these committees. As a response, the committees have made **several recommendations** focusing on the following topics:

1. Assessments, regulations, and monitoring

"**Assess** and **address** the consequences of the rapid development of private education in the State party and its impact on the full realization of children's right to education" ([CRC, Ghana](#)). "Strengthen **regulations** and expand **monitoring** and **oversight** mechanisms for private education institutions"

(CESCR, Uganda); “**regulate and monitor** the quality of education provided by private informal schools in line with the Convention” (CRC, Kenya); “[e]nsure that all schools, including the low-cost private schools, are registered and monitor their compliance with the Implementing Rules and **Regulations** of the Enhanced Basic Education Act of 2013 and the relevant guidelines” (CESCR, Philippines); “[e]stablish a clear regulatory framework, under which all private education providers are obliged to report regularly to designated public authorities on their financial operations, in line with **prescriptive regulations**, covering matters such as school fees and salaries, and to declare, in a fully transparent manner, **that they are not engaged in for-profit education** as recommended by the **Special Rapporteur on the right to education**” (CRC, Brazil); “strengthening mechanisms for **monitoring** the **compliance** of both public and private schools with **minimum educational standards**” (CRC, Kuwait); “**regulate and monitor** private schools with the aim of addressing inequality in the education system” (CRC, Tunisia); “**regulate private education providers** to ensure the rights of children in all educational settings” (CRC, Cambodia); “reinforce the rules and **mechanisms in place for monitoring and overseeing** private educational institutions” (CRC, Democratic Republic of Congo); “[p]rovide data in the next periodic report on the effect of the privatization of schools on the right of women and girls to pursue their education and on the provision of special needs education for women and girls” (CEDAW, Nigeria); and “**allocating** resources to ensure the **high quality and accessibility** of **public education** and **regulating and monitoring private schools** with the aim of **addressing inequality** in the education system” (CRC, Sweden).

2. Teacher contribution

“Ensure that **teachers** from the public sector contribute to the improvement of education [...] rather than being used by the private sector” (CRC, Morocco).

3. Disparities

“Take all possible means to **eliminate the disparities** that exist between private and public schools” (CESCR, Chile); “ensure that the significant increase in private education does not lead to **growing inequality** in access to good-quality education” (CESCR, Morocco); and “ensure that private providers of education do not **undermine social cohesion**, or **exacerbate segregation and discrimination**” (CRC, Nepal).

4. Budget allocations to strengthen public education

“**Strengthen its public education sector**, including through **increasing the budget allocated** to primary and secondary education” (CESCR, Philippines); “assume primary responsibility for the provision of quality education to all children” (CESCR, Uganda); “**increase its investment in public education** to match the increasing enrolment, and ensure the quality thereof, to avoid forcing parents to resort to private schools” (ACHPR, Uganda); **stop the purchase of standardized teaching** and school management systems by municipalities from private companies” (CRC, Brazil); “**invest in the public education system** [...] to ensure the rights of children in all educational settings” (CRC, Cambodia); “**allocate the resources** necessary to ensure the high **quality and accessibility of public education**” (CRC, Tunisia); “improve the **quality of education**, notably by **allocating sufficient resources**, increasing the number of qualified teachers and their salaries, and improving infrastructure and teaching materials” (CRC, Democratic Republic of Congo); and “**prioritize free primary quality education at public schools over private schools** and informal low cost schools” (CRC, Kenya).

5. Tax incentives

“**Phase-out the transfer of public funds to the private education sector** and review its policies

with regard to **fiscal and tax incentives for enrolment in private education institutions** in order to ensure access to free quality education at all levels, in particular nurseries and pre-schools, for all children by strictly **prioritizing the public education sector in the distribution of public funds**" ([CRC, Brazil](#)); "review the Education Service **Contracting scheme**" ([CESCR, Philippines](#)); ensure that "**attendance at primary school is actually free of charge**" ([CESCR, Cameroon](#)); and "ensure that **primary school attendance is actually free of charge**" ([CESCR, Democratic Republic of Congo](#)).

6. Full potential of the child

"Ensure, in all free, semi-private and private schools, that **education contributes to the development of the fullest potential of every child, the development of respect for human rights, the preparation of the child for responsible life in a free society and the development of respect for the natural environment**" ([CRC, Chile](#)).

7. International development

"Ensure that its **international development cooperation** supports the recipient States in guaranteeing the right to free compulsory primary education for all, by **prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools**" ([CRC, United Kingdom](#)); and "**include[e] human rights impact assessments, in its development cooperation policy**" ([CESCR, The Netherlands](#)).

UN Treaty Body Statements on Private Actors in Education: Database

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

| STATE | BODY AND DOCUMENT | KEY EXTRACTS |
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| 1. Bhutan | <p>CRC, Concluding observations, CRC/C/BTN/CO/3-5, paras. 13(a), 38–39, 5 July 2017</p> | <p>Children’s rights and the business sector</p> <p>13. (a) Formulate and implement regulations to ensure that the business sector, in particular private education providers and the tourism industry, complies with international and national human rights and labour standards with regard to children’s rights.</p> <p>Education, including vocational training and guidance</p> <p>38. The Committee welcomes the progress in reaching near universal primary education enrolment and the adoption of the strategic document 10 Year Education Blueprint (2014-2024). The Committee is however concerned about:</p> <p>(a) The absence of an appropriate legal education framework, including to make primary education compulsory and to regulate private education providers, namely in terms of curriculum and teachers’ qualification.</p> |

