



**Parallel Report submitted by the Coalition Marocaine pour l'Education Pour Tous, the Fédération Nationale des Associations de Parents d'Elèves au Maroc, the Global Initiative for Economic Social and Cultural Rights, the Mouvement Anfass Démocratiques, Bayti, the Union des Etudiants pour le Changement du Système Educatif, Zaynoo and ATTAC/CADTM Maroc.**

**to the United Nations Pre-sessional Working Group of the Committee on Economic, Social and Cultural Rights on the occasion of the consideration of the List of Issues for Morocco during the Committee's 55th session**

## I. Introduction

1. The present report is submitted by the following organisations: The Moroccan Coalition on Education for All (CMEPT), which is a network of more than 40 organisations working on education in Morocco,<sup>1</sup> the Moroccan National Federation of Parents' Associations (FNAPEM)<sup>2</sup>, the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)<sup>3</sup>, Bayti<sup>4</sup>, the Student Union for the Change of the Educational System (UECSE),<sup>5</sup> the Mouvement Anfass Démocratiques,<sup>6</sup> Zaynoo for Equal Opportunities,<sup>7</sup> and ATTAC/CADTM Morocco.<sup>8</sup>
2. This report is the result of several months of collaboration between the organisations mentioned above. It also draws on and features some of the research conducted by the CMEPT and the GI-ESCR as part of the elaboration of a parallel report on the same subject for the Committee on the Rights of the Child (CRC), which reviewed Morocco in September 2014. The three parallel reports submitted to the CRC are available on the website of the GI-ESCR.<sup>9</sup>
3. Following the review of September 2014, the CRC expressed its concern about the uncontrolled development of private education, "*which has led to the reinforcement of inequalities in the enjoyment of the right to education*".<sup>10</sup> Previously, the Committee on Economic, Social and Cultural Rights (CESCR) had already observed "*with concern*" in its concluding observations on Morocco in September 2006 that "*the State-Party has a two-speed education system with a striking difference in level between public and private education which denies equal opportunities to low-income sectors of society*".<sup>11</sup>
4. However, despite the strong recommendations of the CESCR in 2006, and although the concluding observations of the CRC have had significant public attention in Morocco, the situation has worsened in the last months. The government now considers strengthening the role of the private sector in education, through public-private partnerships on the model of countries like Chile, despite abundant research demonstrating the serious and systemic human rights violations that such systems consistently generate. This report aims to conduct a follow-up on the concluding observations of the CESCR and the CRC, and to alert the Committee on the alarming situation of the growing role of unregulated private education in Morocco and violations of the right to education associated therewith. This preliminary report will be complemented by another more exhaustive contribution, which will be sent to the Committee before the review of Morocco.

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<sup>9</sup> <http://globalinitiative-escr.org/advocacy/privatization-in-education-research-initiative/research-project-on-the-impact-of-the-development-of-private-education-in-morocco/>

<sup>10</sup> Voir <http://globalinitiative-escr.org/lonu-denonce-le-developpement-incontrolle-de-lenseignement-prive-qui-a-conduit-au-renforcement-des-inegalites-dans-la-jouissance-du-droit-a-leducation/>

<sup>11</sup> E/C.12/MAR/CO/3, para. 30.

## II. Current status of education in Morocco: 30 years of growing and alarming privatisation

5. In 1983, Morocco implemented a Structural Adjustment Program aimed at reducing the country's macroeconomic imbalances, in application of the recommendations from the World Bank and the International Monetary Fund. Following the implementation of this program, the budget allocated to education was reduced by 11% between 1983 and 1989.<sup>12</sup> This reform was, moreover, the trigger for a vast program of deregulation and privatisation in education.<sup>13</sup> This view was strengthened by the adoption by Morocco of the General Agreement on Trade in Services (GATS) in the context of the World Trade Organisation (WTO) negotiations.
6. Starting from the adoption of the National Education and Training Charter [the Charter] in 2000, the State Party has deliberately chosen to promote the role of the private sector in its education system. The Charter states that "the private education and training sector is considered as a main partner, alongside the State, in the promotion of the education and training system, the broadening of its extension and the continuous improvements of its quality".<sup>14</sup>
7. In practice, the government set itself a target of 20% of students trained in private primary and secondary education by 2010.<sup>15</sup> However, this increased role of private education was not matched by an equivalent regulation effort. The Law No. 06-00 on private school education, which is implementing the Charter, only vaguely regulates private education, and is for instance silent on the issue of school fees.
8. In 2009, Morocco adopted the 2009-2012 Emergency Program "Najah" (Success), which also suffered from bad governance and mismanagement. At the end of the program in 2012, no official evaluation or assessment of this program was made public. The emergency plan put as one of its explicit priorities the development of the private sector.<sup>16</sup> The Emergency Program introduced principles of privatisation of public school and the commodification of education through measures such as the introduction outsourced management for boarding schools and school canteens, by granting public schools to private capital, by the introduction of precarious regimes of recruitments for teachers, etc. In addition, the authorities have taken a series of other policy measures to promote private education, such as tax incentives,<sup>17</sup> the active search for private funds,<sup>18</sup> and laws on the governance of the private sector.<sup>19</sup>
9. The final step to the progressive questioning of education as a right and a public good, the head of Government Mr. Abdelilah Benkirane, speaking at the fiftieth anniversary of the African Development Bank (BAD) in November 2014, declared that "*it is time that the State withdraws*

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<sup>12</sup> Espace Associatif et Centre canadien Droits et Démocratie, Etude sur le développement démocratique et l'action associative au Maroc (2004), p. 39.

