



Association of
Women
Heads of
Households



Coalition of
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Educational
Organisations



The Global Initiative
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Privatisation and sale of public school lands in Mauritania

*Presented to the
United Nations
Committee on the
Rights of the Child at
its 79th session*



The following organisations are submitting this report:

- **The Association des Femmes Chefs de Familles (AFCF)**, a human rights organisation founded in 1999. The AFCF is led by a multidisciplinary team comprising sociologists, nutritionists and specialists in the economics of development and communications. For further information: <http://afcf-rim.org/>
- **The Coalition des Organisations Mauritaniennes pour l'Education (COMEDUC)**, a coalition of organisations and networks in civil society working to support the public authorities' strategies for education; to create a synergy aiming to pool the skills and the material and financial means necessary for delivery of education for all in Mauritania; to constitute a framework for consultation between the decentralised structures of the State on the one hand, and national and international organisations on the other hand; to work for an education that strengthens national cohesion and unity. For further information: <http://comeduc.net/francais/>
- **The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)**, an international, non-governmental human rights organisation working to further economic, social and cultural rights worldwide and that fights global poverty using a human rights approach. The organisation has special consultative status with the United Nations Economic and Social Council (ECOSOC). Further information: <http://gi-escr.org/>

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Summary

The growing involvement of private actors in education and its commercialisation is a growing global phenomenon, posing a potential threat to the right to education in many countries. An increasing number of investigations are examining the impact of these developments on human rights and social justice.

Mauritania is an interesting case: a country where few studies have been conducted on this subject. This report, conducted in the context of Mauritania's review by the UN Committee on the Rights of the Child, seeks to advance the discussion and analysis of these phenomena in Mauritania. It examines the inroads made by private stakeholders in this region, and their impact. The report analyses existing available data and field data collected in a small-scale study against the five accepted human rights standards for measuring the impact of private stakeholders in education: non-discrimination, the right to free education, the protection of education against its commercialisation, regulation, and participation.

In particular, the report focuses on a remarkable case of commercialisation of education involving the sale of public school grounds in Nouakchott. Lands with public schools located in commercial areas were sold to businessmen and turned into commercial premises. In 2016, without any prior public consultation, the Mauritanian State organised the auction of six pieces of land in the centre of Nouakchott on which public schools were located. This may have resulted in the permanent exclusion from school of thousands of children, since no other school has been opened by the authorities as a replacement and many families do not have the resources to educate their children in nearby private schools. The business interests of the government and other interested parties came before the implementation of the right to education.

The auction of these public lands and the resulting closure of public schools is only the most visible part of the commercialisation and privatisation of education in Mauritania. Private schools are making fast inroads into the education system. For the period 2011/12 and 2016/17, the rate of increase in pupil numbers was higher for the private sector at 6% than for the public sector at 3%. As the number of students grows from year to year, the number of classrooms in public schools has decreased by 1% since 2011. These shortcomings are correlated with a budget allocated to education that is historically weak and has been in a downtrend since 2013, lying between 2.5 and 3.5% of GDP since 1999 although the country is far from being the poorest of the continent (it is ranked in the lower-middle-income category).

Such dramatic growth requires particular scrutiny to ensure that private schools do not undermine the right to education. Nevertheless, the Mauritanian state has failed to put in place an adequate regulatory framework for private stakeholders in education and has also failed to develop a quality public system for all.

These dynamics have several negative consequences for the realisation of the right to education, including a low rate of access to education for the poorest populations, a system that is increasingly segregated and which discriminates based on socioeconomic factors, poor working conditions for teachers, and low-quality education in both the public and private sectors.

These findings are similar to the situation in neighbouring Morocco, where similar studies have also been conducted in the context of reviews by UN human rights committees. Morocco too has sold public school grounds to market stakeholders, failed to regulate private education, and offered insufficient public education in quantity and quality - despite Morocco's much higher budgetary allocation to education.

The report concludes with several recommendations for the Mauritanian government. These include alignment of the budget for education with international standards, monitoring and regulation of private actors in education in accordance with the country's human rights obligations, in particular by following the Guiding Principles on Human Rights for Private Stakeholders in Future Education, and improvement of the conditions for access to civil registration, which is essential for enrolling a child in school.

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I. Introduction

1. The United Nations Committee on the Rights of the Child will review a list of questions for Mauritania during its 6th pre-sessional from 1-5 February 2018. The Committee will conduct a review of Mauritania during its 79th session from 17 September to 5 October 2018.
2. This report constitutes the signatory organisations' final submissions for the review of Mauritania by the Committee on the Rights of the Child at its 79th session, after the submission of a preliminary report for consideration by the Committee of a list of issues relative to Mauritania at its 62nd pre-session. In a global context where increasing privatisation threatens the right to education, and with Mauritanian civil society questioning the authorities' violations of the right to education, this report aims to establish the situation regarding the implementation of the right to education in Mauritania, and particularly concerning the involvement of private actors in education and the commercialisation of education. The purpose of this report is to assess to what extent the right to education is impacted in Mauritania by these tendencies, and to make recommendations to the Mauritanian authorities accordingly, for the respect and implementation of the right to education.

Commercialisation and privatisation of education, privatisation in education

This report uses distinct but related concepts: the privatisation of education, privatisation in education, and the commercialisation of education. These terms have not yet been defined, but the francophone protest against the commercialisation of education provides useful definitions¹:

- **Commercialisation of education:** transformation of education into a profitable commodity.
- **Privatisation of education:** control of education by private stakeholders, resulting in an increase in the proportion of private actors involved in an education system.
- **Privatisation in education:** introduction of methods and approaches from the private commercial sector into education. This phenomenon is found in many countries including OECD countries.

3. In this perspective, the first two parts of the report briefly present the Mauritanian education system and the main challenges presented by the public system. The following two sections details the increasing involvement of private stakeholders in education in Mauritania and the applicable national and international legal framework, while the last section demonstrates the negative impact of these phenomena on the

¹Francophone civil society denunciation of the commercialization of education (November 2016), <https://www.gi-escr.org/publications/appel-de-la-socit-civile-francophone-contre-la-marchandisation-de-lducation>.

realisation of the right to education. The report concludes with a list of recommendations addressed to the Mauritanian authorities for the respect and implementation of the right to education.

Methodology

The data in this report comes from secondary and primary data. Secondary data has been collected from textual sources, including:

- *national law relating to the right to education and the privatisation of education;*
- *international law relating to the right to education and to private stakeholders in education;*
- *national statistics and policies related to the education sector in Mauritania;*
- *international statistics and analysis reports of international donors concerning the Mauritanian education sector;*
- *the national press.*

In addition, primary data was collected for this report. This material includes testimonies from the Mauritanian signatory organisations that participated in the report, plus a field survey conducted between April and July 2018. This material was collected by AFCF in the nine administrative departments of Nouakchott. It consisted of face-to-face interviews with staff from private and public institutions, as well as families of children attending public and private schools and the children themselves. The interviews took place in November 2018, at the conclusion of a course which informed AFCF staff and partner organisations on research on human rights and the role of private actors in education. The questionnaire was devised in a participatory manner as part of this course.

The analysis focuses on the phenomena of commercialisation and privatisation of education in Mauritania, and specifically on profit-making private schools known as 'low-cost' schools, with fees averaging between 400 and 800 ouguiyas (UM) per month, or between US\$11 and US\$22 per month. The research does not look at community schools or religious schools such as mahadras.

The data collected was analysed in relation to the legal framework for human rights that applies currently in Mauritania, and in particular the International Convention on the Rights of the Child, in terms of the five dimensions affected by the growth of private actors as defined by Aubry and Dorsi.² This analysis was conducted in accordance with the methodology defined by the Global Initiative for Economic, Social and Cultural Rights and the Right to Education Initiative.³

²Sylvain Aubry et Delphine Dorsi, « Vers un cadre de droits de l'Homme pour faire avancer le débat sur le rôle des acteurs privés dans l'éducation », Revue Oxford sur l'Éducation (2016), <http://dx.doi.org/10.1080/03054985.2016.1224301>.

³« Guide méthodologique pour la recherche et le plaidoyer relatifs aux droits de l'Homme et au rôle des acteurs privés dans l'éducation », GI-ESCR et RTE (avril 2018), http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_GIESCR_Methodological_Guide_Privatisation_and_Human_Rights_2016_Fr_0.pdf.