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| | | <p>39. The Committee recommends that the State party:</p> <p>(a) Adopt comprehensive legislation on the right to education, in accordance with articles 28 and 29 of the Convention, which should make primary education compulsory and applicable to both public and private educational institutions; and should regulate private education providers in terms of the curriculum taught and the qualifications of the teachers employed.</p> |
| <p>2. Brazil</p> | <p>CRC, Concluding observations, CRC/C/BRA/CO/2-4, paras. 75-76, 30 October 2015</p> | <p>75. The Committee is concerned about the increased involvement of the private sector in education, in particular:</p> <p>(a) The high fees in private schools which exacerbate existing structural discrimination in access to education and reinforce educational inequalities.</p> <p>(b) The increase in public funding for the private education sector, including to profit-oriented education institutions as well as in the form of fiscal and tax incentives for enrolment in private education and funding for nurseries, pre-school and special education institutions through public-private partnerships (“conveniamentos”).</p> <p>(c) The increasing purchase by municipalities of standardized teaching and school management systems from private companies, which include teaching and teacher training materials and school management packages which may not be adequately customised for effective use.</p> <p>76. The Committee reminds the State party of its primary responsibility for guaranteeing and regulating education and reiterates the importance of public investment in education. In this regard, the Committee recommends that the State party take into consideration the recommendations made by the Special Rapporteur on the right to education (A/HRC/29/30) and establish a comprehensive framework of regulations for private education providers. The Committee further recommends that the State party:</p> <p>(a) Establish a clear regulatory framework, under which all private education providers are obliged to report regularly to designated public authorities on their financial operations, in line with prescriptive regulations, covering matters such as school fees and salaries, and to declare, in a fully transparent manner, that they are not engaged in for-profit education as recommended by the Special Rapporteur on the right to education (A/HRC/29/30, para. 125).</p> <p>(b) Phase-out the transfer of public funds to the private education sector and review its policies with regard to fiscal and tax incentives for enrolment in private education institutions in order to ensure access to free quality education at all levels, in particular nurseries and</p> |

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| | | <p>pre-schools, for all children by strictly prioritizing the public education sector in the distribution of public funds.</p> <p>(c) Stop the purchase of standardized teaching and school management systems by municipalities from private companies.</p> |
| 3. Cambodia | <p>CRC, Concluding Observation, CRC/C/KHM/CO/4-6, paras. 41–42, 27 June 2022</p> | <p>Education, including vocational training and guidance</p> <p>41. The Committee is deeply concerned about the following:</p> <p>(a) That primary education is not compulsory.</p> <p>[...]</p> <p>(d)</p> <p>(e) (e) The rapid increase in private schools.</p> <p>42. Recalling its previous recommendations,¹⁴ the Committee takes note of targets 4.1 and 4.2 of the Sustainable Development Goals and recommends that the State party:</p> <p>(a) Ensure, as a matter of priority, that primary education is compulsory and that free education is provided for all children for at least nine years.</p> <p>[...]</p> <p>(f) Ensure that financial costs, including voluntary contributions, related to school education and activities are not obstacles for children to access school education.</p> <p>[...]</p> <p>(i) Invest in the public education system and regulate private education providers to ensure the rights of children in all educational settings.</p> |
| 4. Cameroon | <p>CESCR, Concluding observations, E/12/CMR/CO/4, para.61(d), 25 March 2019</p> | <p>60. The Committee notes with concern that numerous challenges remain with regard to the effective enjoyment of the right to education in the State party. In this regard, it is concerned at:</p> <p>(d) The school costs at the primary education level occasioned by indirect and unofficial fees that have a disproportionate impact on children from low-income households;</p> <p>61. The Committee calls upon the State party to:</p> <p>(d) Ensure that attendance at primary school is actually free of charge and reinforce the rules and mechanisms for monitoring and overseeing private educational institutions.</p> |
| 5. Chile | <p>CESCR, List of issues, E/C.12/CHL/Q/4, para. 24, 22 December 2014</p> | <p>24. Please also provide information on the reform of the education system under way in the State party. Report on any measures adopted to eliminate fee-paying and selective systems that restrict equitable access to education and indicate what concrete steps the State party has taken to reduce the inequality caused by the current education</p> |

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| | | system. |
| 6. Chile | CESCR, Concluding observations, E/C.12/CHL/C O/4, para. 30, 7 July 2015 | <p>30. The Committee welcomes the education reform undertaken by the State party and the efforts made to extend the coverage of primary education. However, it remains concerned that the lack of resources and, occasionally, the poor quality of public education continues to result in high levels of segregation and discrimination along socioeconomic lines, which has the effect of limiting social mobility in the State party (art. 13).</p> <p>The Committee recommends that the State party should:</p> <p>(a) Take the necessary measures to ensure that the reform of the education system eliminates all mechanisms that result in the discrimination and segregation of students based on their social or economic background and, inter alia, ensure the effective implementation of the Inclusive Education Act, which regulates school admissions, eliminates partial fee-paying and stipulates that educational establishments receiving State support must be non-profit-making.</p> <p>(b) Take the necessary measures to eliminate the sharp disparities in quality of education that currently exist between private, subsidized and public schools and to ensure that all schools have adequate infrastructure and suitably trained teaching staff.</p> |
| 7. Chile | CRC, List of issues, CRC/C/CHL/Q/ 4-5, para. 14, 5 March 2015 | <p>14. With regard to the current education reform bill, please indicate how the authorities intend to put an end to segregation in the education system and guarantee the right to equality and non-discrimination in terms of access to education and within schools. Please indicate whether there are plans to abandon the voucher system and the student selection process in all public, subsidized and private schools.</p> |
| 8. Chile | CRC, Concluding observations, CRC/C/CHL/C O/4-5, paras. 67-70, 30 October 2015 | <p>67. The Committee notes law No. 20845 on educational inclusion, regulating the admission of students, removing mixed funding and prohibiting profit in educational establishments receiving State funding. However, the Committee is concerned about:</p> <p>(a) The high level of segregation in the school system, the differences in the quality of education, the still limited coverage of rural areas and the deterioration of the material conditions in public educational institutions.</p> <p>[...]</p> <p>(d) The absence of a regulatory and monitoring framework regarding private educational establishments.</p> <p>68. The Committee recommends that the State party:</p> <p>(a) Promptly take measures to decrease segregation and to promote an egalitarian and inclusive educational system, prohibiting all schools, independently of the</p> |

