



**Committee on Economic, Social and Cultural Rights – 58<sup>th</sup> Session – Review of the UK**  
**ALTERNATIVE REPORT - BRIEF SUMMARY**

**The UK's support of the growth of private Education through its development aid:  
Questioning its responsibilities as regards its human rights extraterritorial obligations**

**April 2016**

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This is a brief summary of the report submitted in October 2015 to the Committee on Economic, Social and Cultural Rights by 26 organisations<sup>1</sup> across the World including British organisations, organisations based in developing countries and international organisations: <http://bit.ly/1Qk8sk0>

A number of these organisations have been researching and reporting on the role of private actors and its impact on human rights for several years. Several submitted reports to UN treaties bodies (CRC, CESCR, and CEDAW) highlighting issues such as discrimination and segregation, low quality education and lack of regulation and monitoring. In number of concluding observations, the UN treaties bodies raise concerns about this issue and make recommendations to State. The UN Special Rapporteur on the right to education, both in its thematic and country report also raise concerns on this issue. This report looks at the role of the UK as a donor supporting the growth of private education in developing countries, including for-profit education companies, questioning its responsibilities as regards its human rights extraterritorial obligations.

**I. Private actors in education and human rights: an overview**

**A. Applicable international human rights law**

International human rights law recognises freedoms in education, including the liberty for individuals to establish and direct educational institutions, but it frames its exercise. Private actors' involvement in education is aligned with human rights when the following criteria are met:<sup>2</sup>

- The development of private actors in education does lead to any form of discrimination, create or increase inequality;
- Fee-charging private primary schools are optional and exist in addition of public schools
- Private education provider conforms to the minimum educational standards established by the State, including pedagogy, infrastructure and teacher qualifications;
- The humanistic vision of education is preserved
- The principles of transparency and participation are respected.

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<sup>1</sup> See the list on the report: <http://bit.ly/1Qk8sk0>

<sup>2</sup> The Right to Education Project and the Global Initiative for Economic, Social and Cultural Rights developed these criteria based on an analysis of international human rights law.

## 1. Evidence of negative impacts on the right to education particularly in developing countries where the UK supports the development of private actors

Research showed that the growth of private actors in education undermines the right to education in many developing countries, including in countries such as Ghana, Kenya, and Uganda where the UK supports such development.<sup>3</sup> Numerous parallel reports based on secondary and primary research have been submitted to UN treaty bodies on the situation in Kenya<sup>4</sup>, Uganda<sup>5</sup>, Ghana<sup>6</sup> and other countries,<sup>7</sup> as well as to the African Commission on Human and Peoples' Rights.<sup>8</sup>

The growth of private education can **undermine the right to education** of children in developing countries, including by:

- Increasing of **segregation and discrimination** between children<sup>9</sup>

→ E.g., the growth of private actors in Kenya led to children from high-income families attending expensive high-quality schools while children from the poorest and most vulnerable families being relegated to lower-quality public schools.<sup>10</sup>

- Being a **“non-choice” for parents to send their children to private schools** because of the failure of the State to provide free quality education<sup>11</sup>

→ E.g., the rapid increase of private schools in Kenya took place in areas where public schools are not sufficiently available, such as urban settlements: in 2003 there was already 76 private schools in Kibera compared to only 5 governments, all located in the peripheries.<sup>12</sup>

- **Not providing quality education**, especially ‘low-fee’ private schools<sup>13</sup>

→ E.g., research in Uganda shows that private schools, in particular low-fee private schools, deliver the national education curriculum to students using poor qualified or unqualified teachers.<sup>14</sup>

- **Not being regulated at the national level**, or even encouraged by national education policies  
→ E.g., in Kenya, the number of private institutions is constantly growing without monitoring and regulation by the State. Kenya encourages it through the adoption of favourable policies.<sup>15</sup>

<sup>3</sup> For more details, see p. 10 to 19 of the report.