II. The Mauritanian education system

4. Since Mauritania gained independence in 1960, its formal education system has been subject to a number of reforms which have all aimed to ensure that the system is better adapted to its socio-cultural environment: Mauritania is a multilingual country where several ethnic groups coexist and where the official languages, established by the Constitution of the Islamic Republic of Mauritania (1991, as amended in 2006), are Arabic, Pulaar, Soninke and Wolof, with Arabic as the official language.⁴
5. The most recent reform, adopted by parliament in 1999,⁵ aims to rectify the shortcomings in the educational system and build on its achievements. It is based on the following elements:
 - Unifying the system by removing the language curricula created by the reform of 1979;⁶ [single curriculum with Arabic and French as languages of instruction]
 - Extending the duration of lower secondary education from 3 to 4 years;
 - Improving the teaching of science by introducing physics and computer science during lower secondary education; and
 - Improving the teaching of foreign languages (French, English).
6. Primary and secondary education in Mauritania is organised as follows:

Pre-school education: theoretically lasts three years and is for children from three to five years of age. It is provided in Koranic schools, nursery schools and community day-care centres.

Primary education: the aim of this type of education is to provide a basic curriculum in primary schools for all children aged 6 and over, with a Primary Education Certificate (CEP) marking the successful conclusion of six years of study. Primary education is compulsory for children ages 6-14, in accordance with the Compulsory Education Act (No. 054.2001).

General secondary education: this level of education is organised in two phases: the first cycle aims to consolidate the basic education acquired at primary level and to prepare students either to continue their studies in one of the pathways in the second cycle of general or technical secondary education, or to join social and economic life. Students enter lower secondary schools (General Educational Colleges) after taking entrance exams in their sixth year of primary school; they attend for four years and receive a school-leaving certificate (Brevet d'Etudes du Premier Cycle, or BEPC) after successfully completing their studies.
7. The purpose of upper secondary schools is to prepare students for higher education. Depending on the availability of spaces, and following a guidance programme,

⁴Constitution de la République Islamique de Mauritanie (1991, telle qu'amendée en 2006), Article 6, <http://www.unesco.org/education/edurights/media/docs/17af2422b2f1990c0cfcad2a4f0ff886351a0794.pdf>.

⁵Law No. 99-012 of 26 April 1999 on the reform of the national education system, Official Journal of Mauritania no. 957 of 30 August, 1999.

⁶Délibération n°0040/CMSN du 13 octobre 1979, <http://fr.ufpweb.org/ufpweb-net/etudes/reforme.htm>.

students who have successfully completed their studies at lower secondary schools next move on to general upper secondary schools ("lycées d'enseignement général" or high schools) to study for a Baccalaureat diploma. This cycle lasts three years. The new reform of this curriculum was completed in 2011.

8. The second phase of the National Programme for the Development of the Educational System (PNDSE II) is spread over the period 2011 to 2020. The first phase of the programme (2001-2010), implemented over a period of 10 years and completed in November 2009, aimed to (i) improve the quality and relevance of education and learning at all levels of the educational system; (ii) improve access and promote regional and gender equality, particularly in primary and secondary education; (iii) make the education system more responsive to external needs by building closer relationships between technical, vocational and higher education on the one hand and labour market demands on the other; and (iv) build the administrative, technical, educational and financial management capacity of each player and of the system as a whole.⁷
9. Phase II aims to improve the quality and relevance of education; expand access to primary education and regulate access at higher levels; and improve the sector's management and governance, with a focus on implementing the Millennium Development Goals (MDG), while continuing to reform the educational system and improving the relevance and quality of post-primary education.
10. The PNDSE receives funding from international partners, particularly the Global Partnership for Education (GPE), the Kuwait Fund for Economic Development, the World Bank (WB), the Islamic Development Bank (IDB), the World Food Programme (WFP), the French Development Agency (AFD), UNICEF, Spanish Cooperation, and UNESCO.

III. Overview of the major challenges facing the Mauritanian public education system

11. The Mauritanian education system is facing a number of major challenges in implementing the right to education; these have been highlighted in the PNSDE II 2011-2020 plan in particular.⁸ These challenges are particularly related to low school enrolment levels; official registration; pre-school education; the quality of basic education; the management of human resources and teachers' living conditions; infrastructure and equipment; and the restriction on the involvement of civil society and local communities.

⁷PNDSE I 2001-2010, <http://bit.ly/2OF4daF>.

⁸PNDSE II 2011-2014, Plan d'Action Triennal 2012-2014,

<http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>.

1. Low school enrolment levels

12. The Mauritanian education system has made progress in terms of access to primary education, but it remains below the regional average.⁹ The proportion of Mauritanian children of primary school age not attending school has remained stable but high, ranging from 29.3% in 2011 to 28.85% in 2016.¹⁰
13. This figure could be higher still because of the limitations of the national official statistical system. For example, while official data indicated a rate of 29.3% of Mauritanian children of primary school age not attending school in 2011, household survey data suggested 40.2% for the same year.¹¹ A household survey conducted by the National Office of Statistics and UNICEF (MICS survey) in 2015 reveals that 24.9% of children in the 6-9 age group and 10.9% in the 10-15 age group have never been to school.¹²

2. Official registration

14. A major complicating factor in the low school enrolment rate since 2011 is the obligation for both parents and children to "enrol" in the civil registry (to obtain a national identification number) in order to access state schools and obtain the national Certificate of Primary Studies diploma.
15. There are a number of difficulties and shortcomings with enrolment, which was launched in 2011, and therefore also with educational services. Human Right Watch collected¹³ a large number of reports mentioning this problem and, as early as 2012, the Economic and Social Council of the United Nations was concerned about the issue (C-19).¹⁴ There are a number of difficulties: missing birth certificates, the need to travel to the place of birth, religious marriages not officially recorded by the state, different procedures depending on which office is involved, the procedures sometimes not written down, poorly understood or poorly communicated by officials, very long delays, a foreign parent, etc.
16. Some children who are refused access to state education for this reason go to private schools, but cannot then obtain the CPS they need to continue their studies. Access to private schools is, however, not guaranteed either for these unregistered children. Admission of unregistered children varies from one private institution to another and on a case-by-case basis even within many institutions.

⁹« Rapport régional pour l'année 2014 sur l'Éducation Pour Tous dans les Pays Arabes », UNESCO Regional Bureau for Education in the Arab States – Beirut (mai 2014),

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/ED_new/pdf/ARAB-REGION_FR.pdf.

¹⁰UNESCO Institute for Statistics, <http://data.uis.unesco.org>, accessed 13 August 2018.

¹¹UNESCO Institute for Statistics, <http://data.uis.unesco.org>, accessed 13 August 2018.

¹²« Rapport final - Mauritanie - Enquête par grappes à indicateurs multiples MICS5 2015 », MICS (mars 2017), https://mics-surveys-prod.s3.amazonaws.com/MICS5/West%20and%20Central%20Africa/Mauritania/2015/Final/Mauritania%202015%20MICS_French.pdf.

¹³« Mauritanie : Des obstacles administratifs empêchent des enfants d'aller à l'école », Human Rights Watch (mars 2018), <https://www.hrw.org/fr/news/2018/03/29/mauritanie-des-obstacles-administratifs-empechent-des-enfants-daller-lecole>.

¹⁴Observations finales du Comité des droits économique, sociaux et culturels, E/C.12/MRT/CO/1, décembre 2012 : https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/MRT/CO/1&Lang=Fr

17. Enrolment difficulties also contribute to discrimination against poor families and the Haratin, Black African and repatriated refugee populations, who find it more difficult to provide the documents required, and who suffer discrimination from certain officials.¹⁵

3. Pre-school education

18. Pre-school education (prior to primary education) is a crucial phase in the school learning process. Formal pre-school education in Mauritania is practically non-existent. Informal pre-schools include Koranic schools, community day-care centres (set up by women, mainly to provide childcare). These informal pre-schools are typically housed in inadequate accommodation and lack equipment. Teachers typically lack training and their programmes are not designed to stimulate children's development.

