

Reclaiming Public Education for All

A renewed social contract for education, anchored within a human rights framework, is vital, as called for by the Secretary-General in his report entitled “[Our Common Agenda](#)” and by the International Commission on the Futures of Education led by the United Nations Economic, Social and Cultural Organization (UNESCO). In its [landmark report](#), the Commission underscored that this new social contract must be firmly grounded on two foundational principles: (a) an expanded vision of the right to education throughout life; and (b) a commitment to education as a public societal endeavour and a common good. This new social contract is necessary at the global, national, and local levels.

- Ms. Farida Shaheed, U.N. Special Rapporteur on the Right to Education (UNSR) in [Securing the right to education: advances and critical challenges](#)

The Need for Public Education

Perhaps now more than ever, we need public education to produce a well-informed public. We face social and environmental deterioration. Our political systems strain under the contestation between democracy and autocracy. To meet these challenges, we need to develop our collective democratic capacity to engage in civic action, which starts with public education. [Free, quality, inclusive, public education is a human right](#) and the state is its duty bearer. The public [supports public education](#), and [public education works](#).

Public education represents a transformative possibility for both individuals and society at large. The decolonisation and participatory democracy offered by and through public education can liberate people from historical disenfranchisement and oppression, for example in [Brazil](#). Emancipatory public education can prepare people to transform society; however, as [Paulo Freire](#) notes, if enacted inequitably, the oppressed will dream of becoming the oppressors.

Over the past few decades, we as humanity have embarked on an [unprecedented trajectory](#) of providing public education to two billion learners in schools and learning centres worldwide. We have [collectively accepted the challenge](#) of managing a large scale, complex, adaptive system of learning. The concept of free, quality education as a human right is in the process of becoming a living right.

As part of our social contract, we have entrusted the State with responsibility for providing the human right of free, quality, inclusive public education. To provide this education, the State must address ongoing challenges such as segregation and inequities by gender, race, ethnicity, class, and many other forms of exclusion. Moreover, the conception of “quality” in education must extend past economic-based workforce production and narrow learning metrics to include a broader humanistic perspective that fosters learner capacity to meet our historical moment.

A multi-generational project on the scale of universal education opportunity faces many obstacles. Proposals for addressing these challenges often shift focus from State obligation to increasing the role of private actors. In particular, the inadequate, yet still vast, expenditure on

public education and its potential for profit has attracted “[predatory capital](#)” that privileges private interests and profit over people. Unfortunately, many private schools, actors, and public-private partnerships do not adhere to national norms, observe the need for regulation, or fulfil the requirements of equity, as outlined in [United Nations Sustainable Development Goal 4](#) and elsewhere.

Over the past decade, organisations have worked together in the Privatisation in Education and Human Rights Consortium ([PEHRC](#)) and elsewhere to advance the understanding and implementation of the human right to free, quality public education and to hold governments and institutions to account for delivering it. As a group of civil society organisations, we refute the vision of education as simply an individual good within inequitable systems where learners with resources gain greater benefits and providers can take profit. We oppose education privatisation because evidence shows that it does not work, [especially for low-income and marginalised communities](#).

Instead, we call on States to realise the human right to free, inclusive, quality public education for all learners, throughout life. We believe that the future of human society depends on our collective energy and investment in public education. We call on all education actors to act; not in the interest of profit, but to actively invest in and deliver quality, well-funded, free public education that delivers on the human right to education recognised to everyone worldwide.

The sections below further describe the issues and the responsive work generated by our organisations—the human right to education; the state obligation to provide public education; the challenges public education faces, including from private actors; state obligations to regulate private actors; examples of public education systems working; and ways forward for realising the human right to free, quality, public education.

Section I. The Human Right to Public Education

Education as a human right stems from a response to the catastrophe of World War II, from which we recognised that wars begin in the minds of humans. Formulated by the United Nations through decades of treaties, the education community has seriously undertaken the movement of Education for All, beginning in [Jomtien in 1990](#). Since then, the [Millennium Development Goals](#) and now the [Sustainable Development Goals](#) have reaffirmed and expanded the vision for education.