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[http://www.finances.gov.ma/Docs/1995/depf/bilan\\_du\\_programme\\_d\\_ajustement\\_structuel\\_octobre\\_1995.pdf](http://www.finances.gov.ma/Docs/1995/depf/bilan_du_programme_d_ajustement_structuel_octobre_1995.pdf)

<sup>14</sup> Commission Spéciale d'Education et de Formation, Charte Nationale de l'Education et de la Formation, 2000, para. 163.

<sup>15</sup> A/HRC/8/10/Add.2, para. 20.

<sup>16</sup> Project E4.P3 in Royaume du Maroc, Ministère de l'Education Nationale, de l'Enseignement Supérieur, de la Formation des Cadres, et de la Recherche Scientifique, *Rapport de synthèse du programme d'urgence*.

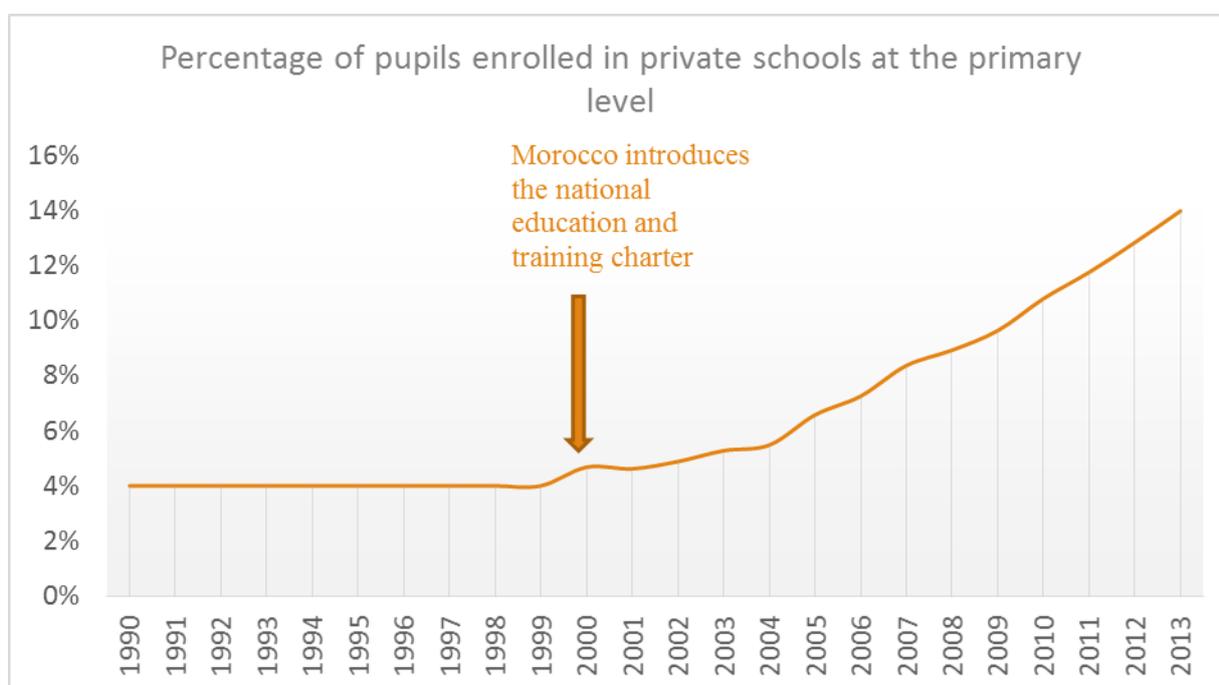
<sup>17</sup> Marie Chartier, Khadija Zahi, and Youssef Nait Belaid, « Privatisation de l'offre scolaire au Maroc : Amplification des inégalités en matière d'éducation » (October 2012), <http://farzyat.cjb.ma/privatisation-de-loffre-scolaire-au-maroc-amplification-des-inegalites-en-matiere-deduction>

<sup>18</sup> CSE/INESEF, *Etat et perspectives du système d'éducation et de formation*, Volume 1, 2008, p. 42.

<sup>19</sup> Ibid., p. 25; Royaume du Maroc, Ministère de l'Education Nationale, de l'Enseignement Supérieur, de la Formation des Cadres, et de la Recherche Scientifique, *Rapport de synthèse du programme d'urgence*, p. 91.

from certain sectors, such as healthcare and education” and that “the role of the state should be limited to assisting private operators who want to engage in these sectors”.<sup>20</sup> Shortly afterwards, the ADB issued a report recommending a liberalisation of education that should enable education entrepreneurs to generate “profitable returns on investment”, which was immediately denounced by over 70 organizations worldwide.<sup>21</sup>

10. The closure of many public schools at the primary and secondary level, especially in Casablanca and Rabat, is an alarming indicator of the declining state commitment to a free and quality education for all, which results from these policies. These closures have affected 191 schools between 2008 and 2013. Many schools are now under threat of closure, such as the Chawqi high school in Casablanca.<sup>22</sup>
11. As a result of these policies, the percentage of private enrolment at the primary level has more than tripled in less than 15 years from 4% in 1999% to 14% in 2013%.<sup>23</sup> Although the government claims that 14% is a low proportion of students in private schools, this figure has increased over a short period. The percentage of students enrolled in private primary schools has more than tripled in 13 years (between 2000 and 2013) with an annual average growth of the proportion of children enrolled at private primary schools of 8%.