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| | | <p>source of funding, public or private, to select students on arbitrary criteria or socio-economic background.</p> <p>(b) Emphasize the quality of education and accelerate the allocation of increased targeted resources to education, in particular in free public schools.</p> <p>(c) Provide quality training for teachers, and dedicate resources to improve adequate and accessible infrastructure.</p> <p>(d) Increase efforts to improve conditions in schools in remote and rural areas and eliminate disparities in access to quality education between urban and rural areas.</p> <p>[...]</p> <p>(g) Promote the development of competencies, instances and procedures for children at the school level for the peaceful resolution of conflicts, in particular those of a political nature;</p> <p>(h) Develop and implement a regulatory and monitoring framework for the private educational sector ensuring respect for the principle of non-discrimination and promoting inclusion and respect for diversity.</p> <p>Aims of education</p> <p>69. The Committee is concerned about education being strictly evaluated according to instrumental and cognitive standards and indicators, excluding values and attitudes such as equality of rights between men and women, development of empathy, respecting commitments, participation in democratic life and respect for the environment.</p> <p>70. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party ensure, in all free, semi-private and private schools, that education contributes to the development of the fullest potential of every child, the development of respect for human rights, the preparation of the child for responsible life in a free society and the development of respect for the natural environment.</p> |
| <p>9. Côte d'Ivoire</p> | <p>CRC, Concluding observations, CRC/C/CIV/CO/2, para 47(e), 12 July 2019</p> | <p>47. Noting with appreciation that education is obligatory for children between the age of 6 and 16 years, according to article 2 (1) of Act No. 2015-635 of 17 September 2015 amending Act No. 95-696 of 7 September 1995 on education, and recalling its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to:</p> <p>(e) Take measures to eliminate the high indirect costs of education and reduce the discriminatory effects of private education on children from financially disadvantaged families by regulating private sector</p> |

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| | | education. |
| 10. Democratic Republic of Congo | CESCR, Concluding Observations, E/C.12/COD/CO/6 paras. 58–59, 28 March 2022 | <p>Right to education</p> <p>58. The Committee notes the State party's efforts to guarantee free education. However, it remains concerned about:</p> <p>(a) Reports that there are still indirect costs involved in attending school, such as teacher support fees, that limit access to primary education.</p> <p>[...]</p> <p>(c) The poor quality of education, which is due in part to the lack of sufficient resources, the precariousness of infrastructures and the insufficient number of teachers.</p> <p>59. The Committee recommends that the State party assume primary responsibility for providing a quality education for all children and, to this end, that it:</p> <p>(a) Ensure that primary school attendance is actually free of charge and reinforce the rules and mechanisms in place for monitoring and overseeing private educational institutions.</p> <p>[...]</p> <p>(b) Improve the quality of education, notably by allocating sufficient resources, increasing the number of qualified teachers and their salaries, and improving infrastructure and teaching materials.</p> |
| 11. France | CESCR, Concluding observations, E/C.12/FRA/CO/4, paras. 7–8 and 11, 13 July 2016 | <p>7. The Committee finds it regrettable that the level of official development assistance provided by the State party falls short of the internationally agreed target of 0.7 per cent of gross national product (GNP). It notes with concern that the due diligence requirements in the sphere of operations involving the State party's provision of development assistance, such as those relating to sustainable development and to the mitigation of environmental and social risks, do not provide full protection for the rights enshrined in the Covenant (art. 2 (1)).</p> <p>8. The Committee recommends that the State party redouble its efforts to raise the amount of development assistance which it provides to the internationally agreed level of 0.7 per cent of GNP. It also recommends that the State party develop robust methodological tools for analysing the impact that operations funded by development agencies have on the enjoyment of Covenant rights. In addition, it recommends that the State party include the Covenant in the compliance assessment framework for those agencies.</p> <p>11. The Committee also urges the State party to take all possible</p> |

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| | | steps to ensure that the decisions and policies adopted by the international organizations of which it is a member are in line with its obligations under the Covenant. |
| 12. France | CESCR, List of issues, E/C.12/FRA/QPR/5, para. 6, 6 April 2020 | 6. Provide information on: (a) the level of development assistance; (b) existing instruments aimed at integrating human rights into the State party's development aid strategy and its activities linked to the Sustainable Development Goals; (d) methodological tools for analyzing the impact of operations financed by development aid institutions on the rights provided for in the Covenant. By way of example, indicate what assessment has been made of the impact on the rights of the Covenant of the financing granted by Proparco to Novastar East Africa Fund which supports the activities of Bridge International Academies (BIA). |
| 13. Ghana | CRC, List of issues, CRC/C/GHA/Q/3-5, para. 14, 10 October 2014 | 14. Please provide detailed information on the reasons behind the increase in private education and the low quality of public education, including lack of teachers and teacher absenteeism, in the State party, limiting access to quality education for children who cannot afford private school tuitions. |
| 14. Ghana | CRC, Concluding observations, CRC/C/GHA/CO/3-5, paras. 57-58, 9 June 2015 | 57. [...] The Committee is, however, concerned that the education system continues to face serious challenges, and is particularly concerned about: (f) Private education developing very quickly, without the necessary supervision regarding the conditions of enrolment, the quality of education provided, and the transparency and efficiency in the management of education resources. 58. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party: (h) Assess and address the consequences of the rapid development of private education in the State party and its impact on the full realization of children's right to education in accordance with the Convention and ensure the effective and efficient regulation and monitoring of private education providers, through the Private School Desk within the Ghana Education Service. |
| 15. Ghana | CEDAW Concluding observations, CEDAW/C/GH/A/CO/6-7, para. 32(e), 7 November 2014 | 32. However, the Committee remains concerned about: (e) The lack of education facilities and of qualified teaching professionals, especially in rural areas, and the trend towards privatisation of education and the priority given to schooling of boys over girls, especially in rural areas. |

