

Human rights bodies statements related to States' obligations with regards to Bridge International Academies

Updated 22 February 2018

The UN Committee on the Rights of the Child ([CRC](#)), the UN Committee on Economic, Social and Cultural Rights ([CESCR](#)), the UN Committee on the Elimination of all forms of Discrimination Against Women ([CEDAW](#)) and the African Commission on Human and Peoples' Rights ([ACHPR](#)) have addressed the issue of the role of private actors in education in at least thirteen States in the last two years. These institutions, known as treaty bodies, are established by international and regional human rights treaties to monitor their implementation. They issue what is called [concluding observations](#), which are quasi-legal interpretations of how the human rights obligations of a State should be interpreted and applied issued periodically after reviewing reports from the States. A regularly updated document synthesises the key recommendations from the last few years relevant for the understanding of the role of private actors in education, and is available here: <http://bit.ly/synthesisprivatisation> (most up to date version on <http://bit.ly/privatisationproject>).

In the context of the debates on the role that States should have in regulating and/or funding the largest chain of low-fee private schools, [Bridge International Academies](#) (BIA), the present document sumps up which of these recent concluding observations are relevant for the understanding of the obligations of States with regards to Bridge. The concluding observations address either donor States that have funded or supported BIA directly or indirectly, or States where BIA operates. The obligations laid out equally impact other education providers in the same situation as BIA.

Obligations of States where Bridge International Academies is operating Kenya

BIA runs over 400 schools in Kenya.

ACHPR, Questions to the State Party, Oral records

*Why are private school chains, such as **Bridge International Academies**, registered as non-formal schools, whereas they appear to offer formal education?*

ACHPR, Concluding observations and recommendations, <http://bit.ly/2 AoANGi>

37. The Commission is concerned about: ...

v. **lack of monitoring and effective regulation** of private school chains, such as Bridge International Academies that register as non-formal schools, whereas they appear to offer formal education.

53. Kenya should: ...

v. **ensure monitoring** of Bridge International Academies regarding their system and methods of education



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

56. *The Committee welcomes the increase in enrolment and completion rates at primary and secondary education. However, the Committee is concerned about:*

...

*(d) 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.*

57. *With reference to the Committee's general comment No. 1 (2001) on the aims of education, the Committee:*

...

*(b) [...] In doing so, **prioritize free primary quality education at public schools over private schools** and informal low cost schools and **regulate and monitor** the quality of education provided by private informal schools in line with the Convention;*

CESCR, Concluding observations, E/C.12/KEN/CO/2-5, paras. 57-58, 4 March 2016,
<http://bit.ly/1pbiMFP>

57. *[...] It is also concerned that **inadequacies in the public schooling system have led to the proliferation of so-called "low-cost private schools"** which has led to **segregation or discriminatory access** to education particularly for **disadvantaged and marginalized children**, including children living in informal settlements and arid and semi-arid areas (arts. 13 and 14).*

58. *Recalling that the State has the primary responsibility in ensuring to right to education, the Committee recommends that the State party take all necessary measures to **strengthen its public education sector**. [...] **It also recommends that the State party bring the Registration Guidelines for Alternative Provision of Basic Education and Training in line with Articles 13 and 14 of the Covenant and other relevant international standards; that it ensure that all schools, public, private, formal or non-formal, are registered; and that it monitor their compliance with the guidelines.***

Uganda

BIA runs 63 schools in Uganda.

CESCR, Concluding observations, E/C.12/UGA/CO/1, para. 36, 24 June 2015,
<http://bit.ly/1BK6OrO>

36. *The Committee also expresses concern at the:*

...

Widening of the gap** in access to quality education **resulting from the increase in the provision of private education** and **disproportionately affecting girls and children of low-income families;



Recalling its general comment No. 13 on right to education, the Committee recommends that the State party assumes primary responsibility for the provision of quality education to all children. To this end it should:

...

(c) Strengthen regulations and expand monitoring and oversight mechanisms for private education institutions

ACHPR, Concluding Observations & Recommendations on the 5th Periodic State Report of the Republic of Uganda (2010 – 2012), <http://bit.ly/1Y3HGmm>

*80. The increase in the establishment of private schools, which has been encouraged by the Government, allegedly raises the **concern of the Government gradually releasing itself from the obligation to provide quality public education, which could result in discrimination against children from low-income households;***

*116. **Increase its investment in public education** to match the increasing enrolment, and ensure the quality thereof, to avoid forcing parents to resort to private schools, as well as to **regulate the quality of education being provided by private schools;***

Obligations of donors that have supported Bridge International Academies

France

France has funded Bridge International Academies through its private lending development arm, PROPARGO, and has supported it as a shareholder of the World Bank, which funded BIA through the International Finance Corporation.

CESCR, Concluding observations, E/C.12/FRA/CO/4, paras. 7 – 8 and 11 24 June 2016, <http://bit.ly/29sOrNG>

*7. [...] It notes with concern that the **due diligence requirements** in the sphere of operations involving the State party's provision of development assistance, such as those relating to sustainable development and to the mitigation of environmental and social risks, do not provide full protection for the rights enshrined in the Covenant (art. 2 (1)).*

*8. [...] It also recommends that the State party develop **robust methodological tools for analysing the impact** that operations funded by development agencies have on the enjoyment of Covenant rights. In addition, it recommends that the State party include the Covenant in the compliance assessment framework for those agencies.*

*11. The Committee also urges the State party to take all possible steps to ensure that the **decisions and policies adopted by the international organizations of which it is a member** are in line with its obligations under the Covenant.*

United Kingdom

The United Kingdom is an investor in and supported of Bridge International Academies through the UK development agency, DFID. It has also supported Bridge as a shareholder of the World Bank, which funded BIA through the International Finance Corporation.

CRC, Concluding observations, CRC/C/GBR/CO/5, paras. 16-17, 3 June 2016,
<http://bit.ly/1OeyD1M>.

16. *In the context of international development cooperation, the Committee is concerned about the State party's funding of low-fee, private and informal schools run by for-profit business enterprises in recipient States. Rapid increase in the number of such schools may contribute to sub-standard education, less investment in free and quality public schools, and deepened inequalities in the recipient countries, leaving behind children who cannot afford even low-fee schools.*

17. *The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by **prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.***

CESCR, Concluding observations: E/C.12/GBR/CO/6, paras. 14–15, 24 June 2016,
<http://bit.ly/29tk8ZW>

14. [...] *The Committee is particularly concerned about the financial support provided by the State party to private actors for low-cost and private education projects in developing countries, which may have contributed to undermine the quality of free public education and created segregation and discrimination among pupils and students (arts. 2, 13 and 14).*

The Committee calls upon the State party to adopt a human rights-based approach in its international development cooperation, by:

- (a) Undertaking a systematic and independent human rights impact assessment prior to decision-making on development cooperation projects;*
- (b) Establishing an effective monitoring mechanism to regularly assess the human rights impact of its policies and projects in the receiving countries and to take remedial measures when required;*
- (c) Ensuring that there is an accessible complaint mechanism for violations of economic, social and cultural rights in the receiving countries committed in the framework of development cooperation projects.*



The Global Initiative
for Economic, Social and Cultural Rights

Contacts

Sylvain Aubry, Research and Legal Advisor: sylvain@globalinitiative-escr.org

For more information, visit <http://bit.ly/commerceduc>