

The growth of Private actors in Education in Africa and the resulting threat to the realization of the Right to Education for all.

Finding innovative solutions for the future of education in Africa

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Presentation Outline

- i. Introduction**
- ii. Concept of Education as A Right: Theory and Practice**
- iii. Privatisation of Education: A Threat to the Realization of the R2E**
- iv. Solutions**
- v. Human Rights Framework to Ensuring protection of the Right to Education: Abidjan Principles**
- vi. Conclusion**

Education as a Right



Aspiration: The 4 As



Legal & Normative Frameworks

International

- International Covenant on Economic, Social and Cultural Rights (ICESCR)-Article 28 & 29
- The United Nations Convention on the Rights of the Child (CRC)



Regional

- The African Charter on the Rights and Welfare of the Child (ACRWC). Article 1
- African Commission on the Human and Peoples Rights (ACHPR)



National

- Constitutions
- Education Acts
- Policies to regulate private actors: Case (Kenya) APBET policy 2009; APBET Registration Guidelines 2015
- Public Private Partnerships legislation



Privatisation of Education

Drivers of Privatisation

- Government Failure to provide public education e.g. lack of schools, poor resourcing and declining quality
- Excess demand-Limited supply: a community's response to school scarcity.
- Austerity measures and cost sharing, e.g Limited budget for development
 - Reduced public expenditure on education
- Favourable Policy in support of increased private sector involvement.
- Regulatory weakness/ vacuum
- Global education reform movement (GERM)
 - Neo-liberal agenda (Enhanced parental choice; Increased standardisation; Diminished state involvement; Diminished labour; increased competition; test based accountability; performance related rewards)
 - Disruption and Edu-preneurs / social enterprise/ technology and innovation.

Forms of privatisation



Forms of privatisation



Privatisation as a Threat/Impact

- School fees even when considered relatively low, is often unaffordable for a large section of the population. Parents forego basic needs to take children to school
- Various research studies have shown that Low-Cost private schools Provide sub-standard education. Of low quality
- For profit making
- Do not meet national minimum standards of education. Countries without policies to regulate this
- Stakeholder involvement is non-existent

Privatisation as a Threat/Impact

- The growth of private schools in creates and deepens inequalities
- Issues of Transparency and Accountability: Sponsorships & Funding
- Co-curricular activities are non-existent
- Labour conditions for teachers: poor working conditions; share washrooms with students; No staffroom; low wages; unfair termination
- Most operate illegally
- Safety
- Infrastructure















Practical Example of a model that is not Working: Bridge International Academies (BIA)

- A chain of commercial LFP in Kenya, Uganda, Nigeria, Liberia & India
- Core Features:
 - Heavily Funded by investors (IFC, DFID, Gates, Zuckerberg etc)
 - Academy in a box
 - Use of technology-Scripted learning (untrained teachers); time on task; operations automated e.g. cashless system, fee payment monitoring; teacher monitoring (teacher attendance), student attendance and assessment
 - Standardisation- infrastructure, In one country all their teachers the same thing across at the same time,

Contd...

Key Concerns

- **Operate Illegally: Lack of Registration**
- **Use of Unqualified Teachers**
- **Issues of curriculum not being approved.** *Case of Kenya*
- Teaching model: Standardised. Word for word; Action by Action
- **For profit:** Exploitation of poor parents
- School governance & participation: Parents know little about how the school is run, managed, what fees are used for, the investors, the size of BIA or size of their budget
- Poor Labour conditions for teachers: *Work hours; low wages; Staffroom;*
- Marketing
- Condition and Location of Schools

Solutions: Case of Strategies that are working

Consortium: PEHRC



Accountability Mechanisms



African Commission on Human and Peoples' Rights adopts landmark resolution on privatisation of education and health and recognises the Abidjan Principles