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| <p>16. Guinea</p> | <p>CRC, Concluding observations, CRC/C/GIN/CO/3-6, paras. 38(c) & 39(c), 28 February 2019</p> | <p>38. While noting the measures taken by the State party to improve the school infrastructure, to increase the quality of education and to strengthen awareness-raising programmes about the importance of education and literacy, the Committee remains seriously concerned about:</p> <p>(c) The important disparities still remaining between girls and boys and between children from different regions and children with different socioeconomic status, and the proliferation of private schools which makes quality education prohibitively expensive for children living in disadvantaged or vulnerable situations or in rural areas.</p> <p>39. With reference to its general comment No. 1 (2001) on the aims of education and to targets 4.1 and 4.5 of the Sustainable Development Goals, the Committee urges the State party to:</p> <p>(c) Improve the accessibility of education for all, especially for girls and for children living in rural areas and/or in poverty, and reduce the discriminatory effects of private education on children from financially disadvantaged families.</p> |
| <p>17. Haiti</p> | <p>CRC, Concluding observations, CRC/C/HTI/CO/2-3, paras. 58–59, 24 February 2016</p> | <p>58. The Committee welcomes the measures adopted in the context of the policy of mass education. It is, however, concerned that efforts remain largely insufficient and that only a limited number of the targets of the Operational Plan have been achieved. While welcoming efforts made, the Committee is also deeply concerned that a significant number of children still do not have access to education, in particular children in street situations, children with disabilities, children in conflict with the law, children in remote areas, children engaged in labour, internally displaced children and children who have been expelled from the Dominican Republic. It also notes with concern that:</p> <p>(a) The later children enter schooling, the shorter they benefit from the Programme for Free Compulsory Universal Education (PSUGO), which aims at providing education for children between 6 and twelve years of age;</p> <p>(b) Disparities remain in access to education between girls and boys and in particular between rural and urban areas;</p> <p>(c) Pregnant girls, young mothers and rape victims are frequently forced or pressurized to drop out of school;</p> <p>(d) Educational infrastructure is poor, schools are poorly equipped, particularly in rural and remote areas, few teachers are adequately qualified, and salaries are not regularly paid, leading to frequent cancellation of classes;</p> |

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| | | <p>(...)</p> <ul style="list-style-type: none"> (f) The education sector is dominated by private schools, which are often not officially authorized and monitored by the authorities and charge high fees exacerbating existing structural discrimination in the access to education, particularly affecting children in poverty. (g) “Ghost schools” have mismanaged funds received in the context of PSUGO. (h) The Office National pour le Partenariat en Education (ONAPE), supposed to improve the public-private partnership is not operative. <p>59. The Committee reminds the State party its primary responsibility for guaranteeing and regulating education and urges the State party to provide for free access to primary education and to take all necessary measures to guarantee access to education for children in vulnerable situations. It also recommends that the State party:</p> <p>(...)</p> <ul style="list-style-type: none"> (c) Increase the budget allocated to education, rehabilitate the infrastructure of the educational system, including by building additional schools, ensuring that schools are adequately equipped. (d) Ensure that teachers are adequately qualified, expand and improve both pre-service and in-service teacher training, and provide adequate salaries for teachers paid in a timely manner. (e) Establish a comprehensive regulatory framework for and regularly monitor private education providers, to ensure that they comply with quality standards, regularly report on their financial operations to relevant authorities, including on school fees and salaries, and that they do not engage in for-profit education;. (f) Ensure that public-private partnerships do not impede access to quality education for all children and guarantee that they do not serve private interests or entail any form of commercialization of education. |
| <p>18. Kenya</p> | <p>CESCR, List of issues, E/C.12/KEN/Q/2-5, para. 30, 4 November 2015</p> | <p>30. Please provide information on the measures taken to increase the number of public primary schools and enhance the quality of public schools, particularly in informal settlements and remote rural areas since the introduction of the free primary education policy. Please explain how the State party has regulated and monitored “informal private schools (or low-cost private schools)” to ensure quality education.”</p> |

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| <p>19. Kenya</p> | <p>CESCR, Concluding observations, E/C.12/KEN/CO/2-5, paras. 57-58, 4 March 2016</p> | <p>57. The Committee is concerned that the State party has not dedicated sufficient resources to finance school facilities and qualified teachers, to ensure effective enjoyment of the right to free primary education for all. It is also concerned that inadequacies in the public schooling system have led to the proliferation of so-called “low-cost private schools” which has led to segregation or discriminatory access to education particularly for disadvantaged and marginalized children, including children living in informal settlements and arid and semi-arid areas (arts. 13 and 14).</p> <p>58. Recalling that the State has the primary responsibility in ensuring to right to education, the Committee recommends that the State party take all necessary measures to strengthen its public education sector. The State party should increase the budgetary allocation to primary education and take all necessary measures to improve the access to and quality of primary education for all without hidden costs, particularly for children living in informal settlements and arid and semi-arid areas. It also recommends that the State party bring the Registration Guidelines for Alternative Provision of Basic Education and Training in line with Articles 13 and 14 of the Covenant and other relevant international standards; that it ensure that all schools, public, private, formal or non-formal, are registered; and that it monitor their compliance with the guidelines.</p> |
| <p>20. Kenya</p> | <p>CRC, Concluding observations, CRC/C/KEN/CO/3-5, paras 57(d) & 58 (b), 21 March 2016</p> | <p>57. The Committee welcomes the increase in enrolment and completion rates at primary and secondary education. However, the Committee is concerned about:</p> <p>(...)</p> <p>(d) Low quality of education and rapid increase of private and informal schools, including those funded by foreign development aids, providing sub-standard education and deepening inequalities.</p> <p>58. With reference to the Committee’s general comment No. 1 (2001) on the aims of education, the Committee:</p> <p>(...)</p> <p>(b) Guarantee the legal right to free mandatory education for all, without direct or hidden costs, including non-Kenyan citizens such as in particular refugee children. In doing so, prioritize free primary quality education at public schools over private schools and informal low cost schools and regulate and monitor the quality of education provided by private informal schools in line with the Convention.</p> |