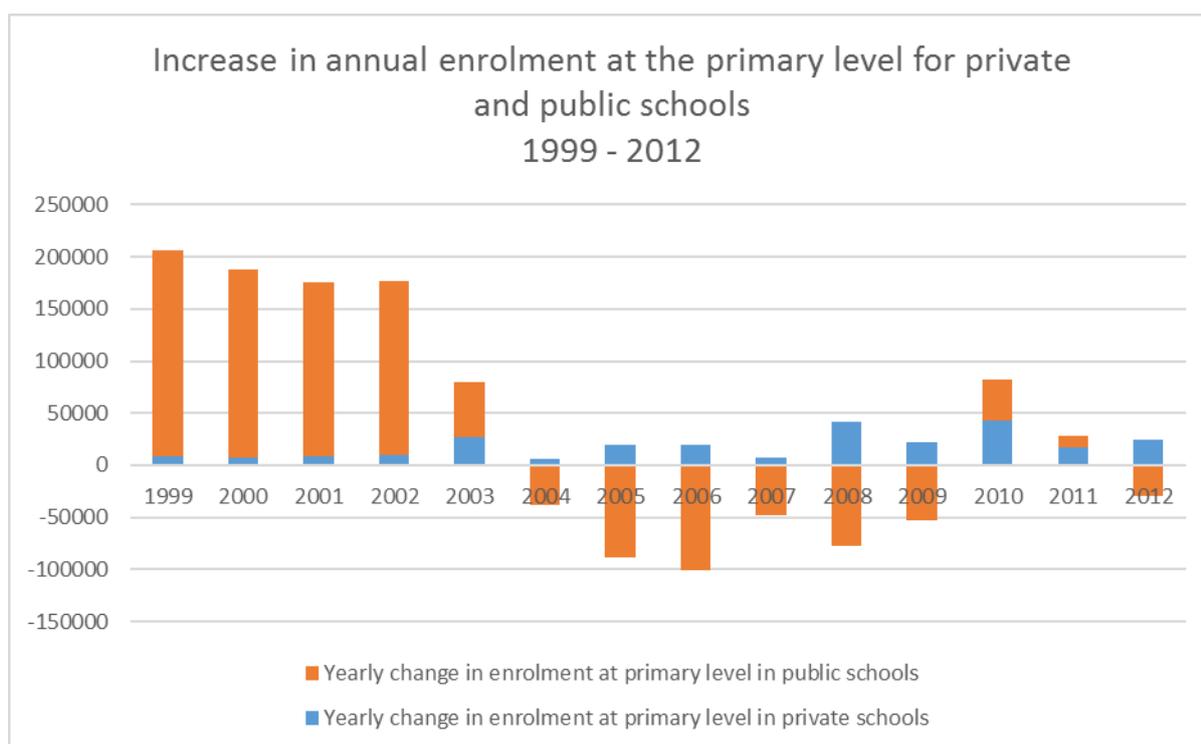


<sup>20</sup> <http://www.h24info.ma/maroc/27974>

<sup>21</sup> <http://globalinitiative-escr.org/la-societe-civile-denonce-le-soutien-de-la-banque-africaine-de-developpement-et-dautres-organisations-internationales-a-la-privatisation-de-leducation/>

<sup>22</sup> « سجنا 14 يفتح وتعدلية مؤسسة 191 يخلق بذكيران », Journal Annahar Al Maghribya, 10 February 2014.

<sup>23</sup> These statistics, and the statistics below, come from the Unesco Institute for Statistics, unless specified otherwise : <http://data.uis.unesco.org/>



12. While not attempting to make projections, and for illustrative purposes, keeping the pace of growth of the private education in the years 2000 to 2013 – and without taking into account the acceleration of the phenomenon since 2005 –, the proportion of primary school students in the private sector could reach a third in a decade. By 2030, more than a primary student over two would be enrolled in the private sector (see table below).

Projections of enrolment of percentage of pupils enrolled in private schools at primary level (2014 – 2038) applying the annual average growth 2000 - 2013								
Year	2000	2005	2010	2013	2020	2023	2030	2038
Percentage of pupils enrolled in private schools at primary level	4.2%	5.5%	10%	13%	24%	30%	52%	97%

13. Conversely, the number of children enrolled in public primary schools has almost fallen steadily since 2000. Strikingly, the number of children enrolled in public primary schools in 2013 (3,475,190 pupils) fell for the first time below what is used to be in 2000 (3,497,926 pupils), when the government introduced reforms favouring the development of private education, while at the same time the total number of students enrolled in primary school (private and public) increased by 10%.

14. In line with this evolution of the educational policy in Morocco, the government is currently working to rethink the scope of private education. Nevertheless, and despite all the available reports and proofs tending to show the issues for the realisation of human rights posed by the growth of the private sector,<sup>24</sup> the reform brought by the government consist in reinforcing the role of private actors. This development could be achieved through the use of Public-Private Partnerships (PPPs) in the form of school vouchers, on the model of countries such as Chile. The measure 25 of axis 3 of the education reform project called « A new school for tomorrow's citizen », which sets out the government's vision about the education system by 2030 proposes a

<sup>24</sup> See the research quoted on Voir les recherches citées sur <http://globalinitiative-escr.org/advocacy/privatization-in-education-research-initiative/>; <http://www.right-to-education.org/issue-page/privatisation-education>; <http://www.periglobal.org/>.

new form of privatisation of education under the concept of « partner schools ».<sup>25</sup> Through this reform, the government plans on further supporting private education so that it reaches 20% of school-going children by 2018, and on encouraging public-private partnerships.