<sup>4</sup> See for instance: Hakijamii, GI-ESCR, *Alternative report submitted to the CESCR*, May 2015: <http://bit.ly/1BOL3ah>

<sup>5</sup> See for instance: ISER-Uganda and GI-ESCR, *Alternative Report to the CRC*, 2014: <http://bit.ly/1RXd2vZ>;

<sup>6</sup> See for instance: GI-ESCR and GNECC, *Report to the Committee on the Rights of the Child on Privatisation in Education in Ghana*, 2014: <http://bit.ly/1W5gx3s>

<sup>7</sup> See for instance: Campanha Nacional pelo Direito à Educação and Ação Educativa, *Privatisation and the rights violations in Brazil: notes for the CRC*, 2014: <http://bit.ly/1N4VEOr>; GI-ESCR, *Report to the CESCR on the Consequences of Privatisation in Chile*, 2014: <http://bit.ly/1pZKyOL>; GI-ESCR and others, *Parallel Report to the CESCR about Education in Morocco*, 2015: <http://bit.ly/1W5iM6R>; GI-ESCR and GNECC, *Parallel Report to the Committee on Elimination of Discrimination Against Women about Privatisation in Education in Ghana*, 2014: <http://bit.ly/2358icN>

<sup>8</sup> ISER-Uganda and GI-ESCR, *Alternative Report to the African Commission on Human and Peoples' Rights about Privatisation in Education in Uganda*, 2014: <http://bit.ly/2358sRv>

<sup>9</sup> For more details, see p.10 to 19 of the report. See also Srivastava, P. (Ed.), *Low-fee Private Schooling: aggravating equity or mitigating disadvantage?*, Oxford: Symposium Books, Oxford, 2013 : <http://bit.ly/1N9Xq2s>

<sup>10</sup> Hakijamii, GI-ESCR, *Alternative report submitted to the CESCR*, May 2015, Para.39-40: <http://bit.ly/1BOL3ah>

<sup>11</sup> For more details, see p.16 to 18 of the report

<sup>12</sup> James Tooley et al, *Impact of free primary education in Kenya, a case study of private schools in Kibera*, 2008: <http://ow.ly/REx7t>

<sup>13</sup> GNECC, GI-ESCR, *Parallel report submitted to the CRC*, August 2014, para.11. See also: Laura Lewis, *Is There a Role for The Private Sector in Education? Education for Global Development – A blog about the power of investing in people*, World Bank, 2013: <http://bit.ly/18PPcvQ>; Hakijamii, GI-ESCR, *Alternative report submitted to the CESCR*, May 2015, Para. 19,22;

<sup>14</sup> GI-ESCR, ISER-Uganda, *Alternative report submitted to CESCR*, October 2014, Para.24: <http://ow.ly/REwBw>.

2. Concerns expressed by human rights experts, including on countries where the UK provides support to private actors<sup>16</sup>

- The UN Special Rapporteur on the right to education has dedicated three reports on the role of private actors in education and the right to education.<sup>17</sup>
- **UN treaty bodies have repeatedly expressed concerns** about the issues mentioned above in their concluding observations, **especially regarding countries where the UK supports the development of private actors, including for-profit** (see extracts in the table below regarding Ghana, Kenya and Uganda).<sup>18</sup>