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| <p>21. Kenya</p> | <p>ACHPR, Concluding observations & Recommendations on the Combined 8th – 11th Periodic Report of the Republic of Kenya (2008 – 2014)</p> | <p>37. The Commission is concerned about: (...) v. lack of monitoring and effective regulation of private school chains, such as Bridge International Academies that register as non-formal schools, whereas they appear to offer formal education.</p> <p>53. Kenya should: (...) v. ensure monitoring of Bridge International Academies regarding their system and methods of education.</p> |
| <p>22. Kuwait</p> | <p>CRC, Concluding Observations, CRC/C/KWT/CO/3-6, para. 39, 19 October 2022</p> | <p>39. The Committee, taking note of targets 4.1, 4.2, 4.5, 4.6, 4.a and 4.c of the Sustainable Development Goals, and recalling its previous recommendations,²⁵ further recommends that the State party:</p> <p>(a) Strengthen the quality of education and learning outcomes, including through the professional development of teachers and by reviewing the national curriculum, ensuring that teaching and learning materials are aligned with the curriculum and strengthening mechanisms for monitoring the compliance of both public and private schools with minimum educational standards.</p> |
| <p>23. Lebanon</p> | <p>CRC, Concluding observations, CRC/LBN/CO/4-5, para. 29 (b), 22 June 2017</p> | <p>29. Taking into account its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and finalize the national plan of action in line with the State party's strategy on the rights of the child with disabilities. It specifically recommends that it:</p> <p>(c) Ensure that public and private schools provide inclusive education and that all schools and care facilities are accessible, including by stepping up the implementation of Law No. 220 of 2000.</p> |
| <p>24. Lebanon</p> | <p>CEDAW, Concluding Observations, CEDAW/C/LBN/CO/6, para. 37, 1 March 2022</p> | <p>Education</p> <p>37. The Committee welcomes the information provided by the delegation during the dialogue concerning the encouragement of boys to become teachers and of girls to pursue scientific careers, in order to diversify career paths and combat gender stereotypes, and that a unified education strategy has been adopted for all students, including the most vulnerable, and will be rolled out in 2026. It notes that textbooks are published only after the Centre for Educational Research and Development has examined their content, taking into account gender issues, and that educational materials and textbooks used in private schools are also submitted to the Centre for evaluation and validation, including a gender audit. However, it notes with concern the low number of boys enrolled in the formal</p> |

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| | | <p>education system compared to girls, that boys are forced to work because of the economic crisis or are allegedly following their fathers into business and politics and the potential impact of this situation on the value accorded to girls' education and employment prospects. The Committee further notes with concern that school-related costs, including transportation, prevent many girls from attending school and the very low attendance rates among refugee girls.</p> |
| 25. Mali | <p>CESCR, Concluding observations, E/C.12/MLI/CO/1, paras. 51 (c) & 52(c), 6 November 2018</p> | <p>51. The Committee takes note of the State party's efforts to raise enrolment rates and promote gender parity in primary schools. However, it remains concerned about:</p> <p>(d) The growing disparities in access to a quality education, which are partly the consequence of hidden costs and the high tuition fees charged by private schools, which create a situation that disproportionately affects children from low-income families.</p> <p>52. The Committee recommends that the State party take primary responsibility for providing a quality education to all children and, to that end:</p> <p>(c) Ensure the effective implementation of free primary education and reinforce the rules and the mechanisms for monitoring and supervising private educational institutions.</p> |
| 26. Marshall Islands | <p>CEDAW, Concluding observations, CEDAW/C/MHL/CO/1-3, paras. 32(b)&33(b), 14 March 2018</p> | <p>32. The Committee notes with appreciation that, under the Public School System Act of 2013, girls enjoy equal access to education, which is free of charge and compulsory. It notes that the State party is in the process of developing a curriculum for primary education that covers gender equality and the history of nuclear testing in the State party. However, the Committee notes with concern that:</p> <p>(b) The dropout rate among adolescent girls is high at the secondary level of education, which is often due to early pregnancy, and the public school system regulations, which allow pregnant students to remain in school, are not applicable to private schools.</p> <p>33. In line with general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:</p> <p>(b) Ensure the effective retention and reintegration of pregnant women and adolescent girls into the school system, including by extending the applicability of the public school system regulations to private schools.</p> |

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| <p>27. Mauritania</p> | <p>CRC, Concluding observations, CRC/C/MRT/CO/3-5, paras. 35 & 36(e), 26 November 2018</p> | <p>35. The Committee welcomes the National Programme for the Development of the Education Sector 2011–2020 and the integration of human rights education into the school curriculum, but reiterates its previous concerns regarding the poor quality of education, low transition rates to secondary school and insufficient monitoring of private and Qur’anic schools (CRC/C/MRT/CO/2, para. 66). It is also deeply concerned about the recent closure, with no apparent replacement, of six public schools in Nouakchott, the high illiteracy rates, the limited availability of preschool education and primary schools, and the proliferation of private schools, which makes quality education prohibitively expensive for children living in disadvantaged or vulnerable situations.</p> <p>36. Taking note of targets 4.1 and 4.2 of the Sustainable Development Goals, on ensuring that, by 2030, all girls and boys complete free, equitable and quality primary and secondary education, and have access to quality early childhood development, care and pre- primary education, the Committee recalls its previous recommendations (CRC/C/MRT/CO/2, para. 66) and recommends that the State party:</p> <p>(e) Reduce the discriminatory effects of privatization and private education on children from financially disadvantaged families and establish mechanisms to monitor private schools’ compliance with minimum educational standards, curriculum requirements and teacher qualifications.</p> |
| <p>28. Mauritius</p> | <p>CESCR, Concluding observations, E/C.12/MUS/CO/5, para. 57(c), 5 April 2019</p> | <p>57. While welcoming the measures taken to strengthen basic education, including the introduction of the Nine Years of Continuous Basic Education Programme and the Primary School Achievement Certificate, and the adoption in 2018 of the Special Education Needs Authority Act, the Committee is concerned about:</p> <p>(c) The high level of inequality in educational outcomes due to the frequent selection of private education.</p> <p>58. The Committee recommends that the State party:</p> <p>(c) Address the growing inequality in educational outcomes, including by improving the quality of public education.</p> |
| <p>29. Morocco</p> | <p>CESCR List of issues, E/C.12/MAR/Q/4, para. 25, 19 March 2015</p> | <p>25. Please provide information on the establishment of private schools and the impact that privatization would have on the education system, in particular to prevent school dropout, to combat inequalities in access to education and to ensure full application of the principle of compulsory and free primary education for all.</p> |