Adopted in 2019, the [Abidjan Principles on the right to education](#) “[consolidate and reassert the existing obligations of States to guarantee the right to education, as set out under human rights law and standards](#)”. Composed of 10 overarching principles and 97 guiding principles, a drafting committee of nine experts engaged in a three-year participatory global consultation process, leading to the adoption of the [Abidjan Principles](#) by 57 legal and education experts. The [Abidjan Principles](#) also outline the rights to equality and non-discrimination in education and, at a basic level, the right to a dignified life that quality public education can engender. The [Abidjan Principles website](#) contains information on the [background](#), the [principles](#) themselves, and, importantly, their [international recognition](#).

Specifically regarding the right to education, the [Abidjan Principles](#) assert that “the right to education is based on the premise that a ‘well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence’, while recognising that education is also an enabler and multiplier right.” The [Abidjan Principles](#) then clearly identify States as the duty bearer for the right to education, stating that “this powerful and inclusive vision of education as an equalising force in society is dependent on States building equitable public education systems.”

Section II. What We Mean by “Public”

Three definitions of “public” serve as a current foundation for imagining and realising high quality, free, public education as a human right. First, as discussed by [Jacqueline Mowbray](#) in her chapter [Is there a right to public education?](#), public education is a right under international human rights law. While states themselves determine what constitutes public education, public funding does not solely constitute “public” as the state must also establish and “exercise substantial control over the operation of the school, such that the way in which the school operates is ultimately determined by the state, or by publicly appointed school boards, and not by private actors.”

In 2021, the [Future is Public Global manifesto](#) for public services defined public services as “collectively and democratically determined and developed to produce and deliver public, common and collective goods; to realise human, individual and collective rights; to enable a dignified life and socially inclusive, just societies; and to protect the commons, including the environment and a sustainable planet.”

In 2022, the African Commission, in [General Comment #7](#), defined the term ‘public’ not in terms of the entity providing services, but “the practical modalities of *how* the service is delivered.” The [Commission states](#) that “public provision of social services ... allows for the equal and democratic involvement of all members of the community or society in their design, organisation, governance, financing, delivery and monitoring of social services, in the exclusive pursuit of the public interest.”

Taken together, these definitions highlight the collective decision making that occurs in the public interest and creates better outcomes across different sectors.

Section III. State Obligation to Provide Public Education

While private actors can enter or leave education at any moment, states have the globally-affirmed responsibility for providing free, quality public education to all. The public supports this role for states. According to [Edlund & Arvid’s background study](#) for the [2021 Global Education Monitoring Report](#) (GEMR), within education, “popular support for public providers of education is thus very strong in general and, if anything, even more predominant than for other social services.”

Regarding the State’s obligation to provide education, contemporary international law under the educational provisions of both ICESCR (art. 13) and CRC arts. 28-29 (and reiterated by the [Abidjan Principles](#)) requires States to provide education primarily through public educational institutions, which might be supplemented, though not supplanted, by private provision. To ensure the fullest realisation of the right to education, States have the obligation to respect, protect, and fulfil (provide) this right to everyone without discrimination.

The recent volume [Realizing the Abidjan Principles](#) provides further detail on key legal rationales for the State’s role as guarantor and duty-bearer of public education. Chapters show, for instance, that parents have rights in education but that [parental rights do not supersede State responsibility for the right to education](#). The volume calls for States to take full responsibility for education and for the public to hold them to account for delivering the right to education as promised in international human rights treaties.

The [May 2023 report](#) from the UNSR “reiterates the recommendation made by the previous mandate holder that States utilise the Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education.” To identify practical applications of the [Abidjan Principles](#), [PEHRC members submitted a background paper](#) to the 2021 GEMR that outlines human rights framework of structures, processes, and outcomes and uses the framework in evaluating sector plans in the United States and Côte D’Ivoire and conclusions from international studies. Furthermore, the International Institute for Education Planning (IIEP-UNESCO), in collaboration with PEHRC members, has [created a toolkit](#) using human rights principles to help States align education planning with the right to education.