15. However, it has been shown that PPPs are particularly problematic for the right to education. For instance, the Chilean education system, which has implemented a PPP model for 30 years, is the most segregated in the world, in violation of international human rights standards, and has been the cause of widespread protests in Chile in 2006 and 2011.<sup>26</sup> The CESCR directly expressed concerns over this situation in the pre-session review of Chile,<sup>27</sup> and faced with the inequalities that PPPs have created, the Chilean government has recently resolved to return to a more balanced system in which the state guarantees fundamental rights in education.<sup>28</sup> Other research, such as a briefing from the Right to Education Project, have shown that public-private partnerships in education are expensive, ineffective, and reinforce inequalities.<sup>29</sup> Similarly the Organization for Economic Cooperation and Development (OECD) has shown through the analysis of the results to the Program for International Student Assessment (PISA) that policies aimed at increasing choice and competition in the educational, as promoted by PPPs, do not improve quality and are a source of inequalities.<sup>30</sup> Therefore, the reform of the Moroccan educational system do not take into account the situation of marginalized groups, the issue of inequalities, and the realisation of human rights as a whole, in favor of a reform in the direction of PPPs of which the experience has shown that it has a good chance of benefitting primarily to rich wealthy households.

### III. Impact of privatisation in education in Morocco

#### 1) Early childhood education

16. The Charter provided for the generalization of preschool by 2004, but the preschool enrollment rate in 2012 was only 59.4% and did not exceed 25.1% for rural girls.<sup>31</sup> Between 2000 and 2008, the average annual growth rate annual growth rate of enrollment in preschool was negative at -2.43%.<sup>32</sup> The Report of the High Council of Education (CSE) in 2008 urged the State to build 11000 to 13000 rooms to generalize preschool education.<sup>33</sup>
17. The CSE report also points out the barriers for accessing existing pre-schools for poor families or for families living rural areas and to enroll their children in private modern pre-schools. Indeed, 95.1% of preschools are in the private sector.<sup>34</sup> The report emphasizes the duality between a modern preschool system catering for wealthy and urban population, and a chaotic and informal traditional preschool system lacking resources, which leads to discrimination at the school level.

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<sup>25</sup> Ministère de l'éducation nationale, "Une nouvelle école pour le citoyen de demain" (09 Septembre 2014).

<sup>26</sup> See <http://globalinitiative-escr.org/the-most-segregated-education-systems-in-the-world-new-report-challenges-the-consequences-of-privatisation-of-education-in-chile-with-the-un/> and report quoted thereby.

<sup>27</sup> E/C.12/CHL/Q/4.

<sup>28</sup> Reuters, « Chile's Bachelet prepares next phase of education reform », 27 January 2014, available on <http://www.reuters.com/article/2015/01/27/us-chile-education-reform-idUSKBN0L01W620150127>

<sup>29</sup> Right to Education Project, "Do Public Private Partnerships promote or hinder the Right to Education?", Policy Brief, 2010, available on [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE\\_Do\\_PPP\\_promote\\_or\\_hinder\\_the\\_RTE\\_2010.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Do_PPP_promote_or_hinder_the_RTE_2010.pdf). See also Susan L. Robertson, Karen Mundy, Antoni Verger, Francine Menashy (eds.), *Public Private Partnerships in Education: New Actors and Modes of Governance in a Globalizing World* (Edward Elgar, 2012);

<sup>30</sup> See <http://gpseducation.oecd.org/revieweducationpolicies/#!node=41702&filter=all> et and quoted research.

<sup>31</sup> Recueil statistique de l'éducation (2010), Ministère de l'Education Nationale.

<sup>32</sup> Etude sur la situation du préscolaire (2008), Alliance de Travail dans la Formation et l'Action pour l'Enfance (ATFALE).