	CESCR	CRC	CEDAW
Ghana		<p><a href="#">CRC/C/GHA/CO/3-5, 2015</a><sup>19</sup></p> <p><i>Concerns:</i></p> <ul style="list-style-type: none"> <li>• <b>Quick development of Private education</b></li> <li>• <b>No supervision</b> regarding the <b>conditions of enrolment, the quality of education provided,</b> and the transparency and efficiency in the management of education resources”</li> </ul> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <li>• <b>Assess the impacts</b> of the rapid development of private education on the right to education</li> <li>• Ensure effective and efficient <b>regulation and monitoring of private education providers</b></li> </ul>	<p><a href="#">CEDAW/C/GHA/CO/6-7, 2014</a><sup>20</sup></p> <p><i>Concerns:</i></p> <ul style="list-style-type: none"> <li>• <b>Trend towards privatisation</b> of education</li> <li>• <b>Priority given to schooling boys over girls,</b> especially in rural areas</li> </ul> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <li>• <b>Eliminate the direct and indirect costs of schooling</b></li> </ul>
Kenya	<p><a href="#">E/C.12/KEN/CO/2-5, 2016</a>:<sup>21</sup></p> <p><i>Concerns:</i></p> <ul style="list-style-type: none"> <li>• Inadequacies in public school leading to the <b>proliferation of “low-cost private schools”</b> leading to <b>segregation and discrimination,</b> particularly for <b>disadvantaged and marginalised children</b></li> </ul> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <li>• Take measures to <b>strengthen</b></li> </ul>	<p><a href="#">CRC/C/KEN/CO/3-5, 2016</a>:<sup>22</sup></p> <p><i>Concerns:</i></p> <ul style="list-style-type: none"> <li>• <b>Rapid increase of private and informal schools, included those funded by foreign development aid,</b> providing substandard education and deepening inequalities</li> </ul> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <li>• <b>Prioritise the provision of quality, free primary education</b></li> </ul>	

<sup>15</sup> Hakijamii, GI-ESCR, Alternative report submitted to the CESCR, May 2015, Para.21: <http://bit.ly/1BOL3ah>

<sup>16</sup> For more details, see p.19 to 22 of the report

<sup>17</sup> UN Special Rapporteur on the right to education, *State responsibility in the face of the explosive growth of private education providers, from a right to education perspective*, 2014: <http://ow.ly/RE06u>; UN Special Rapporteur on the right to education, *Protecting the right to education against commercialization*, 2015: <http://bit.ly/1PTZFoE>, UN Special Rapporteur on the right to education, *Public-Private Partnerships in Education and the Right to Education*, A/70/342: <http://bit.ly/23KgOfi>

<sup>18</sup> See Right to Education Project, *Digest of Observations and Recommendations of Treaty Bodies on the Role of Private Actors and the Right to Education (2000-2015)*, July 2015: <http://ow.ly/REF2z> and GI-ESCR, CRC, CESCR and CEDAW statements on private education, September 2014 – March 2016, 2016: <http://bit.ly/1SP0Ckr>

<sup>19</sup> CRC, *Concluding Observations on Ghana Report*, CRC/C/GHA/CO/3-5, 9 June 2015, Para.57 (f): <http://bit.ly/1RwblzJ>

<sup>20</sup> CEDAW, *Concluding Observations on Ghana Report*, CEDAW/C/GHA/CO/6-7, 7 2014, Para.32: <http://bit.ly/1LnbTrY>

<sup>21</sup> CESCR, *Concluding Observations on Kenya Report*, E/C.12/KEN/CO/2-5, 4 March 2016, Para.57: <http://bit.ly/24ONafQ>

<sup>22</sup> CRC, *Concluding Observations on Kenya Report*, CRC/C/KEN/CO/3-5, 21 March 2016, Para.57 (d): <http://bit.ly/1MSnBrF>

	<p><b>the public education sector</b></p> <ul style="list-style-type: none"> <li>● <b>Monitor private schools</b></li> </ul>	<p><b>at public schools</b> over the provision of education at private schools, including informal low-cost schools</p> <ul style="list-style-type: none"> <li>● <b>Regulate and monitor the quality of education provided by private schools</b></li> </ul>	
Uganda	<p><a href="#">E/C.12/UGA/CO/1, 2015</a>:<sup>23</sup></p> <p><i>Concerns:</i></p> <ul style="list-style-type: none"> <li>● Increase of private schools that <b>widens the gap in access to quality education</b>, especially for <b>girls and children of low-income families</b></li> </ul> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> <li>● <b>Strengthen regulations</b> and expand <b>monitoring and oversight mechanisms for private schools</b></li> </ul>		

### KENYA, CRC raises concerns about the rapid increase of private and informal schools, included those “funded by foreign development aid” (February 2016)

In its Concluding Observations published in February 2016 about Kenya, the Committee on the Rights of the Child “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”.<sup>24</sup>

→ These concluding observations echoes the report summarized here about the UK’s support to private education in developing countries, including information about Kenya.