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| <p>30. Morocco</p> | <p>CESCR, Concluding observations, E/C.12/MAR/CO/4, paras. 47–48, 22 October 2015</p> | <p>47. Le Comité s'inquiète de l'ampleur de la privatisation de l'éducation, qui peut conduire à une forme de ségrégation avec une éducation de qualité réservée seulement à ceux qui peuvent payer une scolarisation privée d'élite.</p> <p>"The Committee is concerned about the spread of private education, which could lead to a form of segregation, with good-quality education restricted to those who can pay for private, elite schooling."</p> <p>48. Le Comité demande instamment à l'État partie de prendre des mesures additionnelles pour [...] pour éviter que l'importance croissante de l'enseignement privé se traduise par une inégalité croissante dans l'accès à un enseignement de qualité. »</p> <p>"The Committee urges the State party to take additional measures to improve school enrolment rates among girls in rural areas and ensure that the significant increase in private education does not lead to growing inequality in access to good-quality education."</p> |
| <p>31. Morocco</p> | <p>CRC, Concluding observations, CRC/C/MAR/CO/3-4, paras. 60–61, 19 September 2014</p> | <p>60. The Committee is however concerned that the education system continues to face serious challenges. The Committee is particularly concerned that:</p> <p>(c) The lack of transparency and efficiency in the management of education resources reportedly leads to the effective use of only two thirds of the resources to improve the education system.</p> <p>(d) Private education is developing very quickly, especially at primary level without the necessary supervision regarding the conditions of enrolment and the quality of education provided, which has led to the reinforcement of inequalities in the enjoyment of the right to education as well as teachers increasingly engaging in private lessons in public schools and giving priority to the work they undertake in private schools.</p> <p>61. The Committee recommends that the State party:</p> <p>(b) Conduct a proper assessment of the shortcomings of the Emergency Plan 2009-2012 and on the basis of the lessons learned adopt all necessary measures to ensure an effective and efficient utilization and control of the financial resources allocated to the education system.</p> <p>(c) Assess and address the consequences of the rapid development of private education in the State party and ensure that teachers from the public sector contribute to the improvement of education in Morocco rather than being used by the private sector</p> |

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| | | by effectively enforcing Ministerial Circular No. 109 of 3 September 2008. |
| 32. Nepal | CRC, Concluding observations, CRC/C/NPL/CO/3-5 , paras. 58 (b) & 59 (c), 8 July 2016 | 58. [...] The Committee is concerned about: (b) Decreases in the proportion of the budget allocated to State provided education combined with the emergence of private schools, which exacerbates segregation and discrimination in the education system while reducing overall quality of education available to children. 59. [...] The Committee recommends that the State party: (c) Take appropriate regulatory measures to ensure that private providers of education do not undermine social cohesion, or exacerbate segregation and discrimination, in particular by effectively regulating fees, syllabus, admission criteria and diversity of student backgrounds, and other barriers to access, and ensure the adequate implementation of the legislation, as well as ensure child friendly school infrastructure in private schools. |
| 33. Nigeria | CEDAW, Concluding observations, CEDAW/C/NGA/CO/7-8 , paras 33(d) & 34(d), 24 July 2017 | 33. The Committee notes the efforts by the State party to address the effect of the Boko Haram insurgency on access to education by women and girls. It notes with concern: (d) The lack of data on the effect of the privatization of schools on access to education by women and girls. 34. The Committee recommends that the State party: (d) Provide data in the next periodic report on the effect of the privatization of schools on the right of women and girls to pursue their education and on the provision of special needs education for women and girls. |
| 34. Panama | CEDAW, Concluding Observation, CEDAW/C/PAN/CO/8 , para. 34 (b), 1 March 2022 | Education 34. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous concluding observations (CEDAW/C/PAN/CO/7, paras. 35 and 37), the Committee recommends that the State party: [...] (b) Eliminate the stigmatization of pregnant adolescent girls; establish monitoring mechanisms to ensure that public and private school programmes comply with the mandate of Law No. 60 of 2016; and establish programmes, including funds for school expenses and childcare, and information campaigns among adolescent girls to facilitate the reentry into school of young mothers in both the public and private |

