



Committee on the Rights of the Child – 72nd Session – Review of the UK

ALTERNATIVE REPORT - BRIEF UPDATE

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

This is a brief update of the report submitted in October 2015 to the Committee on the Rights of the Child by 26 organisations¹ across the World including British organisations, organisations based in developing countries and international organisations: <https://shar.es/1urh7q>.

1. Recent update in developing countries: the case of Liberia²

In January 2016, the new Minister of Education in Liberia made a deal with the for-profit Bridge International Academies³ to take over the management of elementary schools (primary and early childhood education) for a period of five years.⁴

In March, the Special Rapporteur on the right to education, Kishore Singh, released a statement urging Liberia not to hand public education over to a private company.⁵

“Provision of public education of good quality is a core function of the State. Abandoning this to commercial benefit if a private company constitutes a gross violation of the right to education” emphasised Mr Singh.

“It is ironic that Liberia does not have resources to meet its core obligations to provide a free primary education to every child, but it can find huge sums of money to subcontract a private company to do so on its behalf. These sums could be much better spent on improving the existing system of public education and supporting the educational needs of the poor and marginalized” added Mr Singh

“Before any partnership is entered into, the Government of Liberia must first put into place legislation and policies on public-private partnerships in education, which among other things protect every child’s right to education” said Mr Singh

¹ See the list on the report: <https://shar.es/1urh7q>

² For more detailed information about education privatisation in Liberia, visit Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)’s website: <http://bit.ly/PrivatEduLiberia>

³ More information about Bridge International Academies in Annex.

⁴ See AllAfrica, *Liberia: Education Minister Negotiates Public Private Partnership Deal*, 29 January 2016 <http://bit.ly/25Ptfr5> ; Diane Ravitch’s blog, *Liberia Cuts Deal to Outsource Education*, 2 February 2016: <http://bit.ly/25PtyCo> ;

⁵ UN Office of the High Commissioner for Human Rights, *Press Release: UN rights expert urges Liberia not to hand public education over to a private company*, 22 March 2016: <http://bit.ly/1RwCAQg>

In April, Bridge International Academies responded to justify its partnership with the Minister of Education.⁶ The Minister of Education, responding to teachers' concerns about this new partnership, mentioned as an example the Academies in the UK,⁷ while this public-private partnership raises concerns in the UK.⁸

2. Recent update at UN and regional level

a. Recent concluding observations from UN treaties bodies on private education

Since we submitted our report in last October, both the Committee on the Rights of the Child (CRC) and the Committee on Economic, Social and Cultural Rights (CESCR) have adopted concluding observation regarding private education in Brazil, Chile, Haiti, Kenya, Morocco and Zimbabwe.⁹

In these concluding observations, both Committees continue to raise concerns about this issue including as regards the high fees in private schools, the public funding of for-profit educational institutions, the increase of standardized teaching, the existence of segregation and discrimination along socioeconomic lines, the lack of quality education and the absence on regulatory and monitoring framework.

In Kenya, where the UK supports for-profit private education, the CESCR expressed concerns¹⁰ that *"inadequacies in the public schooling system have led to the proliferation of so –called 'low-low cost private schools' which has led to the segregation or discriminatory access to education particularly for disadvantaged and marginalised children"*. It recommended the State to *"take all necessary measures to strengthen its public education sector"*. The CRC raised particular concerns¹¹ about the rapid increase of private and informal schools, including those funded by foreign development aid.

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

In 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".¹²

⁶ Bridge International Academies, *Why we are partnering to radically improve free public education in Liberia*, 5 April 2016: <http://bit.ly/1SES6Er>; Bridge International Academies, *Bridge International Academies joins Partnership Schools for Liberia to radically improve primary and nursery education in Liberia*, April 2016: <http://bit.ly/1SES6Er>

⁷ Front page Africa, *Liberia's Education Predicament - Profiting Off Poor or Answer to A 'Messy System'?*, April 2016: <http://bit.ly/1MZixbq>

⁸ See for instance, National Union of Teachers, *Privatisation Update: Academies, Free Schools and Privatisation Issues*, No.58, March 2016: <http://bit.ly/1PRFdon>

⁹ For details, see GI-ESCR, CRC, CESCR and CEDAW statements on private education, September 2014 – March 2016, 2016: <http://bit.ly/1SP0Ckr>

