

'Call for contributions: academic freedom and freedom of expression in educational institutions'

Submission from the **Global Schools Forum** (GSF) (Contact: peter.colenso@globalschoolsforum.org)

- 1. The non-state sector plays a critical role in securing the right to education for millions of children around the world.** According to [UNESCO](#), the share of enrolments in private institutions globally 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. Growth is fastest in South Asia and in sub-Saharan Africa (i.e. where GDP and incomes are lowest). This includes provision where there is no Government provision; provision that is fee-free; and provision where parents are exercising their choice and freedoms as to what kind of education they seek for their children.
- 2. Governments everywhere partner with non-state actors.** According to [UNESCO](#), Governments financially support non-state schools in 171 out of 204 countries. Public Private Partnerships (PPPs) are not a niche policy; they are the norm for Governments who seek to expand enrolments cost-effectively, secure educational freedoms, and introduce innovation into education systems¹. Not all PPPs work – no education policy works all the time – but meta-reviews on PPPs agree that they have been a successful strategy to cost-effectively expand enrolments².
- 3. 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 individuals and bodies to establish schools, and the liberty of parents to choose schools other than Government schools for their children (International Covenant on Economic, Social and Cultural Rights, Article 13):
 - i. *"3. The States Parties to the present Covenant undertake to have respect for the liberty of parents...to choose for their children schools, other than those established by the public authorities..."*
 - ii. *"4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions..."*
- 4. Nonetheless, we see attempts to close down the legal, policy and operating space for non-state actors, encroaching on educational freedoms:**
 - i. 'Anti-privatisation' campaigns have consistently mis-represented how International Human Rights Law governs the role of non-state actors in education, including stating that education must be solely provided by public bodies.³
 - ii. 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 representation⁴ – has invented a range of de jure and de facto prohibitions on educational freedoms, with no basis in international law⁵.

¹ By one [estimate](#), 86% of education innovations originate in the non-state sector.

² See, for example, [Morgan et al., 2015](#); [Aslam et al. 2017](#); [Shakeel et al., 2021](#); [Akmal et al., 2022](#)

³ 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](#), October 2020). This statement has no basis in International Human Rights Law.

⁴ As the [UNESCO GEMR 2021/22](#) 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.

⁵ As former UN Special Rapporteur Ben Emmerson concludes in his [expert legal opinion](#): "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."

5. **It is clear that 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 therefore urge the UNSRTE to:
- i. Acknowledge the critical role of non-state actors in delivering education services, in ensuring educational freedoms, in strengthening education systems and in thereby ensuring the right to education;
 - ii. Resist the binary narrative framing ‘public good; private bad’ that characterises ‘anti-privatisation’ campaigns;
 - iii. Protect the liberty of individuals and bodies to establish schools, and the liberty of parents to choose schools other than Government schools for their children, as enshrined in international human rights law.

Thank you for the opportunity to input into the important work taken forward by the UNSRTE.

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