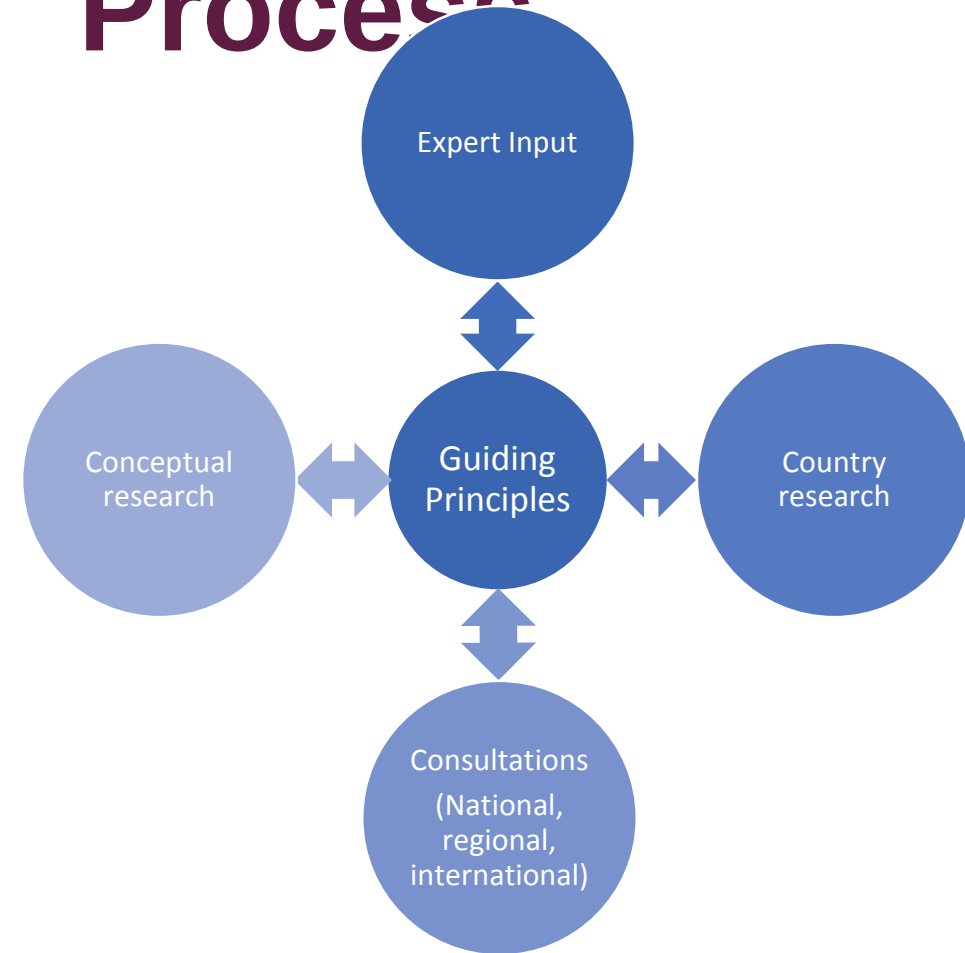
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ABIDJAN PRINCIPLES

Engagement with
Investors

What are the Abidjan Principles? (AP)

- Legal text that clarifies States' human rights obligations to provide public education and to regulate private involvement in education
- Reflect existing human rights law (treaties and interpretation) – does not create any new legally binding obligations for States => they apply to States regardless of any further adoption or endorsement
- A practical tool, providing concrete guidance to States and other education actors to implement the right to education in the context of the rapid expansion of private actors' involvement in education

Drafting Process



Drafting Committee of 9 experts chaired by Ann Skelton + inputs from others (human rights & education experts)
=> diversity & strength

- ☐ **3 years participatory process**
- ☐ **Research in 12 countries**
- ☐ **8 background papers**
- ☐ **6 regional consultations**
- ☐ **Community consultations**
- ☐ **Online global consultation**



← **facilitated by a secretariat of 5 organisations**



The Global Initiative
for Economic, Social and Cultural Rights



EQUAL
EDUCATION
LAW CENTRE





Adoption

- 55 experts so far
- Over 60% from the Global South, and over 60% women
- Participation of observers
- Open to endorsement <http://bit.ly/APEndorsement>
- No need of formal State adoption

Why the Abidjan Principles?

Move

- beyond rhetoric on the right to education

Respond

- to an “ideology” criticism

Develop

- a strong alternative narrative

Build

- a common position

Provide

- Guidance for policy & basis to hold states to account

Quick recognition

- African Commission' Resolution on States' Obligation to Regulate Private Actors Involved in the Provision of Health and Education Services recognises the Abidjan Principles by referring to the overarching principle 5. (June 2019)
- Uganda High Court decision (July 2019)

Implementation paths



Increasing public awareness about the implications of private provision of education at the global, national and community level



Building capacity and providing technical assistance to support States



Promoting or undertaking empirical and quantitative research and academic publications



Seeking formal accountability mechanisms and litigation



Promoting social accountability initiatives

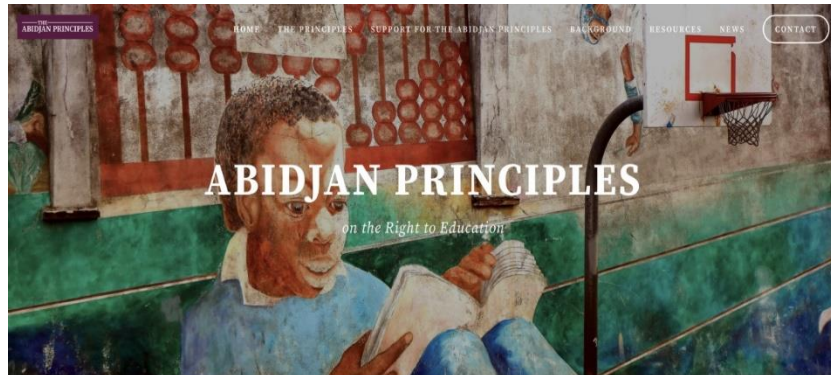


Building collaboration with other actors and movements

Resources

www.abidjanprinciples.org

#AbidjanPrinciples



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In Conclusion

- **Education that is 'available, accessible, acceptable, & adaptable can only truly be provided by the state . The state has an 'enhanced obligation' to provide education and must remain the primary provider of education in any one country.**
 - **Budget Allocation for development**
 - **Establishment of more public schools & Expansion of existing facilities**
- **We need to set Limitations for Private sector involvement in the provision of the Right to Education. Stringent Regulation**
- **Empower communities to be involved in school matters and demand for better**
- **Establish Policies: Regionally & at the National Level.**