¹⁰ CESCR, Concluding Observations, E/C.12/KEN/CO /2-5, paras. 57- 58, 4 March 2016: <http://bit.ly/1pbiMFP>; See also Right to Education Project, *Civil Society Organisations in Kenya Release Statement on the UN's Concern Over 'Low-Cost Private Schools'*, 24 March 2016: <http://bit.ly/1VsTfUz>

¹¹ CRC Concluding Observations, CRC/C/KEN/CO /3-5, paras. 56 – 57, 2 February 2016: <http://bit.ly/1SNEIRX>

¹² CRC, *Concluding Observations on Kenya Report*, CRC/C/KEN/CO/3-5, 21 March 2016, Para. 57: <http://bit.ly/1UCZu9a>

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

→ **In 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".¹³

b. CESCRC warning about abuses from international assistance to push for the adoption of privatisation models

In March 2016, the CESCRC published a new General Comment on the Right to Sexual and Reproductive Health recalling that **international assistance "should not impose restrictions on information or services existing in donor States" or "push recipient countries to adopt models of privatisation"**.¹⁴ This could be applied to international assistance in the **sector of education**, where private actors are **not regulated enough** and **abuses take place to the detriment of the right to education** of millions of children.

c. New UN Special Rapporteur's Report on public private partnerships in education and visit to Chile

In October 2015, the UN Special Rapporteur on the right to education presented to the UN General Assembly a report on Public-Private Partnerships (PPPs) in Education and the Right to Education¹⁵ in which he underlines that PPPs are increasingly promoted as a way to finance development projects by donor Governments.

In this report, he warns: "**Outsourcing education activities to profit-making corporations opens the space for them not only to make a profit, but also to steer education agendas in ways that may not be in the best interest of students, parents and teachers and thus societies as a whole.**" He stresses that "**rather than relying on private financial support for education through public - private partnerships, Governments should mobilize maximum national resources for education.**"

In April 2016, following its visits to Chile, the UN Special Rapporteur released a statement in which he stressed that "**No private provider should be allowed to reduce education to a business and make it a commodity**" and that "**Private education must be strictly regulated, bearing in mind the principles and norms underpinning the right to education and the State's responsibility under human rights law.**"¹⁶

¹³ 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>

¹⁴ CESCRC, *General Comment No. 22 (2016) on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, 4 March 2016, Para.52: <http://bit.ly/1ntE28b>

¹⁵ 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>

¹⁶ *Statement by Kishore Singh, United Special Rapporteur on the right to education, at the conclusion of his visit to the Republic of Chile*, 28 March to 4 April 2016, 5 April 2016: <http://bit.ly/203QGJ6>

d. Recent Concluding Observations from the African Commission on Human and Peoples' Rights

In November 2015, the African Commission on Human and Peoples' Rights reviewed Uganda's human rights record¹⁷ and expressed **concerns about the increase "in the establishment of private schools (...), which could result in discrimination against children from low-income households"**. It added that private education "has been encouraged by the Government", which gradually releases itself "from the obligation to provide quality public education".¹⁸

3. Recent update regarding the UK aid's support to private education

a. DFID' new aid strategy

In November 2015, the UK published its new aid strategy and commit by 2020 to **help at least 11 million children in the poorest countries to gain a decent education and promote girls' education.**¹⁹

The UK Parliament's International Development Committee criticised this new aid strategy²⁰, in particular "*the lack of priority given to poverty reduction within the aid strategy, and the potential implications for UK aid*". It recommends that DFID "*clarify which forms of budget support if any, will continue, and what its evidence base is for deciding to end this traditional method of financial support*".