→ **In a press release issued by a coalition of civil society organisations in Kenya issued** following these concluding observations, Abraham Ochieng, from the East African Centre for Human Rights, stated: “the mentioning of schools funded by foreign development aids offering substandard education in the CRC Concluding Observations demonstrates once again that achieving free quality education is a huge issue, in a context where some international donors such as the World Bank and the British development agency fund private fee-charging schools in Kenya”.<sup>25</sup>

The African Commission on Human and Peoples’ Rights has also recently raised concerns on the same, for the case of Uganda stating: “*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;*<sup>26</sup> The African Commission recommended the State to “*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.*”<sup>27</sup>

<sup>23</sup> CESCR, *Concluding Observations on Uganda*, E/C.12/UGA/CO/1, 8 July 2015, Para.36 (c): <http://bit.ly/1BK6OrO>

<sup>24</sup> CRC, *Concluding Observations on Kenya Report*, CRC/C/KEN/CO/3-5, 21 March 2016, Para.57: <http://bit.ly/1UCZu9a>

<sup>25</sup> Civil Society Organisations in Kenya Release Statement on the Lack of Regulation in the Education Sector and Sub-Standard Schools Funded by Development Aid in Kenya, 9 February 2016: <http://bit.ly/23gHVxe>

<sup>26</sup> The African Commission on Human and Peoples’ Rights, *Concluding Observations and Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010 – 2012)*, November 2015, para. 80: <http://bit.ly/1Y3HGmm>

<sup>27</sup> Ibid. Para. 116.

## II. The UK's support of private education in developing countries in light of its human rights extraterritorial obligations

In the context where the rapid growth of private actors in education raises concerns from a right to education perspective, and where State's support of or passive response to this phenomenon has been considered by various bodies to be breaching international human rights law, the UK's active support of this expansion is problematic. This is especially true in the case of the UK support to for-profit, fee-charging, private schools, which have raised the most serious concerns with regards to their human rights implications.

### A. DfID's support of private education, particularly of for-profit low-fee private schools

The UK's Department for International Development (DfID), one of the most important and influential aid donors especially in education, **has been increasing its funding and support of the private sector, as it is an explicit government priority.**<sup>28</sup> DfID is currently funding initiatives promoting private schooling in developing countries including: Pakistan, Nigeria, Ghana, Kenya, Uganda, Ethiopia, India, and Burma.

#### **DfID's Education Position Paper of July 2013**

→ Calls for "developing new partnerships across the public-private spectrum" and commits DfID to promoting low-fee private schools "in at least four countries".<sup>29</sup>

In Kenya, Ghana, Uganda and Nigeria, the UK supports or has supported the development of 'low-fee', for-profit, private schools such as those operated by Bridge International Academy and Omega Schools<sup>30</sup> while evidence shows that the development of such schools has a negative impact on the right to education.

#### **UK Aid's support to Bridge International Academies (BIA)**

Bridge International Academies (BIA) is a chain of for-profit 'low-fee' private schools describing themselves as bringing world-class education to the poorest. However, research conducted in Kenya showed that for very poor families, the low-fee charged by BIA still represents 18-30% of their monthly income.<sup>31</sup> Moreover, BIA operates a 'school in a box' model that seeks to guarantee uniform practices and outcomes across schools, and to reduce per-unites production costs and facilitate scalability. This model is achieved through standardisation of curriculum, management, instruction and assessment of schools and appoints low-paid, poorly trained teachers and reduces the space for personal development.<sup>32</sup>

<sup>28</sup> For more details, see p.25 of the report. DfID, Education Position Paper: Improving learning, expanding opportunities, July 2013, p.19: <http://bit.ly/1DQ8EZi>

<sup>29</sup> DfID, Education Position Paper: Improving learning, expanding opportunities, July 2013, p.19: <http://bit.ly/1DQ8EZi>