Section IV. Public Education Faces Multiple Challenges, Including Inadequate Financing, Increased Marketisation, and Profit-making

Free, high-quality public education faces many challenges such as poverty and responsibility for educating every child, but we focus on three specific issues here: inadequate funding, increased marketisation, and profit-seeking. Globally, although we invest substantial resources in public education, we still lack both resources overall and their equitable distribution. To address these inequities, some propose treating public education like a marketplace, based on the theory that “school choice” by parents will encourage schools to outcompete each other for customers (students). The marketisation of education then attracts increased private actor involvement to potential for profit from public expenditures on education.

Inadequate Financing

While we invest substantial resources in education globally, public education still suffers from egregious underfunding, exacerbated by inequitable distribution. UNESCO estimated an [annual financing gap of almost \\$100 billion](#) in 2023. Funding shortfalls stem from tax injustice, aid conditionalities, austerity, and other issues described as “[50 Years of Failure](#),” marking a half century of using neoliberal economic policies in and through international aid.

Global South countries often face financial pressures resulting from tax injustice, including tax evasion and avoidance, financial secrecy, and the burden of debt. Illicit capital flows between states thrive within an international financial architecture designed decades ago and no longer fit for purpose. Every country loses from tax abuse and financial secrecy – even global north countries who lose much more in absolute terms than lower income countries.

While lower income countries lose less funding in absolute terms, they suffer disproportionate damage to public services such as education. Multinational companies and wealthy individuals benefit from [tax injustice](#) by offshoring profits and wealth to low or no tax jurisdictions, with the scale of lost government tax revenue estimated at \$472 billion.

This tax context, combined with aid conditionalities imposed by financial institutions, forces governments in low-income countries to establish regressive taxes which deepen inequality. Within countries, disenfranchisement and segregation along social, economic, and ethnic lines often mean that marginalised learners receive a smaller share of the already shrunken tax base for education. Conflicts of interest also lead to inequities in funding and resource distribution.

Our organisations have long demanded to bring global tax justice and education actors together to advocate for sustainable, progressive increases in domestic financing of public education systems. Furthermore, the [education finance call to action](#) from the recent Transforming Education Summit included a focus on increased, more equitable investment. And regarding education finance, the [UNSR has stated](#) that

Such international assistance must not lead to undue influence by international actors or other States on domestic educational policy concerns, particularly with respect to austerity measures and the privatisation of the educational sector. Austerity measures exacerbate inequality, including in education, and predictably lead to an exponential increase in the privatisation and commercialisation of education.

Education Marketised and Framed as Competition

The 2021 Global Education Monitoring Report (GEMR) entitled *Non-state actors in education: [Who chooses? Who loses?](#)* addresses the rationale of ‘school choice’ that underpins the privatisation of education. This market-based theory assumes that if students must choose schools, then schools must outcompete each other for customers (students), with this competition yielding higher quality education.

In particular, those advocating for market-based approaches [often propose different forms of public-private partnerships](#) (PPPs), from subsidies to private schools, private management of publicly-funded schools, and vouchers that follow the student. Unfortunately, these programs can incentivise organisations to [game the system](#), from conflicts of interest where decision-makers have financial stakes in schools to the process of cream-skimming students, (selecting high-performing students instead of serving all students).

The GEMR [describes the collateral damage of competition](#), noting that “non-state actors may increase cost-efficiency by hiring young or unqualified teachers” or that “non-state providers

may be tempted to reduce inputs by focusing on subjects whose results are measured, which may matter for their funding.” At a fundamental level, market-based approaches do produce winners and losers—more often for students than for schools—leaving marginalised and impoverished children that [often experience segregation](#) with little or no access to education.