In a blog published in October 2015, Duncan Green, Strategic Adviser for Oxfam GB, questioned: "**How can UK aid pursue development and British National Interest at the same time?**"²¹ which echoes our report in which we show that the UK's may have business interest in supporting private for profit education companies.

b. DFID's support to for-profit private schools in Nigeria

In January 2016, the Nigerian government disclosed plans to implement a **new educational policy to improve quality of education provided by public schools.**²² However, the government affirmed that this new policy would be implemented **with support organisations, including DfID** and the Developing Effective Private Education in Nigeria (DEEPEN - a programme funded by DfID that **focuses on improving private education, particularly low-cost private education**) to implement its educational policies.²³ DFID will invest £2.2 million²⁴ over the next two years in this programme,

¹⁷ See Right to Education project, 3 March 2016, *After the UN, the African Commission Cautions Against Privatisation in Education in Uganda*, <http://bit.ly/1RK0kNs>

¹⁸ African Commission on Human & Peoples' Rights, *Concluding Observations and Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010-2012)*, 18 November 2015, Para.80: <http://bit.ly/1RILlI3>

¹⁹ HM Treasury – Department for International Development, *UK aid: tackling global challenges in the national interest*, November 2015, p.15: <http://bit.ly/1e1yFl>

²⁰ House of Commons, International Development Committee, *UK aid: allocation of resources: interim report*, Third Report of Session 2015-16, 16 March 2016, Para.13-14, 54-55, and 62-63: <http://bit.ly/22iu2wn>

²¹ Duncan Green, "How can UK aid pursue development and British National Interest at the same time?", 9 October 2015: <http://bit.ly/1qyFIPN>

²² The Nation, *Lagos begins implementation of 3600 policy*, 22 January 2016: <http://bit.ly/1XeHeRn>

²³ Sundatia Post, *Lagos begins implementation of new education policy*, 2016: <http://bit.ly/1XeHOi4>; The Nation, *Banks, educationists seek private education fund*, 24 March 2016: <http://bit.ly/1MQ0eFl>

which aims at “facilitating a more enabling environment for private schools and a more effective market for them to offer an increased quality of education”.²⁵

The Call to participate in the programme states: “The project comprises the design and implementation of an initiative to use Making Markets Work for the Poor (M4P) to improve the quality of private education in Nigeria, with an initial focus on Lagos. Adopting a market systems approach to facilitate change in the education sector is highly innovative and the Lagos State Government has welcomed an intervention in this area.”²⁶

Regarding DFID’s support to Bridge International Academies in Nigeria, a recent report published by the Brookings Institution informs: “Bridge International Academies had not originally planned to open in Nigeria in its first phase of international expansion, but it responded to a DfID request for bids to improve learning outcomes in the private market for education serving more than 1 million children in Lagos. Bridge now works in Lagos as part of a government-sanctioned program, the result of a multiyear relationship between DfID and the Lagos State Ministry of Education.”²⁷

c. **DFID’s new impact assessment on the role of private actors in education**

In a report published in December 2015 on the Impact of Non-State Schools in Developing Countries²⁸, DFID recognises that “there is a **lack of research on whether non-state schools provide quality education in absolute terms**”.²⁹ And that “the impact of non-state education providers on the overall education system is an era where the **evidence base has particular limits**”.³⁰

The report stressed³¹:

“Importantly **more research is needed to better understand the nature of equity challenges private schools may present** and to broaden the focus beyond the enrolment and short-term outcomes to the potential trade-offs between investing in improving state provision versus providing vouchers or subsidies to private schools. **There is also relatively limited evidence base for many of the main hypothesised market drivers of education quality.**”

“One potentially fruitful area of international support lies in **assisting the development of improved policy frameworks and regulatory mechanisms for private providers.**”

This report confirms what we developed in our report that DFID is funding private actors in education **without having strong evidence that it helps educating children in developing countries**, let alone reducing poverty.

²⁴ The total budget is actually more than £3 million until 2019. See Data.Gov.UK, *DFID Support to Innovation in Low Cost Private Education*: <http://bit.ly/1S9aC89>

²⁵ FundsforNGOs, *Apply to Participate in DFID’s Developing Effective Private Education Programme in Nigeria*, 7 April 2016: <http://bit.ly/1qJrVpu>

²⁶ Ibid.

²⁷ The Brookings Institution, *Millions Learning – Scaling up Quality Education in Developing Countries*, 2016: <http://brook.gs/1VnCaN1>

²⁸ DfID Education Rigorous Literature Review, *The Impact of Non-State Schools in Developing Countries: A synthesis of the evidence from two rigorous review*, December 2015: <http://bit.ly/1oJAH5k>

²⁹ Ibid., p.17: <http://bit.ly/1oJAH5k>

³⁰ Ibid., p.26: <http://bit.ly/1oJAH5k>

³¹ Ibid., p.6: <http://bit.ly/1oJAH5k>

d. Concerns raised by British civil society organisation regarding UK aid support to private education

In November 2015, NASUWT, the Teachers' Union published a report on *Education, privatisation, equality and social justice: An initial review of the work of DfID*.³²

The report recalls:

"There has been a significant shift in DFID's international development strategy since 2010. DFID's strategy increasingly promotes open markets and private sector involvement in the design and delivery of services. The strategy includes directing capital towards pro-poor businesses and entrepreneurs, and shifting from the use of traditional aid grants to returnable loans and equity."