19. The parts of the PNDSE II Strategy relating to pre-school education deal mainly with access: "the objective is to raise the number of children in the 4-5 age group attending pre-school to 16% by 2020 (from 5.2% in 2008). PNDSE II also aims to increase the role of public and community education."¹⁶ According to a household survey, in 2015 only 11.9% of children between the ages of 36 and 59 months attended pre-schools, with a large disparity between urban (20% access) and rural (6% access) areas, and between levels of household income: 30% of the 36 to 59-month-olds living in the richest households attend nursery school, compared with only 3% of children in the poorest households.¹⁷

4. The quality of education and human resources

20. The 2011 PNDSE II Technical Assessment confirmed that "all quality indicators in Mauritania, at all educational levels, are cause for alarm". [...] Weak leadership and management in Mauritanian education has been consistently highlighted. There is little response to alarming quality indicators, such as very poor test results, or the failure of some schools to report any results at all. Human resource management also has significant shortcomings. Teacher numbers fluctuate throughout the year and never relate to the numbers of students attending school, and efficient use is not made of teachers' language skills. All of these factors are clearly related to the lack of quality."¹⁸

21. The Diagnostic Report into the education system, published in February 2018 and compiled by the World Bank and the Mauritanian government, noted that there is still

¹⁵Observations finales du Comité pour l'élimination de la discrimination raciale, CERD/C/MRT/CO/8-14, mai 2018 : https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fCOC%2fMRT%2f31207&Lang=fr ; « Rapport du Rapporteur spécial sur les droits de l'Homme et l'extrême pauvreté sur sa mission en Mauritanie », A/HRC/35/26/Add.1, mars 2017 : http://ap.ohchr.org/documents/dpage_f.aspx?si=A/HRC/35/26/Add.1 ; « Mauritanie : Des obstacles administratifs empêchent des enfants d'aller à l'école », Human Rights Watch (mars 2018), <https://www.hrw.org/fr/news/2018/03/29/mauritanie-des-obstacles-administratifs-empechent-des-enfants-daller-lecole>.

¹⁶PNDSE II 2011-2014, Plan d'Action Triennal 2012-2014 :

<http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>.

¹⁷« Rapport final - Mauritanie - Enquête par grappes à indicateurs multiples MICS5 2015 », MICS (mars 2017), https://mics-surveys-prod.s3.amazonaws.com/MICS5/West%20and%20Central%20Africa/Mauritania/2015/Final/Mauritania%202015%20MICS_French.pdf.

¹⁸PNDSE II 2011-2014, Plan d'Action Triennal 2012-2014 :

<http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>.

a lot of progress needed with regard to the failures in the education system as previously highlighted in the technical evaluation carried out for PNDSE II in 2011. With regard to the problem of shortcomings in the efficient use of teachers' language skills reported in 2011, for example, the 2018 evaluation reports a general decline in the language level of teachers despite the introduction of policies aimed at strengthening teachers' language skills. The persistence of deficiencies in the coherent management of human resources, both in terms of training and teacher assignment throughout the system is also highlighted. Exam results also remain very low. For example, for the year 2016/17, the Primary School Certificate (CEP), the diploma for the end of primary cycle, the admission rate was only 56.4%, and 55.7% the previous year. Analysis of CEP admission results since 2011 reveals "that only one in four students masters the skills required for this curriculum level."¹⁹

22. Difficult work conditions for teachers greatly impact this lack of quality. The 2012-2014 triennial action plan notes, "Teachers generally lack motivation due to inadequate management, as well as low compensation."²⁰ The current average net salary for a teacher (primary and secondary) is less than 10,000 UM, approximately 240 euros per month.²¹ This salary is very low compared with that of a secondary-school teacher, which would be around UM 40,000 per month.²²

5. Infrastructure and equipment

23. One of the recurring problems of the Mauritanian education system is that of infrastructure, despite the significant efforts the Government claims to have made in this area in recent years.²³ For example, the number of classes in the public system decreased from 11,485 in 2011/12 to 10,956 in 2016/17, despite an increase in students enrolled from 101,840 in 2011 to 11,9553 students in 2016.²⁴ This deficit in school infrastructure leads to overcrowding in the classrooms, with about 100 students per classroom in the majority of schools in large cities.²⁵

24. Teachers' unions report that a majority of Mauritanian schools suffer from a striking lack of basic equipment and infrastructure.²⁶ There is a lack of bathrooms throughout the school system and 4/5 of the schools do not have spaces for recreation and

¹⁹ « Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

²⁰ PNDSE II 2011-2014, Plan d'Action Triennal 2012-2014 :

<http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>

²¹ « Qui est responsable des mauvais résultats de nos élèves ? », article publié sur SNES le 9 août 2019,

<http://snesm.org/spip.php?article135>.

²² « Augmentation des salaires : Encore une supercherie. », article publié sur CRIDEM le 13 décembre 2012,

<http://cridem.org/imprimable.php?article=637381>.

²³ « Discours de l'ouverture scolaire 2017-2018 », Ministère de l'Éducation Nationale République Islamique de Mauritanie,

<http://www.education.gov.mr/spip.php?article7>.

²⁴ UNESCO Institute for Statistics, <http://data.uis.unesco.org>, accessed 13 August 2018.

²⁵ « Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

²⁶ « Communiqué du SIPES de Nouadhibou », article publié sur CRIDEM le 14 décembre 2014,

http://cridem.org/C_Info.php?article=664586.

sports.²⁷ Fewer than 50% of students have access to textbooks.²⁸ In addition, there is a lack of essential school supplies, such as chalk or desks.²⁹

6. Limitations of the involvement of civil society, communities, and parents

25. The PNDSE II Action Plan for 2012-2014 noted that creating institutional partnerships with various educational-policy stakeholders, "specifically civil society and local communities," is one of the "measures and actions planned to strengthen institutional management."³⁰ However, civil society and local community involvement in the education system remains very weak. One sign of this weakness is the lack of civil society involvement in the Groupe Local des Partenaires de l'Education (Local Education Partners Group) despite strong pleas from the Coalition des Organisations Mauritanienes pour l'Education (COMEDUC).
26. In addition, parent participation in some rural areas has been discouraged, and even repressed by the local authorities, such as in the town of Selibaby, in which a peaceful demonstration by parents protesting poor infrastructure in secondary schools was broken up and some of the demonstrators jailed.³¹
27. There are also reports of attacks against trade unions, for example, the abusive and arbitrary transfer of unionised activist teachers or even the violent repression of teachers' demonstrations.³²

IV. The involvement of private stakeholders in education in Mauritania

1. Context and regulatory framework for the involvement of private stakeholders

28. Private education was authorised in Mauritania by Ruling No. 81-212, of 24 September 1981, regarding the establishment of private education. This decree regulates all

²⁷« Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

²⁸« Nouvelle année scolaire et les mêmes problèmes persistent », article publié sur Saharamedias le 3 octobre 2017, https://www.wmaker.net/saharafr/Nouvelle-anne-scolaire-et-les-memes-problemes-persistent_a8858.html.

²⁹« Les écoles publiques en Mauritanie, l'ultime refuge des enfants pauvres », article publié sur Dunes Voices le 19 avril 2016, <http://dune-voices.info/public/index.php/fr/soci%C3%A9t%C3%A9-mauritanie-fr/item/781-les-%C3%A9coles-publiques-en-mauritanie,-l%E2%80%99ultime-refuge-des-enfants-pauvres>.

³⁰PNDSE II 2011-2014, Plan d'Action Triennal 2012-2014, <http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>

³¹« Grève du lycée de Sélibaby : Détention, négociations, promesses... », article publié sur LeRefllet le 16 novembre 2017, <http://www.lereflet.net/la-greve-lycee-de-selibaby-continue/>; « Manif à Sélibabi : Un blessé et quinze arrestations », article publié le 13 novembre 2017, http://tawary.com/fr/index.php?option=com_content&view=article&id=5096:manif-a-selibabi-un-blesse-et-quinze-arrestations&catid=1:actualites&Itemid=2.

³²«Nouakchott: Secondary school teachers still denounce abusive assignments,» article published on Alakhbar on August 22, 2018, <http://www.fr.alakhbar.info/4985-0--Nouakchott-Les-enseignants-du-secondaire-denoncent-encore-les-affectations-abusives.html>; "Statement of SIPES after the crackdown on the protest by police," article published on Cridem, August 22, 2018: http://cridem.org/C_Info.php?article=697886.

aspects of private education: conditions for opening a private school, degrees and diplomas, sanitary conditions and safety, as well as educational programs, hours of operation, student registration, monitoring and inspection measures, etc. The decree also sets out restrictions and fines to be imposed on schools that violate its provisions. In general terms, the decree defines private schools with regard to their naming, which must include the term "private," as well as other aspects such as the minimum number of students, quality of education, and leadership requirements. Enforcement Order for Decree 81-212, décrets n° 82.015 bis et 81.016 du 12 février 1982 stipulate, respectively, conditions for the establishment and management of private schools, as well as the conditions and qualifications of the directors and teaching staff of private primary, secondary, technical or vocational schools.³³

29. In the PNDSE II (2011-2020) and the affiliated Triennial Action Plan (2012-2014), the government affirmed the need to "maintain the involvement of the private sector in the provision of schools" with the objective of increasing "to 11% by 2020, the share of the private sector in providing primary education," as well as the need to promote the private sector:

With the goal of accomplishing universal basic education and ensuring high-quality training, the Government will support the development of the private sector at all levels of the education sector by means of incentives and institutional measures.