The [Covid-19](#) pandemic illustrated the inherent problems with a marketised approach to education. Private schools [lacked capacity to face the crisis](#) due to fee-dependency, profit pressure, and poor management. Many [non-state schools either requested government support or ceased operating](#), stranding both students and families and exposing the lack of protection for teacher labour rights. The Covid-19 responses, or lack thereof, reveal the indispensable need to build a human rights-aligned, non-market education sector that guarantees equal services for all, even in cases of contingency.

As [The Future Is Public](#) global manifesto states:

Public services can neither be left to the market nor subject to austerity. Unlike a commodity, their value is determined by the role they play in fulfilling people’s inherent dignity, rather than their market position or the opportunity for profit.

Delivering quality public education is hard enough without the distraction of competition, so States and stakeholders should focus on the principal task of supporting public education.

Profit Making

Finance industry members estimate global education expenditure at around [\\$7 trillion](#). Although insufficient and inequitably distributed, the sheer amount of resources spent on education still make it a potentially profitable target. Profit making can occur in many ways in education, so we focus on three main areas: commercial schools, public-private partnerships, and education technology.

For the past eight years, PEHRC members have raised concerns in particular about companies operating commercial schools, such as Bridge International Academies (BIA), rebranded as NewGlobe Inc. In 2015, PEHRC members questioned World Bank President Jim Kim’s praise for this for-profit, fee-charging chain of private primary schools. The [statement](#), with 199 signatories, details how charging fees to already poor families serves to “entrench inequalities and create deep educational segregation.”

Further work by PEHRC members led to a [2019](#) statement signed by 88 civil society organisations calling attention of investors to concerns about BIA regarding the quality of education, lack of transparency, poor labour conditions, high fees and lack of respect for the rule of law in host countries. In [2022](#), 38 signatory civil society organisations highlighted limitations and urged caution in interpreting findings of a new study on BIA’s education model. And in 2023, the Coalition for Transparency and Accountability in Education (COTAE) [released a research report](#) detailing BIA’s lack of transparency and accountability and its “questionable labour practices” and poor learning conditions.

Various coalitions of PEHRC members have also brought attention to the role of different

international organisations regarding education finance. In [2019](#), PEHRC members (173 CSOs) wrote to the World Bank to ensure development aid for education supports public provision. In [2020](#), PEHRC members endorsed the International Finance Corporation (IFC) decision to move away from for-profit education investments.

PEHRC members have since supported decisions by the [IFC](#) to stop investing in fee-charging private schools and the [GPE](#) and the [European Parliament](#) to end funding of for-profit schools. The UNSR also “[welcomes the shifts by the World Bank International Finance Corporation and the Global Partnership for Education, which have resolved not to provide funding to fee-charging or for-profit private education providers.](#)”

Another source of profit occurs in the form of PPPs in which governments face pressure, both from within and outside, to partner with private entities, as described in the [Coalition for Transparency and Accountability in Education’s report](#). A [2022 report](#) from Eurodad explains that, while promoted by a “wide range” of international institutions, PPPs have a high fiscal and human impact that “are rarely justified by proven efficiency gains” and make access to services “increasingly dependent on citizens’ capacity to pay, which transforms rightsholders into consumers.”

Finally, in addition to private actors closing schools, the [Covid-19](#) pandemic also saw a surge in technology in education. In a recent report entitled [An Ed-Tech Tragedy?](#), UNESCO notes that while some claim that COVID accelerated a necessary move towards digitalization of education, *the global evidence reveals a more sombre picture. It exposes the ways unprecedented educational dependence on technology often resulted in unchecked exclusion, staggering inequality, inadvertent harm, and the elevation of learning models that place machines and profit before people.*

This [comprehensive \(654 page\) and cautionary evaluation](#) should make the education community give serious pause for multiple reasons as emergent research shows that “screen-based technology may present neurobiological risks to growing brains.”