And recommends:

"The UK government must demonstrate that its 0.7% commitment is making a difference and is securing the goal of universal access to quality education for all children, regardless of ability to pay. In this regard, the UK's advocacy of low-fee private schools requires careful examination."

In April 2016, Global Justice Now³³ published a report³⁴ urging UK to stop the scandal of privatised aid³⁵ showing evidence that **DfID spent hundreds of millions of pounds to pay British pro-private education consultancy, Adam Smith International (ASI)**, for a variety of projects being carried out in the developing world. Our report submitted in October 2015 indicates that DFID supports the Kenya Essential Education Programme (KEEP), a two-year £25 million programme ASI³⁶, aiming to enrol 50,000 more children into Kenyan private schools by the end of 2015.³⁷

The report informs that **ASI was given more funds in a year 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."³⁸

³² NASUWT The Teachers' Union, *Education, privatisation, equality and social justice: An initial review of the work of DfID (UK)*: <http://bit.ly/1qnBvPg>

³³ One of the British organisations that submitted the report on the UK aid support to private education in October 2015.

³⁴ 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>

³⁵ One World, UK urged to stop 'the scandal of privatised aid', 1 April 2016: <http://bit.ly/21VXF6p>

³⁶ Adam Smith international, *Improving educational access, quality and equity for Kenya's most disadvantaged people*: <http://ow.ly/REUa3>

³⁷ DFID, *Annual Review: Kenya Essential Education Programme (KEEP)*: <http://ow.ly/REUip>

³⁸ One World, UK urged to stop 'the scandal of privatised aid', 1st April 2016: <http://bit.ly/21VXF6p>

Annex

Brief on Bridge International Academies³⁹

Bridge International Academy (BIA) is a for-profit commercial private chain of nursery and primary schools with over 400 institutions in Kenya, serving more than 120,000 children in informal settlements and peri-urban areas. BIA has grown rapidly in Kenya since it opened its first school in Mukuru kwa Njenga slum in 2009, and has expanded further into Uganda and Nigeria since 2015, with close to 100 schools in these countries. It is planning to open an additional 100 schools in Andhra Pradesh, in India, in 2016, and is engaged in talks to take over all the public schools in Liberia. It aims at reaching 10 million pupils by 2025 but has projected that it will achieve profitability once it enrolls 300,000 pupils.⁴⁰

BIA advances an *Academy-in-a-Box* model which relies heavily on the use of technology to deliver an entirely scripted curriculum, which is yet to be approved by the Kenya Institute of Curriculum Development. BIA teachers are primarily high school graduates who live in the neighbourhood surrounding each school, and are provided with five weeks training prior to commencing their positions.

BIA has received funding from several investors including Bill Gates, Mark Zuckerberg, Pierre Omidyar, the U.S. Government's development finance institution (OPIC), the International Finance Corporation (IFC) and the UK Department for International Development (DFID).⁴¹

Key concerns

- **High fees not serving the poor**

Estimation of the fees at Bridge Academies (in Kenya)

- Tuition fees: from \$6 to \$12 a month
- Lunch: \$0.3 to \$0.5 per day / \$8.8 a month
- Exam fees: about \$2.5 a term / \$0.8 a month
- MPESA transaction fees: \$0.15
- Uniform: \$10 – 22 per year per uniform / \$0.8 to \$1.8 per month
- Registration fee: one off \$5
- Stationery and material: about \$6 a year / \$0.5 a month
- Extra tuition? Lost textbook?

TOTAL: \$7.65 to \$14.65 per child without food, \$15 – 21 per child with food – and only one uniform

➔ For 3 children, on a \$75 monthly income: 22% to 48% without food, 60% to 80% with food

³⁹ Global Initiative for Economic, Social and Cultural Rights prepared this brief.