Specifically, this will include:

- Improvement of the administrative management of the private sector, especially in terms of accreditation, management, inspection and educational support;*
- The putting in place of a precise mission statement to which the private sector must adhere;*
- Provision of pedagogical support, in terms of access to pedagogical tools and in-service teacher training;*
- The establishment of a permanent information, monitoring and evaluation system.³⁴*

30. In accordance with these commitments, the directorate for private education at the Ministry for Education distributed a mission statement to private schools concerning the obligations of such establishments. The statement lays down the conditions for opening a private school, the standards to which it must abide, its pedagogical management, the conditions for employing teachers, inspection and organisation, and relations with public authorities and outreach.³⁵

³³Journal officiel de Mauritanie n° 564-565 du 28 avril 1982.

³⁴PNDSE II 2011-2014, Plan d'Action Triennial 2012-2014, <http://www.unesco.org/education/edurights/media/docs/8f4c95850184d9c2eb04241b448293ccf6d7daf5.pdf>, p.55.

³⁵Mission statement of Private Education, Ministry of National Education, Directorate of Private Education [undated text].

31. Regarding conditions for opening a private school, the mission statement stipulates that each school must have an operating licence, as well as a "site permit establishing the location of the school premises". All institutions must ensure the protection and safety of the children, must provide adequate sanitary facilities, and must meet standards for school infrastructure. Relative to educational management, private schools must respect the official curriculum. In regard to the teaching staff, "public teachers can be used by private schools if their schedules in their home schools allow," and, during the first cycle, may not exceed 14 hours of teaching in private institutions. Private schools must also facilitate the involvement of parents in school governance through the establishment of a complaints register for the grievances of parents.³⁶

2. Format and development of private stakeholders

32. It is in this context that, due to public education's shortcomings and the opening up of the private sector, individuals, and especially retired teachers, have founded small private schools. Privatisation in Mauritania is essentially reflected in the growth of these so-called "low-cost" schools: small houses where students sit in cramped, poorly ventilated, poorly lit, poorly maintained rooms and where they have no access to playgrounds. In addition, it is no longer only teachers who are opening such schools. Businessmen and women see low-cost schools as a business endeavour.

33. Private schools are making rapid progress in the education system. At the primary-school level, in 2017, they accounted for 16.44% of schools nationwide, and 15% of students, according to government statistics.³⁷ The table below shows the evolution of the number of schools and of student numbers in public and private primary schools from 2015 to 2017.³⁸ It is important to note that these are official statistics and do not include informal, unregistered schools, which, as has been seen in other countries, can constitute a significant proportion of private schools.³⁹ This is the case, for example, of the mahadras in Mauritania, informal Koranic schools that are not included in the national statistics, but which many families choose for the education of their children.⁴⁰

³⁶Mission statement of Private Education, Ministry of National Education, Directorate of Private Education [undated text].

³⁷Annual school statistics from the Ministry of National Education 2016/2017:

http://education.gov.mr/IMG/pdf/annuaire_2016-2017.pdf.

³⁸Idem.

³⁹See, for example « Rapport parallèle sur le Népal au Comité de l'ONU sur les droits de l'enfant », available at

<http://bit.ly/1U1IsMC>.

⁴⁰« Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

Evolution of the number of schools and the number of students in public and private schools between 2015 and 2017

	Number of schools				Total number of students			
	2015/2016	%	2016/2017	%	2015/2016	%	2016/2017	%
Public	3666	87.3	3,569	83.56	516617	86	532289	85
Private	534	12.7	702	16.44	84747	14	95421	15
Total	4200		4,271		601364		627710	

Source: annuaire des statistiques scolaires du Ministère de l'éducation nationale 2015/2016 and 2016/2017.

34. UNESCO figures for 1999-2015 show strong private sector growth during that period. The number of students in private schools increased more than eight-fold in just 16 years. Such dramatic growth requires particular scrutiny to ensure that private schools do not undermine the right to education.

Percentage of enrolments in primary education in private schools in Mauritania (%), 1999 - 2015

Year	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
	1.8	2.8	3.1	3.2	4.4	7.0	7.9	7.4	9.2	9.6	9.0	11.4	11.1	12.8	14.2	14.8	15.8

Source: UNESCO, <https://data.uis.unesco.org>

35. In terms of growth in student enrolments, this represents a 6% average annual increase in students registered in the private sector between the 2011/12 and 2016/17 school years. This means that the private sector has grown three times more than the public sector over the last six years.

Evolution of the number of primary school pupils in the public and private sectors between 2011 and 2017

	Status	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	Average growth rate (%)
Students	Public	481487	488144	494747	533023	516617	532289	2%
	Private	71104	80809	97502	99738	84747	95421	6%
	Total	552591	568953	592249	632761	601364	627710	3%

Source: Réforme du système éducatif – Rapport Diagnostic, République Islamique de Mauritanie, Banque Mondiale (février 2018)

36. Thus, profound changes have been taking place in the Mauritanian education system for the past 12 years, with extremely rapid and unprecedented growth of private stakeholders in the provision of educational services. These changes are comparable, for example, to the situation in neighbouring countries, such as Morocco, where the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights have denounced the negative impact on the right to education, in the context of a lack of government regulation.⁴¹ While these developments in the Mauritanian education system are not in themselves contrary to the International Convention on the Rights of the Child (CRC), they pose a serious risk to the realisation of those rights and need to be assessed in relation to the normative framework of human rights.

V. The legal context of the right to education in Mauritania

1. National context

37. Primary education is compulsory in Mauritania under Law No. 2001-054 on the obligation to provide Basic Education, Article 1 of which states that:

" Basic education is compulsory for children of both sexes aged between 6 (six) and 14 (fourteen) years of age for a period of schooling of at least six years.

Basic education shall be provided in public and private establishments, Mahadras and any other duly accredited educational establishment. "

Regulatory provisions will set the conditions for accreditation of educational institutions. »

38. Mauritania has ratified the International Convention on the Rights of the Child, which guarantees the right to education in Articles 28 and 29. Mauritania has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), which assures that right in Article 13. Mauritania also ratified the African Charter on Human and Peoples' Rights on 21 September 2015. It ratified the African Convention on Human and Peoples' Rights on 14 June 1986.

39. Article 80 of the Mauritanian Constitution states that, "Treaties or agreements duly ratified or approved, upon their publication, supersede laws, provided that each treaty or agreement is implemented by the other party." The conventions mentioned above, which protect the right to education, thus form an integral part of Mauritanian national law.

40. The preamble to the Constitution of Mauritania proclaims, in particular, the inalienable guarantee of the following rights and principles:

- the right to equality;
- Fundamental human rights and freedoms;
- economic and social rights.

⁴¹"Research project on the impact of the development of private education in Morocco," GI-ESCR, accessed on 1 August 2018, <http://bit.ly/1ALhcIY>.

According to article 10 of the Constitution "the State guarantees all citizens public and individual freedom, in particular freedom of trade and industry".

2. The international human rights framework

41. Privatisation in education is a growing global phenomenon threatening the right to education in many countries. An increasing number of investigations are examining the impact of these developments on human rights and social justice. In 2014, Mr Kishore Singh, the UN Special Rapporteur on the right to education, presented a report to the UN General Assembly,⁴² which examined State responsibility in the face of the explosive growth of private education providers, from a right to education perspective, and laid out some of the principles applicable. He subsequently presented two further reports; one on the regulation of private providers in education⁴³ and another on public-private partnerships in education.⁴⁴
42. After analysis of the situation with regard to privatisation in education in eleven other countries, existing case-law and the practice of UN human rights treaty bodies,⁴⁵ and following extensive consultation with education CSOs at domestic, regional and international level, as well as with human rights and education academics and experts,⁴⁶ the following draft analysis framework was developed. This framework sets out the circumstances in which the involvement of private actors in education may lead to a violation of international human rights law by States.
43. This framework draws in particular on Articles 28 and 29 of the CRC and Article 13 of the ICESCR. The legal justification for each of these elements has been outlined in previous reports in an article published in the 2016 Oxford Review of Education.⁴⁷ It is being refined as part of the finalisation of the Guiding Principles on Human Rights on State Obligations Regarding Private Actors in Education, which is expected to be adopted in early 2019.⁴⁸

⁴² Report of the UN Special Rapporteur on the Right to Education, A / 69/402 " (24 September 2014).