Section V. State Obligation to Regulate Private Involvement in Education

Instead of enabling the outsourcing of education in a subsidiary state model, states instead must regulate private actors to protect their human rights obligation. In [General Comment #7](#), the African commission declared:

Publicly delivered social services must be able to take a long-term perspective and must be democratically accountable to the public, as opposed to commercial actors and their shareholders and investors which typically respond to a range of private interests.

International law does also [protect freedom in education](#) for individuals and bodies to establish and direct schools other than those established by the public authorities. However, the CESCR, while interpreting State obligations under article 13, [states in GC 13](#) (at para 48) that “it is clear that article 13 regards States as having principal responsibility for the direct provision of education in most circumstances.” The liberty to establish private schools must be respected; but, an education system wholly provided by private operators would be unable to guarantee

education consistent with the requirements of international human rights law, in particular, requirements for education to be free and equally accessible to all without discrimination.

Put differently, the State could only guarantee equal educational opportunities for all by [having a public education system available](#) to meet the needs of learners whose needs may not be met by private providers.

Section VI. Public Education Works, Even on a Challenging Global Scale

The public [supports public education](#) worldwide. For example, over [80% of citizens in 32 out of 35 countries](#) support public provision of school education to children across different levels of country income. In Brazil, for instance, [survey research in 2019](#) revealed that 79% of the population supported free public basic education, 70% supported free public early childhood education, and 67% supported free public higher education.

Citizens in these countries recognise the many values of public education, from increasing the health, job opportunities, and active citizenry of individuals to its capacity for transformative social change. People want their countries to continue their commitment to the right to education and expand access to the benefits of public education. And this expansion should include availability and access for free preschool and secondary school, especially given the [research showing the importance of preschool years](#) on the lifecycle.

Despite narratives to the contrary steered largely by private interests, [public education can and does work](#); in many places, it works quite well despite limited resources. Examples from both [lower](#) and [higher income countries](#) reveal the effectiveness of public education across contexts. In countries like Brazil, Namibia, Vietnam, and many others, locally relevant public education motivated by social justice and receiving sustained investment can drive powerful social transformation through enhanced quality and inclusion. Teachers serve as catalysts for change when valued, trained, and empowered. In these systems, engaging communities and creating participatory accountability systems enhance education quality.

The extraordinary challenges of the Covid-19 pandemic illustrated the public system's successful approach prioritising people instead of profit. While imperfect, [public schools and teachers remained open](#) by pivoting quickly to alternative formats and worked hard to serve and help students and their families navigate a difficult situation. At a fundamental level, public education both responded to the Covid-19 crisis, but also created the capacity for collective response across all sectors.

While almost everyone recognises the challenges faced by public education, not all parties are willing to make the effort required to ensure that everyone receives free, quality public education. Advocates for privatising education offer a supposedly easier path to governments of outsourcing education, but stand to profit from the funnelling of public money to private school operators, management organisations, or technology companies.

Politically, some actors create a discourse of failure to sway public opinion. The [chronic under- and inequitable funding of public education](#) leaves it vulnerable to disparaging narratives, which in turn erode the public's trust. These narratives can compel wealthier families (especially political decision-makers) to opt out of public education, with a longer-term result of decreased political responsibility for and investment in public education.

Section VII. Reclaiming Public Education by the Public

Public education “[creates a public](#).” Yet, so often, this public—civil society, communities, families, and students—does not get to participate in decision-making or implementation of education policy. States must deliver free, quality public education as a human right. Currently, neoliberalism and the influx of private actors in education provision has diluted the State's role in ensuring the full implementation of the right to education and is the main reason why PEHRC and other organisations have developed the statement and myriad resources.

Education implementation also contains context-specific details that should include the multiple stakeholders. Civil society organisations within and outside of PEHRC working on the right to education and privatisation should aim to ensure States fulfil the requirements of international law—ensuring that everyone has access to free, quality, and inclusive public education, without discrimination of any kind. Citizens should organise to assert and demand accountability for their right to education. Civic interests should guide education policy decision-making, which should uphold the right to education. We advocate for States to democratise education policy-making so that residents can directly participate in public deliberations on crafting education policies, implementing them, and holding State actors accountable for implementation.