⁴⁰ <http://www.bridgeinternationalacademies.com/wp-content/uploads/2013/01/2010-Harvard-Business-School.pdf>, September 27, 2010

⁴¹ <http://www.bridgeinternationalacademies.com/company/investors/>

Data from the latest 2012/2013 household survey in Kenya show that half of the households in Kenya earn KES 7,000 (\$75) or less. Thus, for half of Kenyan households, even assuming a cost of \$6 a month, sending 3 children of primary school age to a Bridge Academy would cost at least 24% or up to 80% of their monthly income. 47% of Kenya's population live below the poverty line, and for some counties in the rural areas the poverty rates escalate to as high as 70%. This means that for 47% of the population, any expenditure to access education, even \$6, means sacrificing another essential right for their survival, such as health, food, or water.

The fee payment is strictly enforced. Any child that has not paid fee on time is expelled from the school until s/he can pay. Teachers are responsible to expelling children who have not paid.

BIA is thus not broadening access to education, but rather competing with other schools, including community schools, and reinforcing inequality and segregation along socio-economic lines.

- **Legal operations and relations with the government**

Last year, the Ministry of Education in Kenya ordered BIA to stop their rapid expansion until proper guidelines and regulations are enacted to govern the sub-sector. However, BIA actively resisted the establishment of minimum standards to govern quality in non-formal/low-cost private schools. In particular, they advocated against minimum percentage of qualified teachers in a school.

Further, contrary to section 23(2) of the Teachers Service Commission Act 2012, BIA engages teachers who have not been registered by the Teachers Service Commission and have not undergone the relevant teacher training. Similarly, the Kenya Institute of Curriculum Development (KICD) rejected the teaching materials presented by BIA for approval and it is a criminal offence to develop or implement curriculum or materials without approval and accreditation from the KICD.⁴²

Shannon May, the co-director of BIA has been quoted admitting, "technically, we're breaking the law, but so are thousands of other schools who are operating like this in these environments..."⁴³

- **Teachers' labour conditions**

Teachers in Bridge Academies have to work from 7am to 5.45pm, from Monday to Friday, and 7am to 5pm on Saturday. They are also responsible for policing children for the payment of fees and sometimes have to do extra non-paid hours to market the schools. They are paid between KES 5,000 (\$48) and KES 12,000 (\$110) per month, which is way below the lowest paid teacher in public schools (who are paid a minimum of KES 25,000 – about \$220). Contract terminations by BIA are frequent, and teacher turnover is very high.

- **Limited quality**

The highly standardised scripted curriculum provided, designed in Boston, USA, and provider to the 5-weeks trained teachers to deliver to the children does not allow to provide good quality education, and in particular, the attention the attention that slowest children need. The infrastructures are poor, made of wood and iron sheet. Classrooms can get very cold or very warm, they're small, and they're noisy.

⁴² Section 27 (1) of the Kenya Institute of Curriculum Development Act, 2013

⁴³ Schools - 'Technically, we're breaking the law', by Stephen Exley, TES magazine on 8 November, 2013, <https://www.tes.com/article.aspx?storycode=6373280>

BIA claims to provide better education than other schools, including public schools, but the only study that exists about its performance has been realised by BIA itself, and uses a flawed methodology.⁴⁴

- **Marketing practices**

BIA uses aggressive marketing practices, requiring the teachers to go door to door in communities to convince parents to join their schools. This includes offering them one month free of fees, which often misleads parents to think that the school is actually free. Yet, it's difficult to change schools once at BIA, after having bought the uniform, and used their different curriculum.

Overall, BIA builds on the – legitimate – aspiration of parents to have a better life and a good education for their children, and the fact that these parents are often illiterate themselves, to convince them to make sacrifices to attend a low-quality school, and extract profits from these poor communities.

- **UK and World Bank support**

. The World Bank and DFID have been actively supporting BIA politically. The World Bank came publically in support of BIA, in a statement in April 2015, which was contested by 120 NGOs around the world.⁴⁵ The statement was based on false partial information, and reflects an ideological support of school chains like BIA by the Bank, as well as intense lobbying of BIA with the Bank.

⁴⁴ See <http://bit.ly/1GwEutJ>

⁴⁵ Available on <http://bit.ly/statementWBprivatisation>