<sup>30</sup> For more details, see p.10 to 19 and p.24 to 30 of the report

<sup>31</sup> See the statement "Just" \$6 a month?: The World Bank will not end poverty by promoting fee-charging, for-profit schools in Kenya and Uganda – Response to President Jim Kim's speech from concerned communities and organisations in Kenya and Uganda", March 2015: <http://bit.ly/statementWBprivatisation>

<sup>32</sup> Allavida Kenya, Access to and quality of basic education in Kibera, Nairobi: Study and synthesis report, September 2012, p. ix, Para. 54: <http://ow.ly/REScU>

→ DFID's new Impact Fund - a programme of £75 million managed by the Commonwealth Development Corporation (CDC),<sup>33</sup> invests £15 million Novastar Ventures<sup>34</sup>, which invest in BIA.<sup>35</sup> In January 2014, it was also announced that the CDC will invest US\$6 million in BIA.<sup>36</sup>

DFID is also funding other “low-fee” private schools through other projects. For example, it supports the Kenya Essential Education Programme (KEEP), a two-year £25 million programme managed by a British pro-private education consultancy (**Adam Smith International**)<sup>37</sup>, aiming to enrol 50,000 more children into Kenyan private schools by the end of 2015.<sup>38</sup>

A recent report published in April 2016 raises a series of concerns by showing that **DfID spent hundreds of millions of pounds to pay Adam Smith International (ASI)** for a variety of projects being carried out in the developing world.<sup>39</sup> In a year, **ASI was given more funds than DfID spent on human rights and women's equality organisations**. The report highlights that “DFID is too often entering partnership with business and funding private sector development projects with questionable benefits for poor communities.”<sup>40</sup>

**a. The UK's obligation to contribute to the full realisation of the right to education through its development aid**

Under international law, the UK has the extra-territorial obligation to **desist from acts and omissions that create a real risk of nullifying or impairing the enjoyment of economic, social and cultural rights extraterritorially**,<sup>41</sup> to **contribute, through international cooperation, to the global realisation of the right to education**,<sup>42</sup> to **provide assistance to contribute to its full realisation in other States**,<sup>43</sup> and to refrain from any conduct which can impair the ability of another State to comply with its obligations regarding the right to education.<sup>44</sup>

**b. Concerns regarding the UK's obligation to respect human rights and priorities within the framework of its development aid**

**1. Obligations to prioritise the rights of disadvantaged, marginalised and vulnerable groups**

The UK must respect principles and priorities within the framework of its development aid and must prioritise the rights of disadvantages, marginalised, and vulnerable groups.<sup>45</sup>

<sup>33</sup> The Impact Fund involves DFID investing ‘long term, “patient” capital in impact investment Funds that invest in enterprises which serve the poor as consumers, producers, suppliers or employees’. DFID Impact Fund: <http://ow.ly/RESL6>

<sup>34</sup> Novastar Ventures: <http://bit.ly/1RZBb1H>

<sup>35</sup> DFID, *JPMorgan Chase, DFID and CDC announce \$20 million combined investment in Novastar Ventures*, 8 April 2014: <http://ow.ly/RET3W>

<sup>36</sup> CDC, *CDC supports expansion of Bridge International Academies with US\$6 million investment*, 21 January 2014: <http://ow.ly/RETIT>

<sup>37</sup> Adam Smith international, *Improving educational access, quality and equity for Kenya's most disadvantaged people*: <http://ow.ly/REUa3>

<sup>38</sup> DFID, *Annual Review: Kenya Essential Education Programme (KEEP)*: <http://ow.ly/REUip>

<sup>39</sup> Global Justice Now, *The Privatisation of UK aid: how Adam Smith International is profiting from the aid budget*, Claire Provost, April 2016: <http://bit.ly/1RQMf4h>

<sup>40</sup> One World, *UK urged to stop 'the scandal or privatised aid'*, 1<sup>st</sup> April 2016: <http://bit.ly/21VXF6p>

<sup>41</sup> Principle 13 of the Maastricht Principles: <http://bit.ly/1VA6gNm>

<sup>42</sup> CRC, Article 4; Committee on the Right of the Child, General Comment 5, Para. 6.

