



Geneva Consultation on Human Rights Guiding Principles on State Obligations with regards to Private Involvement in Education

Concept note – December 2017

When: 5 February 2018

Where: Maison de la Paix, Salle 8
The Graduate Institute, Geneva

Registration: <https://goo.gl/forms/ocE65usdmWzHrZuz1>

Programme

- 8.30 - 9.00: Registration
- 9.00 - 9.30: Opening
 - Mission representatives
 - Secretariat of the Guiding Principles (Amnesty, GI-ESCR- RTE)
 - Director of NORRAG, The Graduate Institute, Geneva, Prof. Gita Steiner-Khamsi
 - UN Special Rapporteur on the right to education, Ms. Boly Barry
 - Member of the Committee on the Rights of the Child, Ms. Ann Skelton
- 9.30 - 10.30: Presentation of the process for the development of the Guiding principles so far, by members of the secretariat, followed by a Q&A (moderated by Amnesty International, GI-ESCR, RTE)
- 10.30 - 11.00: Coffee break
- 11.00 - 12.00: Roundtable on challenging issues extracted from the Guiding Principles
- 12.00 - 12.45: Policy impacts and relevance for the SDGs and other UN processes, and country-level implementation (moderated by NORRAG)
- 12.45 - 13:00 Closing remarks
- 13.00: Lunch

Depending on the responses in the sign-up form, another optional half day may be added for more in-depth discussion concerning specific aspects that relate to the Guiding Principles, such as role and responsibility of private actors, and in what way the Guiding Principles can inform their work.

Background

Education is crucial for human and societal development alike. Education for All (EFA), and the Sustainable Development Goals (SDG 4) reflect the international community's commitment to realising this human right. Since 2000, access to primary education has become widespread,



but there are major challenges if we are to achieve inclusive and quality education for all and find innovative solutions and sufficient funding to solve the ‘education crisis’.

The last two decades have seen a significant increase in the scale and scope of non-state actors in education, at the primary and secondary levels, particularly in developing countries. This private provision may sometimes compensate for the existing situation, or sometimes compete with a deficient public education system. It’s becoming increasingly clear that it warrants further discussion and a robust guiding regulatory framework.

Several UN [reports](#), [resolutions](#) and [recommendations](#), and observations from the [African Commission on Human Rights](#) have raised major concerns about the impact of the rapid growth of private schools in terms of educational content, quality, segregation and social inequalities. If not monitored and regulated adequately, this movement could contribute to the challenges for the realisation of the right to education and the Sustainable Development Goal (SDG) 4, or in worst cases undermine the important progress achieved in previous years.

A critical question is, under which circumstances the involvement of the private sector in education could contribute positively or be acceptable, and what mechanisms States must have in place to ensure this involvement does not undermine human rights? In the context of the implementation of the SDG 4, States also need guidance to address the role of private actors. There is a need for a consensus-based international understanding of the framework against which to make this assessment. While international human rights law has the potential to fill in this gap, the existing legal framework needs to be consolidated to function as a powerful regulatory, advocacy and policy tool.

Since 2015 a loose network of stakeholders, have been working together to support the development, of Guiding Principles that compile existing customary and conventional human rights law as it relates to private actors in education. These guiding principles are tentatively called ‘*Human Rights Guiding Principles on State Obligations with regards to Private Involvement in Education*’. They are intended to be operational in, and adaptable to, different contexts and aim to provide a basis for policy work and serve as a concrete tool that States and policy-makers can use.

The content of the Guiding Principles will be defined and finalised by a group of recognised independent experts from around the world through ongoing work, until a finalisation conference to be held the in Fall of 2018. The ambition is that the text will become the normative reference point and policy tool on the issue of private involvement in education.

As part of a broad consultative process of the Guiding Principles, various regional and thematic consultations have been convened over the course of 2016 and 2017, which included input from a wide range of stakeholders, including civil society organisations, State representatives, human rights organisations, academics, international and regional organisations, experts in the fields of education and law, and other actors.

The secretariat of the Guiding Principles, in collaboration with NORRAG and the Geneva



Academy of International Humanitarian Law and Human Rights and with the support of the missions of Finland, Portugal, and France, are organising a consultation for Geneva-based stakeholders, including in particular representatives of State missions, civil society organisations, and international organisations, as well as UN experts and academic researchers. The consultation focus is to provide an opportunity for discussion on the process, key concepts, and the policy implications for States and existing UN processes, especially SDG 4.

Documents

For more information about the Guiding Principles, please visit:

- The dedicated Guiding Principles page <http://bit.ly/GPprivatisation>
- FAQs <http://www.right-to-education.org/page/faqs-human-rights-guiding-principles-states-obligations-regarding-private-schools>

Please register here: <https://goo.gl/forms/ocE65usdmWzHrZuz1>