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| | | education sectors. |
| 35. Pakistan | CRC, Concluding observations, CRC/C/PAK/CO/5, paras. 61-62, 11 July 2016 | <p>61. [...] The Committee is concerned about:</p> <p>(h) Privatisation of education with a lack of measures to ensure the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers.</p> <p>62. [...] The Committee recommends that the State party:</p> <p>(g) Prevent privatization of schools and establish mechanisms to monitor the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers.</p> |
| 36. Pakistan | CESCR, Concluding observations, E/C.12/PAK/CO/1, paras. 81-82, 20 July 2017 | <p>81. The Committee notes that the State party is conducting the Basic Education Community Schools Programme (BECS) and that under this programme the number of so-called “low-fee” private schools has been drastically increasing throughout the country in the form of public-private partnership initiatives. It also notes the information provided by the State party that the cost-benefit ratio of BECS projects is higher than that of formal primary schools of the government. The Committee, however, is concerned at:</p> <p>(a) The absence of proper assessments of the impact of the BECS and the public-private partnership initiatives on the right to education prior to their adoption as well as of their effectiveness in realizing the right to education since their adoption.</p> <p>(b) The lack of effective regulation by the State party, at federal and provincial levels, of these low-fee private schools.</p> <p>(c) The reportedly poor quality of education and teachers of these schools.</p> <p>(d) The very high non-fee expenses of these schools, amounting to about a quarter of household income per student, which disproportionately impedes girls’ access to education.</p> <p>(e) The reinforcement of the social segregation in education by this privatization of education, in which high income families send their children to high quality private schools, while low income families have to send their children to underfunded public primary schools or to BECS schools not properly monitored by the State party (arts. 13 and 14).</p> <p>82. The Committee recalls the State party that before starting a privatization process, a thorough human rights impact</p> |

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| | | <p>assessment would be necessary to live up to their legal obligation to progressively realize the right to education. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Carry out an assessment of the impact of public-private partnership initiatives based on a human rights perspective and the effectiveness of low-fee private schools in meeting the State party's obligation under the Covenant. (b) Strengthen the regulations on these schools and ensure their strict enforcement. (c) Improve the quality of education provided by these schools. (d) Ensure that no children drop out of school for not being able to pay the non-fee expenses. (e) Progressively eliminate social segregation in the education system by ensuring an education of equal quality to all children in all public and private schools. |
| <p>37. Philippines</p> | <p>CRC, Concluding observations, E/C.12/PHL/CO/5-6, paras. 55–56, 26 October 2016</p> | <p>55. While welcoming the important step achieved by the Enhanced Basic Education Act of 2013, the Committee is concerned that:</p> <ul style="list-style-type: none"> (a) The insufficient level of resources dedicated by the State party to financing school facilities and qualified teachers, and to ensuring the effective enjoyment of the right to free primary and secondary education for all. (b) The proliferation of so-called “low-cost private schools” at the primary and secondary level owing to inadequacies in the public school system, which have been expanded to the senior-high school level through the Senior-High School Voucher Programme. (c) The low-quality of education provided by these private schools, the top-up fees to cover the full cost of private education imposed on parents, and the lack of regulation by State authorities of these schools, which have led to the segregation or discriminatory access to education, particularly for disadvantaged and marginalized children, including children living in rural areas. <p>[...]</p> <p>56. Recalling that the State has the primary responsibility in ensuring the right to education, the Committee recommends that the State party take all the measures necessary to:</p> |

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| | | <p>(a) Strengthen its public education sector, through including increasing the budget allocated to primary and secondary education, with a view to improving access to and the quality of primary and secondary education for all, without hidden costs, particularly for children of low income families and children living in the rural areas.</p> <p>(b) Ensure that all schools, including the low-cost private schools, are registered and monitor their compliance with the Implementing Rules and Regulations of the Enhanced Basic Education Act of 2013 and the relevant guidelines.</p> <p>(c) Review the Education Service Contracting scheme to address its adverse impacts on the right to education of disadvantaged and marginalized children and their parents.</p> |
| 38. Republic of Korea | CRC, Concluding observations, CRC/C/KOR/CO/5-6 , para. 42(a), 24 October 2019 | <p>42. Recalling target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations, the Committee urges the State party to reform its public education system in line with the Committee's general comment No. 1 (2001) on the aims of education and with a view to reducing competitiveness, including by diversifying the national curriculum, reconsidering its college admissions system and strengthening career counselling. Furthermore, it urges the State party:</p> <p>(a) To reduce the reliance on private education, monitor the compliance of public and private schools with the Special Act on the Promotion of the Normalization of Public Education and Regulation of Prior Learning and impose sanctions in case of non-compliance.</p> |
| 39. Sao Tome and Principe | CRC, Concluding Observations, CRC/C/STP/CO/5-6 para43 (e). 23 June 2023 | <p>43. The Committee welcomes the increases in enrolment in early childhood and secondary education, the adoption of the education policy charter, 2018–2022, and the education policy, 2012–2022, aiming to improve the quality of education and teaching, and the repeal, in 2021, of the regulations prohibiting pregnant adolescents from attending school with their peers. However, the Committee is seriously concerned about the following:</p> <p>(e) The lack of public higher education, despite the increased demand, while higher education is mostly provided by the private sector.</p> |

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| <p>40. Senegal</p> | <p>CESCR, Concluding observations, E/C.12/SEN/CO/3, para. 41, 13 November 2019</p> | <p>41. The Committee welcomes the increase in primary school enrolment rates in the State party, in particular as a result of the abolition of school fees. However, the Committee is concerned at reports that schooling still involves indirect costs, in particular at the secondary level. In addition, it regrets that there is a shortage of school and training places, in particular in rural and disadvantaged areas, and that 47 per cent of school-aged children are reportedly outside the school system, including because they have no birth certificate. The Committee notes with concern the inadequate availability of inclusive and quality education in public schools, to the benefit of potentially expensive private schools and Franco-Arab and Qur'anic schools, which are generally free but whose current curricula do not ensure the same level of education as in public institutions. In addition, the lack of inclusive education training and disability training means that children with disabilities are not adequately provided with the training necessary for their integration, including their professional integration (arts. 13 and 14).</p> |
| <p>42. South Africa</p> | <p>CESCR, Concluding observations, E/C.12/ZAF/CO/1, paras 70-71 (d), 29 November 2018</p> | <p>70. The Committee [...] is further concerned at the practice of charging fees in the form of voluntary contributions in no-fee schools, and at the discriminatory effects of fee exemptions in fee-paying schools, particularly on children of single parents. Furthermore, it is concerned about the lack of guidance on the roles and responsibilities of private sector actors in education.</p> <p>71. The Committee recommends that the State party intensify its efforts to:</p> <p>(d) Improve the regulatory framework to define the roles and responsibilities of private sector actors, and monitor the education provided by such actors.</p> |
| <p>43. Sri Lanka</p> | <p>CESCR, Concluding observations, E/C.12/LKA/CO/5, para. 63, 04 August 2017</p> | <p>63. The Committee is concerned that, despite concerted efforts taken, regional disparities remain in school infrastructure, availability of water and electricity in educational institutions, deployment of trained educational personnel, curriculum contents, as well as with regard to transport of pupils. These disparities, lead to differences in access to and quality of education. The Committee is also concerned about the hidden financial costs of schooling, in particular donations for school admittance that constitute de facto bribes burdening low-income and underprivileged households with additional costs. It is furthermore concerned at the commodification of education.</p> |
| <p>44. Sweden</p> | <p>CRC, Concluding Observations, CRC/C/SWE/CO/6-7 para 43 (a). 7 March 2023</p> | <p>38. The Committee recommends that the State party: (a) Ensure the equal access of children in disadvantaged groups, including asylum-seeking, refugee and migrant children, children in alternative care and children from socioeconomically disadvantaged families, to quality education, including by:</p> |