⁴³ Report of the UN Special Rapporteur on the Right to Education, A / HRC / 29/30 " (10 June 2015), available on <http://bit.ly/ICsI569>.

⁴⁴ Report of the UN Special Rapporteur on the Right to Education, A / 70/342 " (26 August 2015), available on <http://bit.ly/1pJNWEA>.

⁴⁵ See " September 2014 - November 2017 ", GI-ESCR (November 2017), <http://bit.ly/synthesisprivatisation>.

⁴⁶ See, for example, GI-ESCR and PERI (June 2014), "Summary of Events on Privatisation in Education and the Right to Education", <https://www.gi-escr.org/publications/summary-of-events-on-privatisation-in-education-and-the-right-to-education-geneva-12-june-2014>

⁴⁷ Sylvain Aubry and Delphine Dorsi, "Towards a human rights framework to advance the debate on the role of private actors in education", Oxford Review of Education (2016), <http://dx.doi.org/10.1080/03054985.2016.1224301>.

⁴⁸ See " Guiding Principles of Human Rights on State Obligations Regarding Private Actors in Education FAQs ", <http://bit.ly/1SYWmyN>, accessed on 5 August 2018.

Private actors in education: human rights analysis framework

Noting paragraphs 13 and 14 of Article 13 of the ICESCR and paragraph 2 of Article 29 of the ICRC on the liberty of education, when there are private actors providing education services, States must ensure that their involvement:

- 1. Does not lead to the creation of extreme disparities in access to quality education or discrimination of any kind, and does not lead to segregation or division in societies in general or education in particular;*
- 2. Provides for a true alternative choice to quality free education, and does not replace the public system;*
- 3. Does not lead to the commercialization of education such that it is no longer directed to the full development of a child's personality, talents and mental and physical abilities, but instead only to profit-making and achieving measurable outcomes, which would be contrary to the aims of education defined in human rights law;*
- 4. Maintains the highest quality standards and is adequately regulated, both in law and in practice, with adequate inspection staffing, effective accountability mechanisms, and without corruption; and*
- 5. Is the result of a participatory policy formulation process and continues to be subject to democratic scrutiny and to the human rights principles of transparency and participation.*

VI. The impact of privatisation in education on the achievement of the right to education in Mauritania

1. Increasing segregation and discrimination in education

44. The growing involvement of private actors in the Mauritanian education system contributes to creating a major divide in the education system based on household income. Only the wealthiest people in Mauritania (20%), who are able to spend four times more for primary education than the poorest families (40%),⁴⁹ can enrol their children in good quality private schools. The poorest can only afford to send their children to bad quality private schools or to public schools. There are large disparities in access to educational services depending on family background at all levels of education in Mauritania.⁵⁰

45. Even the purportedly low tuition fees of the so-called "low cost" schools present an obstacle for many families. Private school principals surveyed in the field survey stated that tuition fees for their schools ranged from 400 to 800 ouguiyas (UM) per month, or approximately 11 to 22 dollars (USD) per month.⁵¹ To this, families must also add additional fees for books and school materials, at an average declared monthly cost of

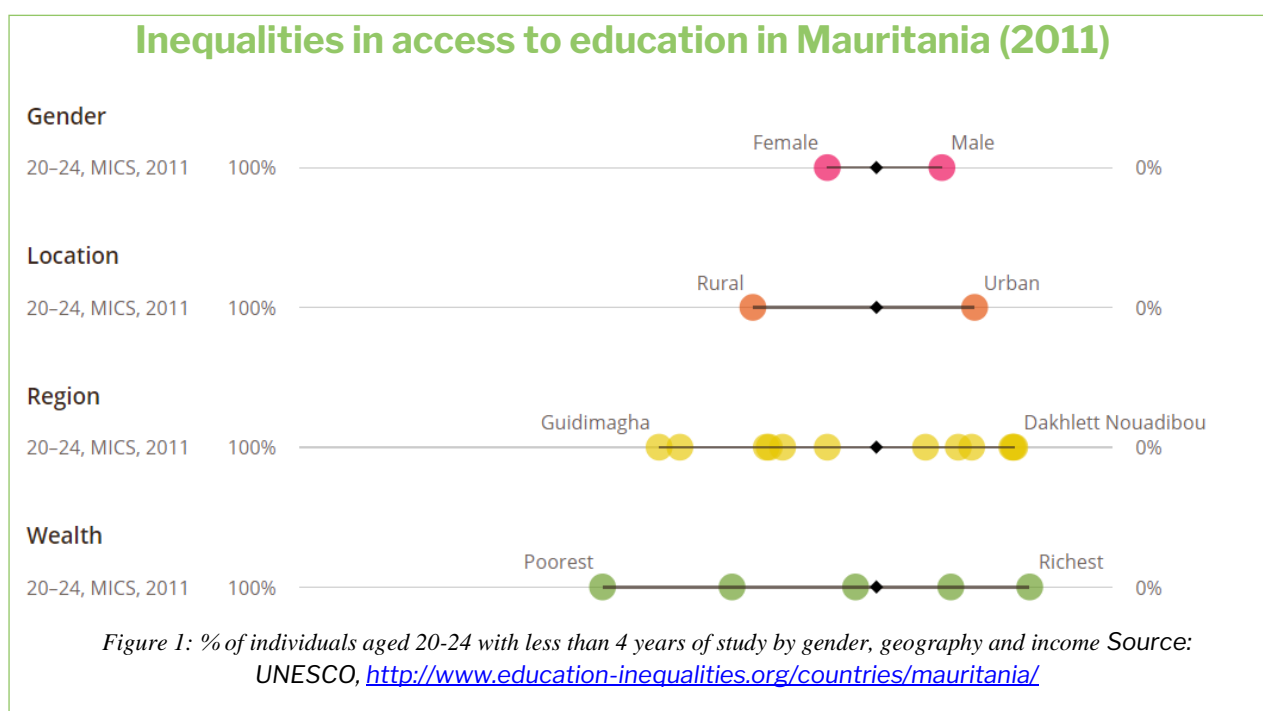
⁴⁹"SABER Country Report 2016 - Mauritania", World Bank (June 2017).

⁵⁰"SABER Country Report 2016 - Mauritania", World Bank (June 2017).

⁵¹Field study

around 100 UM, or 2 USD per month.⁵² With an average monthly per capita salary of 91.7 USD,⁵³ this represents a considerable sum for most households.

46. The responsibility of the government is engaged in this situation. The 2016 World Bank SABER Country Report on the Analysis of Private Sector Engagement in the Mauritanian Education System finds, for example, that private schools in Mauritania set their tuition fees without government control.⁵⁴ However, these registration fees can be a major cause of early school-leaving in the case of families unable to pay: the majority of private school managers interviewed in the field survey said that in the event of non-payment of tuition fees by parents, children are temporarily suspended or permanently excluded from schools.⁵⁵
47. As well as these social and economic disparities, there is an increase in territorial inequalities. Private schools in Mauritania are mainly concentrated in the capital, Nouakchott, and in the city of Nouadhibou. These two cities alone account for 86% of the private educational sector throughout Mauritania.⁵⁶
48. The result is that the Mauritanian education system is segregated and discriminatory based on socioeconomic or territorial criteria, and it fails to correct social inequalities.



49. The situation in Mauritania is even worse than in comparable countries, whether lower-middle-income countries or countries in sub-Saharan Africa. The gap between the poorest and richest in the completion rate of primary school is, for example,

⁵²Field study

⁵³Calculation based on GNI per capita, Atlas method,

<https://donnees.banquemondiale.org/indicateur/NY.GNP.PCAP.CD?locations=MR>

⁵⁴"SABER Country Report 2016 - Mauritania", World Bank (June 2017).