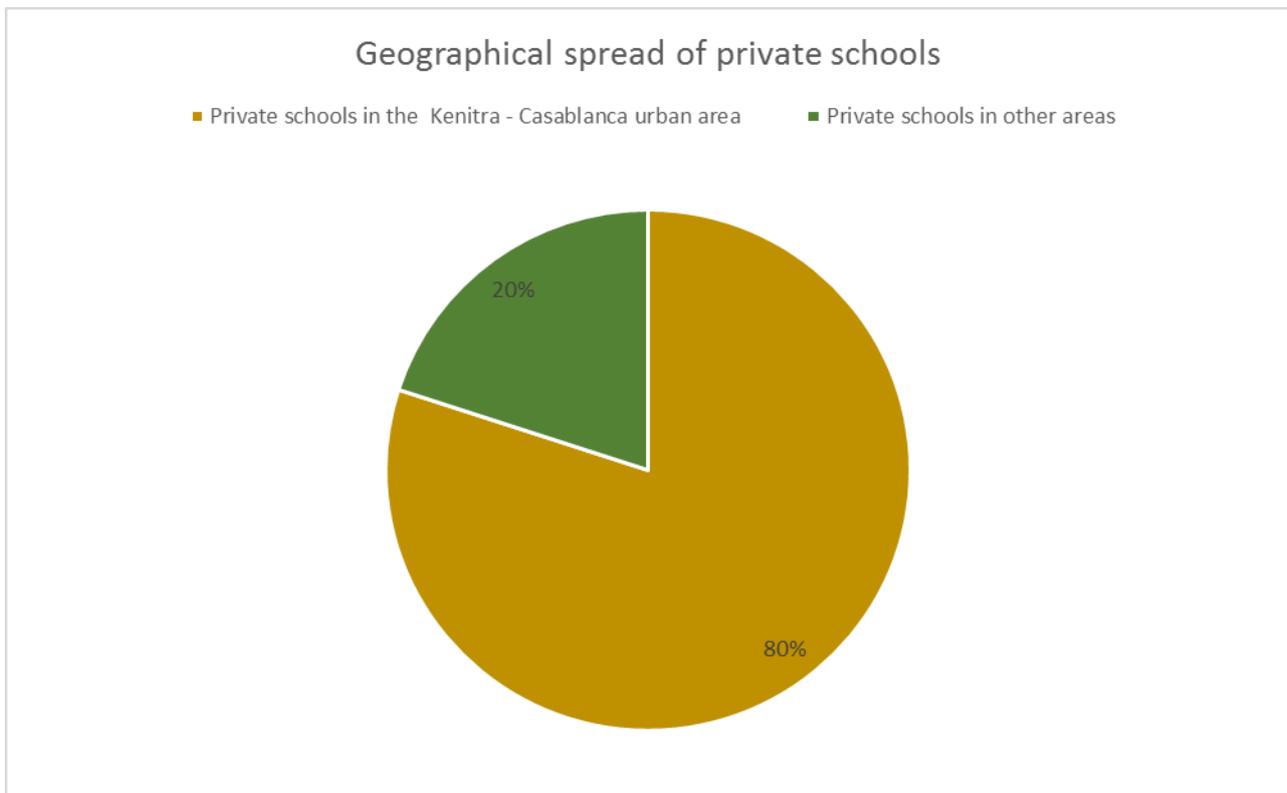
<sup>33</sup> Rapport Analytique (2008), Conseil Supérieur de l'Education, p. 22.

<sup>34</sup> Recueil statistique de l'éducation (2010), Ministère de l'Education Nationale.

18. The preschool educational content remains restricted to languages, computing and religious education, while the Charter states the need for the development of sensory-motor, spatiotemporal, semiological, imaginative and expressive skills. Educators only exceptionally benefit of a specific training in the field of early childhood and their academic level does not exceed the ninth year of basic education for 90% of them in 2003.<sup>35</sup>
19. Additionally, people who work in pre-school, which is essentially managed by the private sector, often have precarious legal status, with little supervision by the government. The situation of these workers also has an impact on the quality of preschool education.

## 2) Primary and secondary education

20. 80% of the State-Party's private schools are fee-paying, for-profit, and located in the urban area of Kenitra-Casablanca.<sup>36</sup> Most private schools target wealthy urban households, thus not allowing the majority of the population that does not have financial means to access it.<sup>37</sup>

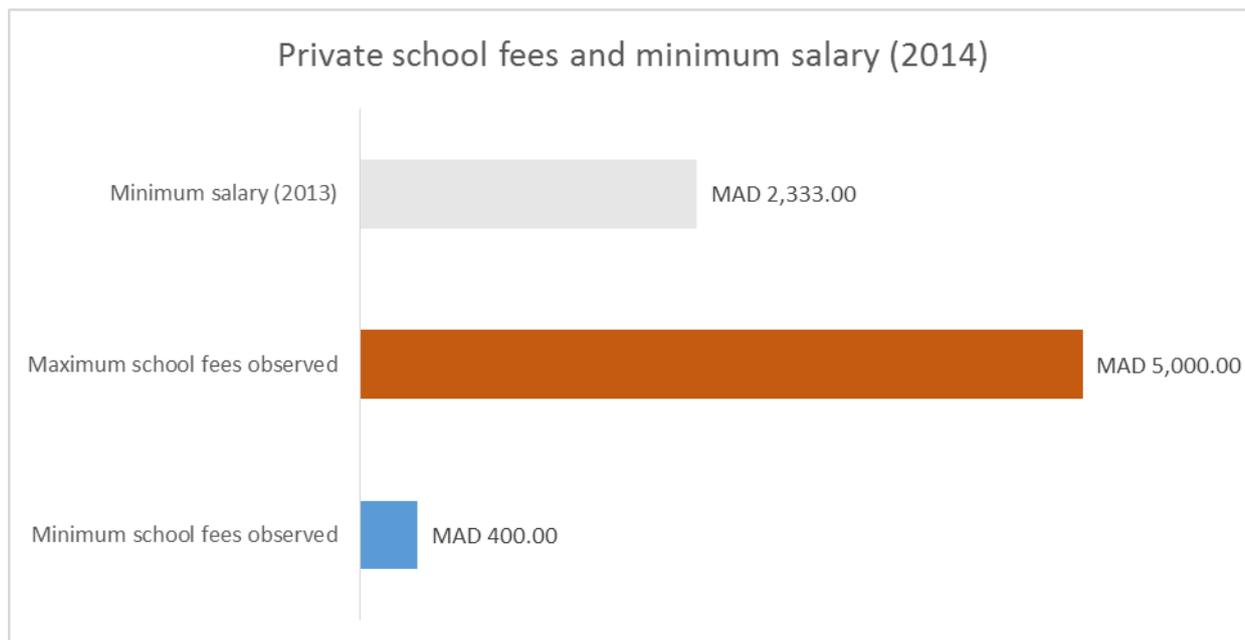


21. The tuition fees of private educational institutions are not regulated nor capped. A study soon to be released, conducted by the GI-ESCR in the delegation of Casa-Anfa, in Casablanca, shows that tuition fees in primary schools range from 400 dirhams a month (about 40 US dollars) for low-cost schools to 5,000 dirhams (about 525 US dollars) for the most expensive ones. These figures are to be put in perspective with the minimum salary, which was only about 2,487 dirhams (about 260 US dollars) per month in 2014, showing that many families either cannot access private education or must make important financial sacrifices to enrol their children in private schools.