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| | | (i) allocating resources to ensure the high quality and accessibility of public education and regulating and monitoring private schools with the aim of addressing inequality in the education system. |
| 45. The Netherlands | CESCR, Concluding observations, E/C.12/NLD/CO/6, paras. 9–10, 6 July 2017 | International development cooperation 9. The Committee expresses concern over the decline in the level of the State party's official development assistance, which fell below the internationally agreed commitment of 0.7 per cent of gross national income (GNI) in 2013 and has continued to decrease and that human rights impact assessments are not systematically carried out (art. 2 (1)). 10. The Committee calls upon the State party to progressively increase its ODA to 0.7 per cent of GNI and to pursue a human rights-based approach, including human rights impact assessments, in its development cooperation policy. |
| 46. Tunisia | CRC, Concluding Observations, CRC/C/TUN/CO/4-6 para. 37 (b), 2 September 2021 | 37. Taking note of targets 4.1, 4.3, 4.4, 4.5, 4.6 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party: (b) Allocate the resources necessary to ensure the high quality and accessibility of public education and regulate and monitor private schools with the aim of addressing inequality in the education system; |
| 47. Uganda | CESCR, List of issues, E/C.12/UGA/Q/1, para. 32, 22 December 2014 | 32. Please also provide information on the impact the growth of private education in the State party has had on the right to education of girls and children living in poverty. Please also indicate steps taken to improve quality of education and qualifications and skills of teachers. |
| 48. Uganda | CESCR, Concluding observations, E/C.12/UGA/CO/1, para. 36, 24 June 2015 | 36. The Committee also expresses concern at the: (c) Widening of the gap in access to quality education resulting from the increase in the provision of private education and disproportionately affecting girls and children of low- income families. Recalling its general comment No. 13 on right to education, the Committee recommends that the State party assumes primary responsibility for the provision of quality education to all children. To this end it should: (b) Allocate sufficient resources to the education sector with a view to improving infrastructure of schools including sanitation, working conditions of teachers, and teaching materials. (c) Strengthen regulations and expand monitoring and oversight mechanisms for private education institutions. |

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| <p>49. Uganda</p> | <p>ACHPR, Concluding Observations & Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010 – 2012)</p> | <p>80. The increase in the establishment of private schools, which has been encouraged by the Government, allegedly raises the concern of the Government gradually releasing itself from the obligation to provide quality public education, which could result in discrimination against children from low-income households.</p> <p>116. Increase its investment in public education to match the increasing enrolment, and ensure the quality thereof, to avoid forcing parents to resort to private schools, as well as to regulate the quality of education being provided by private schools.</p> |
| <p>50. United Kingdom</p> | <p>CRC, Concluding observations: United Kingdom, CRC/C/GBR/CO/5, paras. 17–18, 12 July 2016</p> | <p>17. In the context of international development cooperation, the Committee is concerned about the State party's funding of low-fee, private and informal schools run by for-profit business enterprises in recipient States. Rapid increase in the number of such schools may contribute to sub-standard education, less investment in free and quality public schools, and deepened inequalities in the recipient countries, leaving behind children who cannot afford even low-fee schools.</p> <p>18. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.</p> |
| <p>51. United Kingdom</p> | <p>CESCR, Concluding observations, E/C.12/GBR/C/O/6, paras. 14–15, 14 July 2016</p> | <p>14. [...] The Committee is particularly concerned about the financial support provided by the State party to private actors for low-cost and private education projects in developing countries, which may have contributed to undermine the quality of free public education and created segregation and discrimination among pupils and students (arts. 2, 13 and 14).</p> <p>15. The Committee calls upon the State party to adopt a human rights-based approach in its international development cooperation, by:</p> <ul style="list-style-type: none"> (a) Undertaking a systematic and independent human rights impact assessment prior to decision-making on development cooperation projects. (b) Establishing an effective monitoring mechanism to regularly assess the human rights impact of its policies and projects in the receiving countries and to take remedial measures when required. (c) Ensuring that there is an accessible complaint mechanism for violations of economic, social and cultural rights in the receiving countries committed in the framework of development cooperation projects. |

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| <p>52. Zimbabwe</p> | <p>CRC, Concluding observations, CRC/Z/ZWE/CO/2, para. 69(e), 7 March 2016</p> | <p>69. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party continue to strengthen programmes and policies to ensure the accessibility of quality education for all children in Zimbabwe. In particular, the Committee urges the State party to:</p> <p>[...]</p> <p>(e) Regulate both public and private educational institutions through the setting of standards to ensure quality education and regularly monitor schools to assess the implementation of these standards.</p> |
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About GI-ESCR

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights advocacy organisation. Together with partners around the world, GI-ESCR works to end social, economic and gender injustice using a human rights approach.

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