<sup>43</sup> CRC, Article 28.3; CRC, General Comment 5, Para.6; Principle 33 of the Maastricht Principles: <http://bit.ly/1VA6gNm>

<sup>44</sup> Principle 21 of the Maastricht Principles: <http://bit.ly/1VA6gNm>

<sup>45</sup> Principle 32 of the Maastricht Principles: <http://bit.ly/1VA6gNm>

→ Research showed that private schools, including “low-cost” schools supported by the UK through its development aid, reinforce segregations and inequities, especially for low-income families.<sup>46</sup> For-profit schools have little interest enrolling marginalised groups, such as children with special needs, because they require extra support.<sup>47</sup>

→ DfID’s Business Case for the DEEPEN project in Nigeria claims that “almost 1.5 million girls and boys will benefit” from this project but recognises that only 450,000 of these will be from low-income backgrounds.<sup>48</sup>

→ DfID itself recognised that disadvantaged groups such as girls and women and the poorest “cannot be reached by low cost private schools that charge the relatively high fees needed to operate their school”.<sup>49</sup>

## **2. Obligation to prioritise the realisation of the minimum essential levels of economic, social and cultural rights**

The UK is obliged to prioritise the realisation of the minimum essential levels of economic, social and cultural rights, including the right to education, and to move as expeditiously and effectively as possible towards their full realisation.<sup>50</sup> Therefore, **the UK should prioritise support to free education for all**, which is a core element of the right to education<sup>51</sup> and the only way to reach the most marginalised groups.<sup>52</sup>

→ **The UK’s choice to invest in companies that are modelled to make profits is questionable, when this funding could have been used to support governments in developing countries to fully realise the right to free education for all.**

In a study involving DFID on *Access to Finance For Low Cost Private Schools in Pakistan*, it is reported that “low-cost private schools are profitable at all levels, with an average 51% net profit margin.”<sup>53</sup> The same study indicates that “profit[s] are retained in the enterprise to finance minor investments – less to achieve quality improvements or even vertical expansion, but in a horizontal expansion of the existing franchise of low cost primary schools positioned to be at best marginally better than the public schools in the same catchment area”.<sup>54</sup>

<sup>46</sup> Prachi Srivastava, *Low-fee private schooling: what do we really know?* Prachi Srivastava responds to *The Economist*, Oxfam Blog “From Poverty to Power”, August 2015: <http://bit.ly/1MjqNzN>; Srivastava, P. (Ed.), *Low-fee Private Schooling: aggravating equity or mitigating disadvantage?*, Oxford: Symposium Books, Oxford, 2013 : <http://bit.ly/1N9Xq2s>

<sup>47</sup> For more details, see p.15 of the report

<sup>48</sup> DfID, *Business Case and Intervention Summary: Title: Developing Effective Private Education – Nigeria (DEEPEN)*: <http://bit.ly/1ShZwOj>

<sup>49</sup> DfID, Guidance Note, *Engaging the Low Cost Private Schools in Basic Education Issues, Challenges and Opportunities*, 2013: <http://bit.ly/1UxmR4I>

<sup>50</sup> Principle 32 of the Maastricht Principles and CESCR, General Comment 3, para. 10.

<sup>51</sup> CESCR, General Comment 13, para. 51.

<sup>52</sup> See for instance: Sonia Bhalotra, Kenneth Harttgen and Stephan Klasen, *UNESCO and Education for All, ‘The impact of school fees on educational attainment and the intergenerational transmission of education*, 2014: <http://bit.ly/1JQAQeU>

<sup>53</sup> Ilm Ideas, Socio-Economic & Business Consultants PVT Ltd (SEBCON), DFID, *Access to Finance For Low Cost Private Schools in Pakistan*, 2014, p. 39: <http://bit.ly/1NYSArg>

<sup>54</sup> Ibid. p. 40

### 3. Obligations to respect the principles of non-discrimination and equality<sup>55</sup>

→ The responsibility of the UK's actions in relation to this obligation could be questioned when the evidence shows that it supports the development of low-fee private schools, which has been proven to entrench inequalities and create segregation in breach of these principles.