⁵⁵Field study

⁵⁶« Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

considerably greater in Mauritania than in these other countries, with particularly low rates for the poorest families. The completion rate for primary school is between 18 % (for the poorest) and 75 % (for the richest) in Mauritania (57 points difference), compared with completion rates of between 29 % and 79 % in sub-Saharan African countries (50 points difference), and between 48 % and 92 % in lower-middle-income countries (gap of 44 points) - and Mauritania represents the largest disparity for the latter category. The situation in Mauritania is comparable, for example, to that of Morocco, which was criticised by the UN Committee on the Rights of the Child⁵⁷ and the Committee on Economic, Social and Cultural Rights.⁵⁸

Inequalities in the completion of primary school in Mauritania (2011) compared to lower-middle income countries

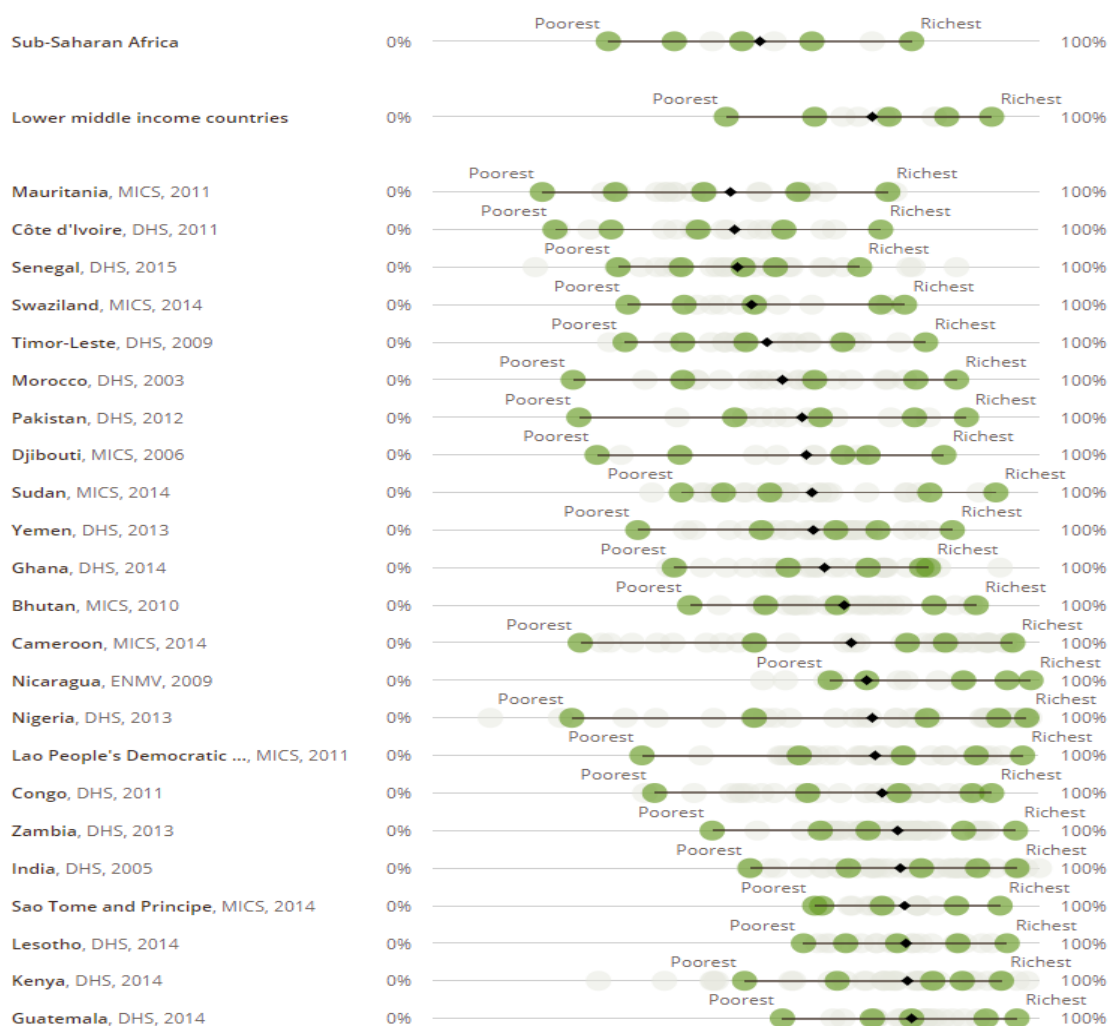


Figure 2: Total primary school completion rate by income level, comparison with a selection of lower-middle-income countries Source: UNESCO, <https://www.education-inequalities.org/share/dmwxh>

⁵⁷Committee on the Rights of the Child, Concluding observations on the third and fourth periodic reports on Morocco, Committee on the Rights of the Child CRC / C / MAR / CO / 3-4, paras. 60 - 61, 19 September 2014, <http://bit.ly/2KTAAnMI>.

⁵⁸Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report on Morocco, E / C.12 / MAR / CO / 4, paras. 47-48, 22 October 2015, <http://bit.ly/1UVMIpH>.

50. The growth of private schools in Mauritania, by increasing access difficulties, inequalities between schools, and increasing segregation between and in schools, undoubtedly contributes to reinforcing these inequalities and discriminatory situations between different groups.⁵⁹

2. The lack of an effective right to free quality education

51. Unlike in many countries, education in Mauritania is free, both in theory and in practice, from pre-school to secondary school. Nevertheless, despite this free public education, the right to free quality education is not guaranteed owing to the limitations of the public sector, which forces parents to send their children to fee-paying private schools.

52. Many of the limitations of the public sector come from the lack of funding for public education. The proportion of GDP allocated by Mauritania to education fluctuated between 2.5 and 3.5 % of GDP between 1999 and 2013, before falling back to 2.63% in 2016. Public spending on education rose from 8.18 % of total public spending in 2004, to 16.04 % in 2010, only to drop back to 11.41 % in 2013. These figures are far from the minimum standards accepted at international level, which are 6 % of GDP and 20 % of public spending. They are also much lower than those of neighbouring countries, like Senegal, which has allocated over 7 % of its GDP and over 20 % of its public expenditure to education since 2013, or Morocco, which assigns more than 5 % of GDP to education.⁶⁰ This low public spending on education, which falls far short of the obligation of States under international law to spend their maximum available resources on the realisation of economic, social and cultural rights,⁶¹ largely explains the difficulties of the Mauritanian public education system,⁶² which directly impact the right to quality free education.

Public expenditure on education as a percentage of GDP (%)

Year	1999	2001	2002	2003	2004	2006	2008	2010	2011	2012	2013	2016
Mauritania	2.42	2.84	3.05	3.10	2.51	2.52	3.55	3.59	3.05	2.77	2.93	2.63

Source : UNESCO, <http://data.uis.unesco.org/>

Education Expenditure as a Percentage of Total Government Expenditure (%)

Year	2004	2006	2008	2010	2011	2012	2013	2016
Mauritania	8.18	10.31	13.88	16.03	13.68	10.02	11.41	9.33

Source : UNESCO, <http://data.uis.unesco.org/>

⁵⁹ See http://www.education-inequalities.org/countries/mauritania/indicators/edu4/wealth_quintiles#?dimension=wealth_quintile&group=|Quintile%205|Quintile%201|Quintile%203&dimension2=community&group2=|Urban|Rural&age_group=edu4_20&year=2011

⁶⁰ UNESCO Institute for Statistics, <http://data.uis.unesco.org>, accessed 13 August 2018.

⁶¹ International Covenant on Economic, Social and Cultural Rights, Article 2.

⁶² See Section II of the report.

53. Between 2011/12 and 2016/17 the number of public schools decreased by 1% from 3,683 to 3,569 schools, while the number of private schools increased by 11% from 417 to 702 schools. One of the reasons for the decline in public infrastructure is the grouping of schools by the Directorate of Basic Education. In the same period, the number of classrooms in public schools decreased by 1%, from 11,485 to 10,956, while the number of classrooms in the private sector grew by 3%, from 2,689 to 3,177.⁶³ This reduction in the already limited public supply, in a context in which nearly 30% of students are not in school, is a de facto privatisation of responsibility for the implementation of the right to education, a regressive measure affecting the minimum basic obligations of the state and without justification, and thus unlawful under international law.⁶⁴

Changes in number of schools and classrooms in basic education, public and private, between 2011 and 2017

	Statu s	2011/20 12	2012/20 13	2013/20 14	2014/20 15	2015/20 16	2016/20 17	Average annual growth rate (%)
Schools	Publi c	3,683	3,755	3,799	3,867	3,296	3,569	-1%
	Privat e	417	453	497	563	534	702	11%
	Total	4,100	4,189	4,296	4,430	3,830	4,271	1%
Classroo ms	Publi c	11,485	12,219	11,170	11,580	12,164	10,956	-1%
	Privat e	2,689	2,981	3,230	3,629	3,236	3,177	3%
	Total	14,174	15,200	14,400	15,209	15,400	14,133	0%

Source: Réforme du système éducatif – Rapport Diagnostic, République Islamique de Mauritanie, Banque Mondiale (février 2018).