Many education stakeholders can play a role in supporting free, quality public education. International financial institutions and multi- and bilateral funding agencies can invest in policies and practices that support governments instead of trying to increase roles for non-state actors. Private companies can help education by paying their taxes. Civil society actors from the transnational to the local levels can provide analysis about the right to education and mobilise political will to ensure that states meet their responsibilities.

Students, teachers, and education workers must play important roles. Students of all levels of education contested neoliberal reform across the planet in the recent publications [Student Movements in Late Neoliberalism: Dynamics of Contention and Their Consequences](#) and [The University and Social Justice](#). These resources illustrate the need for defending public education and increasing the effective right to access to educational institutions. The research project [Student Impact on Higher Education Globally](#) describes how students can become full stakeholders through their unions in universities worldwide, despite substantial differences in educational systems and political opportunity. Having representative student participation in decision-making, from local to international levels, and implementing open and public education systems, form a key part of a democratic and inclusive society.

Teachers and their representatives have key roles in the movement for quality public education for all. Globally, teachers have mobilised against education privatisation and commercialisation through the [Global Response](#) campaign of the global federation of education unions, Education International (EI). Teachers worldwide now also campaign for increased financing for public education under the banner of the [Go Public: Fund Education](#) campaign. Education unions call for strengthened public systems and investment in the profession – to raise teacher salaries, improve teacher support and professional development, and tackle teacher shortages. Teachers are essential stakeholders for policy reforms to strengthen public education and must be engaged in social and policy dialogue.

Finally, the need for support for and engagement with education extends to all public sectors. Harmful dominant narratives (e.g., small role of the state, problems with bureaucracy, the private sector is more efficient) [require clear cross-sectoral articulation of positive alternatives](#) (e.g. the key role of state in public services, importance of public systems, public sector capacity superiority to outsourcing, and the importance of social justice).

The 2022 cross-sectoral [Our Future is Public](#) conference brought together attendees from over ten sectors to discuss common themes and ways forward. Together, they developed and released the [Santiago Declaration for Public Services](#), with hundreds of organisations “coming together to address the harmful effects of commercialising public services, to reclaim democratic public control, and to reimagine a truly equal and human rights oriented economy that works for people and the planet. These organisations, including those participating in the Privatisation in Education and Human Rights Consortium (PEHRC) “[demand universal access to quality, gender-transformative, and equitable public services as the foundation of a fair and just society.](#)”

Section VIII. What We Want for Education

Specifically, we call for action in five key areas:

1. **Prioritise the public.** We call on all education actors to prioritise the provision of quality, public, inclusive, free education for all. As described in the [Our Future is Public manifesto](#), we call on States to prioritise the public sector in general.
2. **Robustly fund public education.** Governments should achieve the minimum benchmark recommended during the [Transforming Education Summit](#) of allocating 6% of GDP and 20% of public expenditure to education to realise the right to education and teachers’ labour rights and well-being—as well as taking national and global action on tax, debt, and austerity as recommended in the [TES Call to Action on Financing](#).
3. **Stop funding education privatisation.** States, development finance institutions, investors, funders, and intermediaries should ensure their funding does not support private, particularly, commercial/for-profit education. Such programs often exacerbate segregation and discrimination, erode free education, dilute curricula, fail to meet minimum quality standards, and reduce democratic oversight. Public funds should exclusively fund public education.

4. **Regulate and enforce regulations on private actors.** States must regulate private actors, in particular to avoid conflicts of interest by private actors shaping regulatory processes that govern their activities. States must invest in enforcing laws already in existence and develop new, strong regulation to protect the right to education.
5. **A narrative change.** Despite well-funded public relations campaigns claiming that education privatisation solves problems that the State cannot fix, evidence shows otherwise. We call for a change in the narrative that instead highlights the successes of public education. [Public education works](#) when it receives suitable support from States. The public [supports public education](#) across the world.