<sup>35</sup> Chedati, B. Faiq (2003), *L'enseignement préscolaire : état des lieux et propositions*, COSEF/MEN.

<sup>36</sup> CSE/INESEF, *Etat et perspectives du système d'éducation et de formation*, Volume 1, 2008, p 22.

<sup>37</sup> UNESCO, *Education au Maroc: Analyse du secteur*, 2010/ED/FU/RAB/PI/2, p. 49 and quoted research : Alama, A. et Vélaz de Medrano, C. (Dir) et Chedati, B. (2008), *Equidad y políticas públicas en educación y formación básicas en Marruecos*, in C. Vélaz de Medrano (Dir.), A. Alama, A. Euceda, N. Massé y M<sup>a</sup> J. Vitón (Coords.).



22. Private schools generally do not display or communicate publicly these tuition fees, fostering a lack of transparency and clientelism.
23. A study conducted in 1999 on the contribution of families to public education fees estimated at 180,992,523 dirhams per year (about 19,000,000 dollars) the total fees paid by Moroccan families in supposedly free public schools. These fees are used to cover subscriptions to the sports association and the school cooperative, the school and sport insurance, the acquisition of student cards, absence cards, school records, health records, stamped envelopes, and the registration form for the baccalaureate.<sup>38</sup> Furthermore, the General Accounts of Education, published by the Ministry in 2006, reveal that the State covers 51% of the costs of education while households cover 30%.<sup>39</sup>
24. As a result of these policies, inequalities in education are growing rapidly in the State-Party. Several indicators reflect growing inequalities. For instance, just taking one measurable leaning outcome – basic in reading: % of children who achieve an international minimum learning standard in reading, according to the results to the PIRLS (Progress in International Reading Literacy Study)<sup>40</sup>. In 2006, 33% the least advanced group (rural poor) reached minimum learning standard in reading, against 75% of the most advanced group (urban rich). The difference between the two groups was of 42%. There was almost no difference between rural rich and rural pool (graph below).

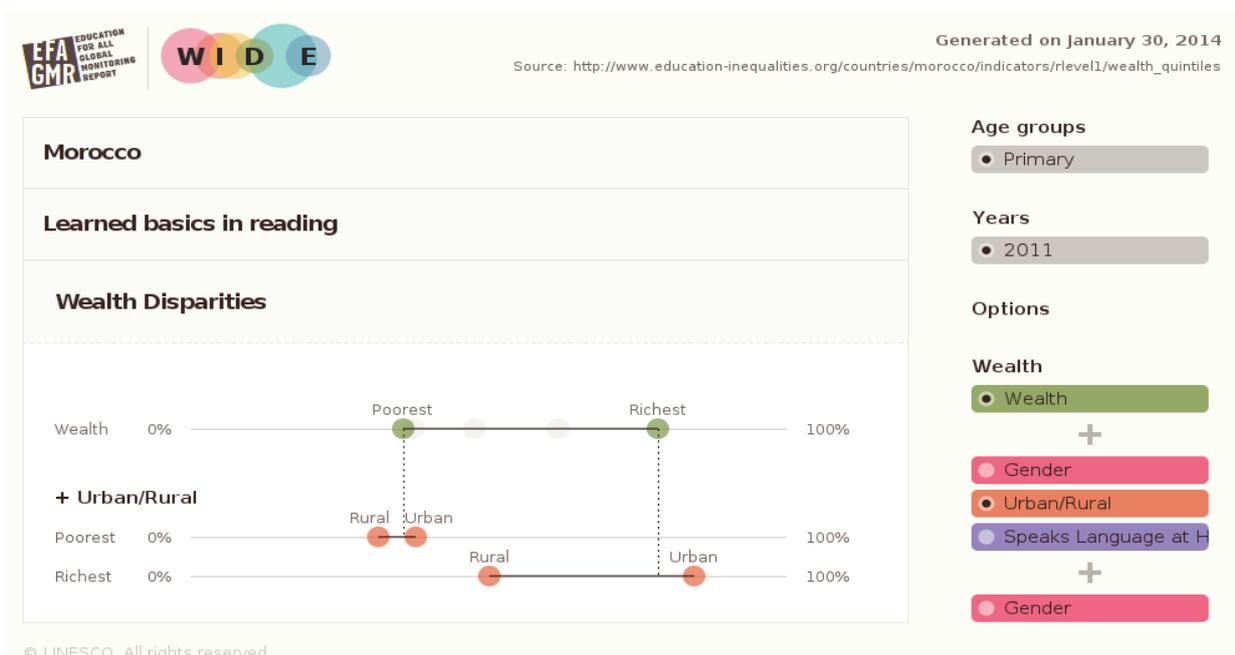
<sup>38</sup> Statistiques de la contribution des familles dans les frais éducatif (1999), FNAPEM.

<sup>39</sup> Les Comptes Généraux de l'Éducation, Ministère de l'Éducation Nationale (2006).

<sup>40</sup> Statistics below taken from <http://www.education-inequalities.org/>.