54. Furthermore, private schools often avail of the services of teachers from the public sector, and this has a direct impact on the right to education of children enrolled in public schools. The private sector is obliged to use public sector teachers to remedy the lack of qualified teachers required for its operations.⁶⁵ Qualified teachers either leave their schools to teach in private institutions, leaving the public school students without teachers, or else they work 10 to 12 hours a day, often at the expense of their lesson preparation and rest time. All of the private school teachers questioned in the field survey said they were also teaching in public schools.⁶⁶ Given the worsening living conditions of public sector teachers and their need to find additional source of income,⁶⁷ private schools are therefore in direction competition with public schools, and weaken the public system, rather than complementing it. This situation is again

⁶³ « Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

⁶⁴ Committee on Economic, Social and Cultural Rights, General Comment 13, E / C.12 / 1999/10, para. 45.

⁶⁵ « Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

⁶⁶ Field study

⁶⁷ « Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (février 2018).

similar to that of Morocco, where the UN Committee on the Rights of the Child recommended that the country should "ensure that teachers from the public sector contribute to the improvement of education in Morocco rather than being used by the private sector."⁶⁸

55. The situation of schools in Mauritania has created a dilemma for Mauritians wanting to educate their children. Faced with public schools which lack the bare minimum required to do their job and a desperately precarious economic situation, the majority of pupils' parents give up on their responsibility for their children's education. This situation is the main reason that so many Mauritanian children leave school early. As so many Mauritians seek to enrol their children in private education, public schools are now only attended by the poorest children.

3. Failure to protect education from commercialisation and sale of public school lands in Nouakchott

56. The Mauritanian education system has been marked by increasing commercialisation in recent years. This was seen in particular in Nouakchott, in the sale of public school land to private businesses. Land on which public schools were located in commercial areas was sold to businesses and turned into commercial premises.

57. In 2016, without any prior public consultation, the Mauritanian State organised the auction of six pieces of land in the centre of Nouakchott on which public schools were located.⁶⁹ According to the information available, on 9 July 2015, during a meeting of the Mauritanian Council of Ministers, the Minister of Finance announced the auctioning of the grounds of three primary schools where hundreds of the Mauritanian elite had received their education, among them ministers, diplomats, engineers, doctors and officers. Five of these schools were located in the area of Tvragh Zeina, near the big markets (school 1, school 2, school 6 and school 7) and on Avenue Charles de Gaulle, the busiest and most commercial main road in the area (Tvragh Zeina school, opposite the Tveila hotel). The sixth school is school 12 in Sebkhah, located near to the main market (Grand Marché) for the Nouakchott area.

58. A visit to the area where school 7 was located confirmed that the grounds had been sold and the school destroyed. The works were in progress on 5 July 2017, and the plans showed that there had been a school there, as well as the loss of educational materials.

⁶⁸Committee on the Rights of the Child, Concluding observations on the third and fourth periodic reports of Morocco, CRC / C / MAR / CO / 3-4, para. 61 (d), 19 September, 2014, <http://bit.ly/2KTAnMI>.

⁶⁹« Détails de la vente d'une école et des noms de ses acheteurs » article published in Alakhbar, 19 July 2017, <http://alakhbar.info/?q=node/4675>; « Libre Expression. How does the presidency of Mohamed Ould Abdel Aziz differ from those of his predecessors? Article published on 9 September 2015 on CRIDEM, http://cridem.org/C_Info.php?article=675135.

Photos of the area where school 7 was located, near to the Grand Marché, Nouakchott

Visited on 5th July, 2017, during the demolition of the school.



New buildings, built in the place of school 7, field visit in August 2018.



Photos of the site where the justice school was located, 12 January 2018



Photos of the site where the market school was located, 12 January 2018



Photos of the area where part of Tevragh Zeina School was located, 20 July 2017



59. The sale of these lands led to the closure of the six schools located there, which appear to have been removed by the Ministry from its "carte scolaire" or official list of local

schools. To date no official communication has been made about the opening of new public schools in this zone. This may have resulted in the permanent exclusion from school of thousands of children, since no other school has been opened by the authorities as a replacement and many families do not have the resources to educate their children in nearby private schools.

60. Families affected by the sale of the land, who were interviewed as part of the field study, and who had sent their children to private schools, said that they now have to pay tuition fees of around 400 ouguiyas (UM) per month per child on average (about 11 dollars (USD)). This includes an average 300 UM (or about 8 USD) in monthly tuition fees and around 100 MU (3 USD) for educational materials. These costs are hard to bear for these families, whose declared average monthly income is between around 3000 and around 8000 UM (84 USD to 200 USD approximately). The new fees therefore represent approximately 5% to 13% of the income of these families, per child, and most families have several children to educate.
61. For this cost, the majority of families find insufficient results in terms of children's learning in their new schools and a lack of adequate supervision of students. Families regret that the future of their children now appears as "uncertain".⁷⁰
62. The sale of these lands also raises important questions concerning the transparency and legality of the transactions. All of the parents surveyed say they have not been informed about school closures and do not know the reasons for them. Families want to see new public schools open in the sector to replace closed ones, the return of children to public schools and an end to the commercialisation of education for the construction of commercial premises.⁷¹ As well as a lack of prior public consultation, it was highlighted by some observers that the declared identity of the buyers does not necessarily match that declared officially for the sale of some of the properties; that when they do match, the same names crop up at every auction; that the guidelines for the auctions may have been less stringent than the normal procedure for this type of sale; and in some cases land was sold directly to buyers without an auction. Against this background of alleged general corruption concerning the selling of land, there is also an accusation of a potential link between some buyers and the authorities.⁷²
63. This sale of schools is symptomatic of the widespread commercialisation of education in Mauritania. Not only has public land essential to the delivery of an essential service by the government been sold to commercial players, but when the government sells this land to businessmen to build shopping centres in the place of the schools, it pushes the students from these schools into private schools.⁷³ The commercial interests of the government and people involved have thus taken priority over the

⁷⁰Field investigation, quote from a respondent.

⁷¹Field study.

⁷²« Détails de la vente d'une école et des noms de ses acheteurs » article published in Alakhbar, 19 July 2017, <http://alakhbar.info/?q=node/4675>; « Libre Expression. How does the presidency of Mohamed Ould Abdel Aziz differ from those of his predecessors? "Article published on 9 September 2015 by CRIDEM, http://cridem.org/C_Info.php?article=675135.

⁷³« Mauritanie : On vend les écoles primaires pour renflouer les finances publiques » article publié sur Agora Vox le 19 octobre 2015, <http://www.agoravox.fr/actualites/international/article/mauritanie-on-vend-les-ecoles-173092>.

implementation of the right to education. This runs counter to the recommendations of the UN Special Rapporteurs on the Right to Education, including the 2015 Kishore Singh Report entitled "Protecting the right to education against commercialisation", which stated that "there should be no place for the commercialisation of education in a country's education system."⁷⁴ This also contradicts the strong recommendation made by more than 400 Francophone civil society organisations in the Francophone Appeal against the commercialisation of education.⁷⁵

4. Lack of regulation

64. If the Mauritanian government allows private stakeholders in education and promotes their place in the education system, which is consistent with the CIDE, then it must ensure that "the education provided in these institutions is in line with the minimum standards that the State has laid down".⁷⁶ Although Mauritania has put in place a regulatory framework for private schools (see Part III), it remains largely theoretical and suffers from major shortcomings in its implementation.
65. The Ministry of National Education created a Directorate of Private Education by Decree No. 008 of 7 January 2003, in accordance with the Government's desire to promote the private sector in the education system. This Directorate includes a Quality and Monitoring Division consisting of several departments dedicated to the inspection of all regulated aspects for the opening and management of private schools, and the monitoring of the implementation of the private school's Teaching Terms of Reference which is at the heart of the mission of this directorate.⁷⁷
66. Despite this established legal framework, including contraventions to be applied to offenders, and the existence of an inspection division within the Ministry of National Education, the 2016 World Bank SABER Country Report found that the implementation of regulations remains insufficient. The report cites, for example, the lack of examinations in independent private schools, apart from the entry exams theoretically required at the time of enrolment. There is therefore no precise indication or measurement of learning standards set by the government. In addition, official documents stipulate that private schools are subject to permanent inspection, however, there is no strict timetable for regulating these inspections. The report therefore recommends the implementation of "more inspections and follow-up measures, as well as the establishment of sanctions for the improvement of schools".⁷⁸

⁷⁴A/HRC/29/30, para. 112.