#### c. Concerns regarding the UK's obligation to assess the impact of its development aid on the enjoyment of the right to education abroad

The UK **must conduct *prior* assessment of the risks and potential extraterritorial impacts of their laws, policies and practices** on the enjoyment of economic, social and cultural rights.<sup>56</sup>

→ DFID does not appear to have conducted any proper impact assessment *prior* to deciding to invest in private education in developing countries. It did conduct some form of *ex-post* assessments<sup>57</sup>, after it had already provided financial support to a number of private actors, including Bridge International Academies, without however assessing in details key projects such as the funding to Bridge.

→ Assessments made by DFID show that the UK is aware of the potential negative impacts on the right to education (see above about Pakistan for instance) and has doubts about the efficiency of the development of low-fee private schools in ensuring the fulfilment of the right to education<sup>58</sup>, but yet it has not taken these aspects into account.

DFID's 2013 Education Position Paper notes that, while DFID will support low-fee private schools, "*empirical findings remain inconclusive*" as to whether low-fee private provision increases learning outcomes.<sup>59</sup>

Nicole Goldstein, an Education Advisor at DFID Ghana, has blogged that "*the evidence base on low-fee private schools is still weak, and there are more questions than answers*".<sup>60</sup>

DFID's Business Case for its Education for Sindh project in Pakistan recognises that "*the rapid growth of low-cost private schools is a reflection of the failure of the government system to offer children a decent education*". It adds that, while private schools can now be found in the poorest communities, "*they remain out of reach of the very poorest families*".<sup>61</sup>

<sup>55</sup> CRC, Articles 4 and 28; Maastricht Principles 21 and 32; CESCR, General Comment 13, Para.51

<sup>56</sup> Principles 13 and 14 of the Maastricht Principles. For more details, see p. 33 of the report

<sup>57</sup> See for instance DFID, University of Birmingham, Institute of Education of London, ODI, *The role and impact of private schools in developing countries: a rigorous review of the evidence*, April 2014: <http://ow.ly/RF5Df>

<sup>58</sup> See for instance : DFID, *Education Position Paper: Improving learning, expanding opportunities*, July 2013, p.30; Nicole Goldstein, *Ghanaian families pay for a private education*, 21 May 2013: <http://ow.ly/RF5Om>; DFID, *The Engine of Development: The private sector and prosperity for poor people*, May 2011, p.17: <http://ow.ly/RF5X5>; DFID, *Business Case: Education Fund for Sindh*, January 2012: <http://ow.ly/RF5kc>

<sup>59</sup> DFID, *Education Position Paper: Improving learning, expanding opportunities*, July 2013, p.30.

<sup>60</sup> Nicole Goldstein, *Ghanaian families pay for a private education*, 21 May 2013: <http://ow.ly/RF5Om>

<sup>61</sup> DFID, *Business Case: Education Fund for Sindh*, January 2012: <http://ow.ly/RF5kc>



### III. Recommendations

The UK government must:

- Recommit itself explicitly to support and promote education provision that is free at the point of use, in line with the new SDG framework and its human rights obligations.
- Immediately cease all support – financial, political, or other – to commercial chains of for-profit providers of education, given the risk that support to such schools is breaching human rights law. The UK government has the obligation to use its maximum available resources towards the realisation of human rights rather than supporting the profit-making of companies.
- Conduct systematic prior and post-project human rights impact assessments in the context of its development cooperation, in particular when there are high risks for human rights violations. The resulting evidence should inform its policies in order to ensure that it is not violating human rights standards.
- Take steps to adequately regulate British education companies or companies involved in education to ensure that their activities are in line with human rights standards;
- Support developing countries' governments to develop suitable public sector capacity to monitor and regulate private providers, ensuring full compliance with human rights obligations.