25. In 2011, the least advanced group's results went down by 2% to 31% of poor rural children managing basics in reading, whereas the most privileged group's results went up by 9%, with 84% of rich urban children achieving minimum learning standards in reading. This means that inequalities between rural poor children and urban rich children went up by 26% between 2006 and 2011, and the difference between rural rich and rural poor, which was insignificant in 2006, has grown by 340% (graph below).



26. Registration fees charged by private schools, combined with the fact that most private schools conduct an entrance learning test and/or impose *de facto* income requirements for their entry, concur to create an educational and social segregation by grouping the best students or the most advantaged ones together, leaving children with difficulties in public schools, thus further strengthening difficulties.
27. Private education is rarely a deliberate choice. Many parents put their children in private schools because they believe that public schools do not offer minimum quality standards. In addition, parents who choose private education voluntarily have mentioned their desire to put their

children with children of a similar social class and differentiate themselves symbolically from the poor, participating in a global segregation of society on educational basis.<sup>41</sup>

28. The development of private schools also has indirect harmful effects on the right to education by affecting the quality of public schools. It has been reported that many teachers teaching in public secondary schools also teach in the private sector to improve their wage, but spend more time and energy delivering better quality courses for their private school than their public employer.<sup>42</sup> Although the law requires public secondary school teachers to not work more than 6 hours a week in private schools, it appears to not be well enforced. The lack of resources and support experienced by public teachers does not support a healthy dialogue on the subject. Tutoring courses not only indirectly affect the quality of public education, but they are also a privatisation in education. It has been described as “rampant privatisation of public education”, and it is an additional factor of inequality between the poorest and richest.<sup>43</sup>

### 3) Higher education

29. There are also many concerns with regards to Moroccan higher education. The linguistic policy in Morocco has experienced a period of progressive arabization, which was stopped mid-way. As a result, Moroccan students nowadays need to follow primary and secondary education with Arabic as the instruction language, which higher education is in French in most areas<sup>44</sup>. This supports the emergence of expensive and selective private bilingual private schools (French, or even English or Spanish as a second instruction language) which give a comparative advantage to access higher education. These elite private schools being difficult to access, for the financial and other reasons mentioned above, this situation is discriminatory against students coming from poor or marginalised families who have not been able to attend such private schools, and for whom it is more difficult to access to quality higher education for linguistic reasons.<sup>45</sup>

## IV. Global context and normative framework applicable to private education and the right to education in Morocco

30. The policies in favour of private education in the State Party are significant, and deserve the full attention of the CESCR. Not only has privatisation in education in Morocco had a detrimental impact on multiple rights protected by the Convention, including the rights to education, health, and nutrition, but it also needs to be considered as part of a broader dynamic of promoting privatization globally which represents a real danger for the realization of children’s rights. An increasing number of influential stakeholders defend more and more openly that education should be fully privatized worldwide and should not be seen as a public good,<sup>46</sup> and institutions such as

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<sup>41</sup> See e.g. Sylvain Beck, « Un déplacement de frontière. Le cas des établissements scolaires français à Casablanca », October 2013, <http://www.sciencespo.fr/ceri/fr/content/un-deplacement-de-frontiere-le-cas-des-etablissements-scolaires-francais-casablanca?d03>.

<sup>42</sup> See for instance Saâdeddine Igamane, « Les cours de soutien payants au Maroc : une privatisation rampante de l’enseignement public », 15 November 2013, <http://farzyat.cjb.ma/les-cours-de-soutien-payants-au-maroc-une-privatisation-rampante-de-l-enseignement-public>

<sup>43</sup> Ibid.

<sup>44</sup> L’enseignement de la langue française à l’université marocaine (2006). Lahcen Amargui

<sup>45</sup> Politique linguistique, politique scolaire : la situation du Maroc (2006), Frédéric Bourdereau

<sup>46</sup> See for instance the recent post on the World Bank blog by le Shanta Devarajan, a chief economist at the World Bank, who argues that education is a “private good” and that it should be fully provided by private actors: <http://blogs.worldbank.org/futuredevelopment/comment/1151>

the World Bank actively support the privatisation of education.<sup>47</sup> Such trends are worrisome from the standpoint of the right to education.

31. An increasing body of research is examining the impact of these developments on human rights and social justice.<sup>48</sup> In June 2014, thirteen organisations – including some the organisations involved in writing this report – met for three days in Geneva to discuss these issues. We held on this occasion a side event at the Human Rights Council as well as an expert roundtable with the presence of Mr. Singh, the Special UN Rapporteur on the right to education. These events confirmed the scale of the phenomenon and the dangers of privatisation in education.<sup>49</sup> The 13 organisations involved also produced a report to the CEDAW Committee analysing the negative impact of privatization in education on girls' rights.<sup>50</sup>
32. Furthermore, research is being conducted and parallel reports submitted to the UN human rights treaty bodies on the impact of privatisation on the right to education. In addition to Morocco, these bodies have already questioned the privatisation of education in Ghana, Uganda, and Chile.<sup>51</sup> The UN Special Rapporteur on the right to education, Mr. Singh has also explored the issue of the privatisation of education in its latest report. He notably considers that "*privatisation in education cripples the universality of the right to education as well as the fundamental principles of human rights law by aggravating marginalization and exclusion in education and creating inequities in society*".<sup>52</sup> In addition, he notes that "*access to private schools, based upon the capacity to pay fees, which in many cases can be exorbitant, flies in the face of prohibited grounds of discrimination based, notably, on 'social origin', 'economic condition', 'birth' or 'property' in international human rights conventions*".<sup>53</sup>
33. Thus, a normative framework regarding the role of private actors in education gradually emerges. It appears that if private education can and should be allowed, its existence and development:
  - Should not lead to the creation of extreme disparities or discrimination of any sort, or be a factor of segregation or division in societies in general and in education in particular.
  - Should provide for a true alternative choice to quality public education, and not replace the public system. Education is a public service and the State-Party has the responsibility to offer quality and free public education for all. Private education should be funded by its own means and not those of the State. It also needs to develop its own human resources, including teachers, and no longer rely on those of public schools.
  - Should not lead to a marketisation of education which would entail that education is no longer directed to the full development of a child's personality, talents and mental and physical abilities to their fullest.
  - Must be properly regulated in law and in practice, in particular with sufficient qualified inspection staff.