⁷⁵French-speaking civil society appeal against the commercialisation of education (November 2016), <http://globalinitiative-escr.org/wp-content/uploads/2016/12/Appel-Contre-la-marchandisation-de-l-Education-1.pdf>.

⁷⁶International Convention on the Children's Rights, article 29-2.

⁷⁷« Direction de l'Enseignement Privé », Ministère de l'Éducation Nationale République Islamique de Mauritanie, accessed 16 August, 2018, <http://education.gov.mr/spip.php?article86>.

⁷⁸« SABER Country Report 2016 - Mauritania », World Bank (June 2017), p.17.

67. The report concludes that private schools, as a consequence of this absence of governmental monitoring and regulation, are free from supervision in the following regards:

Schools have the legal power to set their own standards for teachers without final review by central authorities.

The school (school principal, school council, parents' association, etc.) has the legal authority to appoint teachers without examination by the central authorities.

The school has the legal authority to determine teachers' salary levels without review by central authorities.

The school has legal authority over how the programme is delivered, without final review by the central authorities. The school has the legal power to dismiss teachers without oversight by the central authorities.⁷⁹

68. This laxity has a negative impact on the quality of many private institutions, resulting in multiple violations of the workers' rights, the right to education, and other human rights. For example, schools often recruit 'teachers' without any vocational training, do not train them and pay them very low wages. The field survey revealed that even qualified teachers from the public sector as explained above⁸⁰, are not satisfied with their pay in private schools. All the private school teachers interviewed indicated that they need as a consequence to work in both public and private schools at the same time. Private schools offer precarious employment contracts to these teachers: most are paid on a flat-rate basis affected by variables such as student attendance and teaching hours. These teachers therefore demand a rise in salaries and the establishment or improvement of employment contracts between teachers and private schools.⁸¹

69. Similarly, despite the significant growth in the infrastructure of schools and classrooms in the private sector, these school premises are often unsuitable, being located for example in residential premises.⁸²

70. Parental involvement in the governance of private schools also remains low. Private schools are only required, at a minimum, to share information on the results of entrance examinations. Information about inspections is not systematically shared with families, and students and parents are not included in the process. In this regard, the World Bank's SABER Country Report recommends the adoption of policies guaranteeing easy access to information about private schools for parents, specifically related to the quality issues of school education: "Access to comparative

⁷⁹« SABER Country Report 2016 - Mauritania », World Bank (June 2017), p.11.

⁸⁰Section V-2.

⁸¹Field study

⁸²« Réforme du système éducatif – Rapport Diagnostic », République Islamique de Mauritanie et Banque Mondiale (February 2018).

information could allow parents and students to influence the quality of the school ".⁸³ Some families surveyed in the field survey demanded information from private schools above and beyond solely disciplinary matters.⁸⁴

5. Process

71. As previously mentioned, Mauritanian civil society organisations are not heavily involved in discussion and decision-making around educational policy. This is also the case when it comes to the question of private stakeholders in education. For example, the selling of properties in Nouakchott which resulted in the closure of 6 schools was carried out without any consultation with civil society.

VII. Suggestions for the list of questions to Mauritania

- a. *Can Mauritania explain the closure of 6 public schools in Nouakchott, and indicate what measures have been and will be taken in order to give access to equivalent public schools for the affected children and to ensure that no child's future is affected by the commercialisation of school land?*
- b. *What measures is Mauritania taking in order to ensure that schooling in a quality public school is guaranteed for all children, including for those who do not possess civil registration papers?*
- c. *Does Mauritania intend to increase its budget for education, which is particularly low, under 3% of GDP, in order to reach the minimum international target whereby of 6% of GDP or 20% of the budget shall be given over to education, in accordance with Mauritania's obligation to devote the maximum of its available resources to the realisation of the right to education?*
- d. *How can Mauritania explain the fall in the number of public school classrooms, although there are still many children out of school, and the very strong and very rapid increase of under-regulated private schools?*
- e. *Why does Mauritania support the development of private education, when the state does not yet seem able to effectively regulate these schools, and empirical studies show that the increase in private supply has not been a solution for the realisation of the right to education, either in Mauritania or in many other countries, especially for the poorest students?*
- f. *What measures is Mauritania taking in order to ensure the monitoring and effective regulation of private schools, particularly "low-cost" private schools, in accordance with the Convention on Children's Rights?*
- g. *Given that previous reforms have not succeeded in guaranteeing the realisation of the right to education without discrimination, is Mauritania in the position to state the time-frame in which they plan to effectively address problems regarding segregation and discrimination in the education system, as a priority?*

⁸³« SABER Country Report 2016 - Mauritania », World Bank (June 2017), p.19.

⁸⁴Field study

VIII. Recommendations for Mauritania

The Mauritanian government must:

- a. Urgently find solutions for a free and good-quality education available to all those children affected by the closure of the six schools in Nouakchott, and a long-term solution for the families who live in these areas, including if necessary by the construction of new public schools.**
- b. Put in place an action plan to improve the quality of public education in Mauritania, giving priority support to children from marginalised or vulnerable families, including the descendants of slaves through, among other things, an immediate increase in financial investment in the public education sector, in order to achieve the minimum international target whereby 6% of GDP or 20% of the budget shall be given over to education, in line with Mauritania's obligation to devote the maximum of its available resources for the realisation of the right to education. These expenditures must help to improve public schools. In particular:**
 - **Create school cafeterias and kiosks selling school supplies at a low-cost or distributing them freely in the most deprived areas.**
 - **Work towards inclusive education which guarantees physical access to schools for children with disabilities and offers didactic support for deaf or blind students.**
 - **Set up social, cultural and sporting activities in schools.**
 - **Promote the teaching of national languages to facilitate good community relations.**
 - **Facilitate access to education for migrant children and those in a situation of mobility.**
 - **Develop an urban and peri-urban transport policy for children living in remote areas, especially for girls.**
 - **Introduce human rights education into the curriculum starting at primary level.**
- c. Put in place obligations regarding the education system in accordance with the Guiding Principles on human rights regarding the role of private stakeholders in education.⁸⁵ In particular:**
 - **Evaluate the direct and indirect impact of the development of private education, in view of the obligation to ensure that private education should complement public education but not replace it and should not promote discrimination.**
 - **Take all necessary measures to avoid any negative direct or indirect impact on the private education sector, and to ensure that the private sector contributes to the realisation of the right to education for all in Mauritania. Apply, review and, where necessary, amend laws and policies governing the providers of these services.**
 - **Strictly apply current regulation regarding private education.**

⁸⁵See "Principes directeurs des droits de l'Homme relatifs aux obligations des Etats concernant les acteurs privés dans l'éducation FAQs", <http://bit.ly/1SYWmyN>, accessed 5 August 2018. See the similar recommendation in the UN Special Rapporteur on the Right to Education, Ms. Koumba Boly Barry, on the case of Ivory Coast: A / HRC / 38/32 / Add.1, https://digitallibrary.un.org/record/1627388/files/A_HRC_38_32_Add-1-EN.pdf, para. 99.

- d. Stop the closure of public schools, especially for the profit of commercial entities, unless there is a free good-quality alternative available to all families, following a proper participatory process.***
- e. Develop and provide the necessary resources to the bodies in charge of overseeing the quality of private education institutions, in particular to ensure that they respect human rights and have no negative impact on public education.***
- f. Work to include the parents of students in the management of public and private school infrastructure, through the creation of parent councils.***
- g. Establish a long-term consultation structure between State, development partners and civil society.***
- h. Allow access to the civil status of children and facilitate free registration.***