

Gross violations of the right to education in Chile: time to act

Oral statement to the UN Committee on Economic, Social and Cultural Rights, 08.06.2015

Good morning,

I'm making this statement on behalf of the Global Initiative for ESCR, following a report we jointly submitted with the Sciences Po Law School Clinic and with the support of eight national, regional and international NGOs working on the right to education in Chile.

I would like in this statement to raise concerns with regards to the impact of the privatised education system in Chile on the rights protected under the Covenant.

Chile is one of the countries that has the most privatised it education system in the world, through a large-scale system of public vouchers for private schools, developed under the Pinochet regime. **Private-school enrolment now represents more than 60% of total enrolment.** However, this system has had a devastating impact on the realisation of the right to education, and beyond, of economic, social and cultural rights, in Chile. Just a couple of examples:

- Chile is the most segregated country by socio-economic background *and* by performance, amongst the 65 countries tested by the OECD in its PISA education survey.
- Such segregation has long lasting discriminatory effects. A report we will publish soon recalls that at equal skills, students who attended private schools in Chile earn salaries 18.5% higher than students who have attended public schools, in their first professional experience.¹

Enrolment, by type of school (Percentages)					
Type of school	Income quintile				
	I	II	III	IV	V
Municipal	42.39	27.60	16.06	10.66	4.24
Private (subsidized)	22.34	22.63	21.26	20.59	13.37
Private (fee-paying)	4.64	4.64	4.49	12.37	75.26

Source: Drago and Paredes (2011) on the basis of the 2006 National Characterisation Socio- Economic Survey (CASEN) database.

¹ BORBON Paola, "Efectos del prestigio de los colegios de enseñanza media, de las universidades y el aprendizaje del empleador sobre los salarios en Chile", in: *Estudios Públicos*, Vol. 133, Summer 2014, pp. 69 – 96.

These are deep and dramatic impacts. By questioning the nature itself of the right to education, which is supposed to be an enabling right to all other economic, social and cultural rights, the Chilean education system has also called into question the very sense of justice and fairness in society. This is evidenced by the huge public protests for education reforms that took place in 2006 and 2011.

These effects have been rightly noted by this Committee in the List of Issues, which highlighted the inequalities generated by the education system. Similarly, the Committee on the Rights of the Child, just a few weeks later raised concerns in its List of Issues about the “*segregation*” in the Chilean education system.

Clearly, the Chilean education system, and the level of inequality and systemic discrimination it involves, constitutes a *grave* violation of the rights to education and to non-discrimination protected under the Covenant. Therefore, urgent and determined measures in line with international human rights law must be taken to address this situation.

In this context, the government of Chile must be credited for the courageous and difficult reforms of the education system it is undertaking, as listed in its reply to the list of issues. We very much welcome these reforms; they are important steps in the right direction.

However, we think it is essential that your Committee addresses squarely the privatised education system in Chile and its impacts on the realisation of ESC rights, for two reasons.

Firstly, because there needs to be an uncompromising *human rights* assessment of the Chilean’s privatised education system, and your Committee has a decisive role to play.

Such an assessment is essential for Chile, at a time where the education reforms the government is trying to implement are being contested, so that the debate is informed by human rights considerations. It is also critical for dozens of developing countries which are looking at Chile’s privatised education system as a model to follow. Today, at the moment where we’re speaking, reforms are being discussed in Ghana, Kenya, Uganda, India, Pakistan, and many other countries, that seek to exactly replicate Chile’s education system. In Morocco the government has explicitly taken the market-based Chilean education system as a model for its own reforms. This is despite the catastrophic human rights impacts this system has had in Chile.

Therefore, we urge the government to set up a domestic or international independent inquiry mechanism to assess the Chilean education system against human rights standards.

Secondly, the reforms taken until now do not go far enough. Crucially, they do not question the market nature of the education system. By maintaining the voucher system, the Chilean system stills puts in competition historically disadvantaged public schools with private schools receiving public support, and lives on the illusion that education should be organised as a market in which the consumer can make a choice, despite the high inequalities it engenders.

On this issue of choice, we would like to emphasise that the Covenant, as do all human rights texts, does not provide a right to choose schools, but a liberty to parents to choose a school other than the public school. This implies that every child must have the opportunity to access a quality public school, and not be segregated in such schools.

Chile's legal obligations must be at the heart of the education reforms in the country, and we urge the government to deepen its reforms in line with its human rights obligations under the Covenant by, amongst other things, banning all possibilities for private schools to make profit, banning all forms of entry tests and interviews in schools, fully banning individual standardised tests, de-municipalising education funding, and comprehensively reforming the voucher system with a view to eliminate it.

Thank you.

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