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<sup>47</sup> Francine Menashy, Karen Mundy and Momina Afridi, "The role of the World Bank in the Private Provision of Schooling in Pakistan", in Ian Macpherson, Susan Robertson, and Geoffrey Walford, *Education, Privatisation and Social Justice* (Symposium Book, United Kingdom:2014), p. 239.

<sup>48</sup> See in particular <http://www.periglobal.org/>

<sup>49</sup> See <http://www.right-to-education.org/blog/civil-society-organisations-discussed-privatisation-and-right-education-during-human-rights>, and quoted documents.

<sup>50</sup> <http://globalinitiative-escr.org/?p=1386>.

<sup>51</sup> See the reports and press releases on <http://privatisationeducationhumanright.ning.com/>.

<sup>52</sup> Report of the UN Special Rapporteur on the right to education (2014), A/69/402, para. 41.

<sup>53</sup> Ibid., para. 45.

- Be a decision which is subject to democratic scrutiny, and open to the human rights principles of transparency and participation.
34. Privatisation is education in Morocco, disguised as “public-private partnerships”, “education reform” or “modernisation” is in fact based on a competitive, market-oriented, consumerist orientation of society. This commodification of education, of the diploma, and the relation to school, has enormous implications on the way we think of education and the values that underpin it, and raises important issues. For instance, is it school’s role, according to international treaties, primarily to educate children to become employees, or to educate them to become citizens? Is education about giving each child the opportunity to develop his or her full potential as member of the society or is education to be a service sold to clients, considered from a young age to be consumers and targets for marketing?
  35. In that context, access to justice can play an essential role in ensuring the realisation of the right to education. It is therefore unfortunate that the State-Party, which pledged in 2012 to sign up to the Optional Protocol to the ICESCR has still not ratified it.
  36. Finally, it is also useful to note that in addition to the observations of the CESCR and the CRC, as mentioned in paragraph 3, several important players denounced the negative impact of the privatisation of education for the realisation of human rights in the State-Party. Even the King of Morocco noted that the educational situation today is worse than it was twenty years ago in Morocco, and that therefore, *“this decline has led many families despite their limited income to bear the exorbitant cost of enrolling their children in educational institutions belonging to ‘Foreign Missions’ or the private sector, in order to spare their children from the problems of public education and allow them to benefit from a successful educational system”*.<sup>54</sup>
  37. The UN Special Rapporteur on the right to education, Mr. Singh also noted in its latest report that *“The increasing privatisation of fee-paying, for-profit schools in Morocco, for example, entails discrimination and inequalities in education for disadvantaged children by creating a system that favours the ‘haves’ over the ‘have-nots’, with the risk of developing a two-speed education system”*.<sup>55</sup> His predecessor, M. Vernor Muñoz, noted after an official visit to Morocco *“an apparently excessive promotion of private education by the authorities”* and reminded that *“the State, not local associations or the private sector has a responsibility to ensure the realisation of the right to education”*.<sup>56</sup>

## V. Suggestions for the list of issues

38. We would like more information from the State party on the following points:
  - a. What measures has the State-Party taken to respond to the concerns raised by the CESCR and the CRC on the impact of privatisation in education on the realisation of the right to education? In particular, has the State-Party assessed the impact of its policy of privatisation in education in terms of realising its international obligations, including equality and non-discrimination?
  - b. How does the State-Party regulate, monitor and evaluate the education provided by the private sector to ensure that it complies with its international obligations? In particular, how does the State-Party ensure transparent and participatory consultations, public

<sup>54</sup> <http://www.maroc.ma/en/royal-speeches/speech-his-majesty-king-nation-occasion-60th-anniversary-revolution-king-and-people>; authors’ translation from French.

<sup>55</sup> Report of the UN Special Rapporteur on the Right to Education (2014), A/69/402, para. 46.

<sup>56</sup> A/HRC/4/29/Add.2, para. 16.

discussion and evaluation of its educational policies and transparency in the management of private schools and their fees?

- c. Which measures (legal and financial) has the State Party put, and intends to put in place, in order to develop quality early childhood education, in order to address discriminations and inequalities?
- d. What is the timetable and what tracks of reform for the private education sector are planned by the State-Party? How is the State-Party taking into account existing evidence on the effects of the privatisation in education on the realisation of the right to education in its policies, and does it ensure that the chosen reform options are those that are the most beneficial to the realisation of the rights protected by the Covenant, in particular the right to education?
- e. How does the State-Party ensure that the budget allocated to education is sufficient to meet its international obligations and has it conducted a study on the budget needed in order to fully realise the right to education?
- f. When does the State-Party plan to adhere to the Optional Protocol to the Covenant on Economic Social and Cultural Rights?

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