13th January 2023

**‘Call for contributions: the right to education, advances and challenges’**

**Submission from the Global Schools Forum (GSF)**

GSF wishes to make the following points with respect to the right to education, the role of the non-state sector, and the role of the UN Special Rapporteur in supporting the right to education:

1. **The non-state sector plays a critical role in securing the right to education for millions of children around the world.** In recent years, non-state engagement in education — which includes a vibrant mix of non-profit, for-profit and faith-based organizations — has grown significantly around the world[[1]](#footnote-1).
2. **International Human Rights Law is clear that Governments should be the guarantors, but not necessarily the sole providers, of education.** It also specifically protects the liberty of non-state actors to provide education services and the liberty of parents to choose schools other than Government schools for their children.
3. **‘Anti-privatisation’ campaigns have consistently mis-represented how International Human Rights Law governs the role of non-state education actors in education.[[2]](#footnote-2)**
4. **In this context, we would like to encourage you to review and reconsider the unqualified support[[3]](#footnote-3) that the Office of the Special Rapporteur has given to the Abidjan Principles**: a process led by five organisations all with active campaigns against private sector engagement in education; and a process that has not involved private sector representation[[4]](#footnote-4)[[5]](#footnote-5).
5. **Mounting global education challenges will require the funding and delivery capability of the non-state sector, along with strengthened Government capacity to regulate effectively the non-state sector.** We ask that in your future work as UNSRRTE, you ensure that: (i) the non-state sector is engaged and represented in discussions and agreements on the right to education, and that (ii) the role of non-state sector is treated in a balanced and non-partisan way.

Aashti Zaidi Hai, Chief Executive Officer, Global Schools Forum

1. According to government-reported data collected by [UNESCO](https://unesdoc.unesco.org/ark%3A/48223/pf0000372188/PDF/372188eng.pdf.multi), the share of enrolment in private institutions rose between 1990 and 2018 from 23% to 42% in pre-primary education, 9% to 18% in primary education and 19% to 26% in secondary education. [Survey data](https://emii.capplus.org/) show even higher levels of enrolment. [↑](#footnote-ref-1)
2. For example: “UN Statements indicate that States are required as a matter of human rights law to directly provide public services or ensure their provision by a public body.” ([GI-ESCR Policy Brief](https://www.gi-escr.org/publications/states-human-rights-obligations-regarding-public-services-the-united-nations-normative-framework), October 2020). This statement has no basis in International Human Rights Law. [↑](#footnote-ref-2)
3. [OHCHR | The privatisation and commodification of education](https://www.ohchr.org/en/special-procedures/sr-education/privatisation-and-commodification-education) [↑](#footnote-ref-3)
4. As the [UNESCO GEMR 2021/22](https://en.unesco.org/gem-report/non-state_actors) rightly points out: “Private sector backgrounds are markedly absent among the drafting committee members and signatories of the Abidjan Principles” (p.115), even though these are principles that are proposed to govern the operations of private sector actors. [↑](#footnote-ref-4)
5. As former UN Special Rapporteur Ben Emmerson concludes in his [expert legal opinion](https://cdn.ymaws.com/www.globalschoolsforum.org/resource/resmgr/policy/abidjan_principles_report_fi.pdf): “The Abidjan Principles are not an accurate statement of the requirements of international law...They enshrine a strong bias against private provision. The document is deeply ideological in content. It is certainly not a legal document, and it would be wrong to view the principles as soft law standards which ought to restrict the funding options of states or international development organisations.” [↑](#footnote-ref-5)