

**BRIEF to the UN Committee on Economic, Social and Cultural
Rights
7th Review of UK
Pre-sessional Working Group submission
January 2023**



SUBMITTED BY

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This brief focuses on **UK international development cooperation in the area of education**.

In 2016, your Committee’s concluding observations regarding UK’s international development cooperation in the area of education¹ expressed concerns regarding the UK's financial support to low-cost private education projects (see Annex 1). Particularly, as they may contribute to undermining the quality of free public education, while encouraging segregation and an increase in discrimination.²

It called for a human-rights based approach to UK international development cooperation which would involve systematic and independent impact assessment conducted before projects begin; the establishment of a monitoring mechanism; and ensuring that a complaints mechanism for violations of economic, social and cultural rights in receiving nations is accessible.³

In its report submitted in June 2022, the UK highlighted the following points regarding its international development cooperation:⁴

- It argued that the State does not 'need to be the only financier, or provider, of education services'.
- It highlighted the role of 'non-state providers, including low-cost private schools', in delivering education.
- It emphasised its willingness to work 'with non-state providers – including paid-for schools', as well as PPPs, the private sector financing education, and strengthening the regulation and oversight of non-state provision.
- It indicated that all of these elements of support are subject to rigorous social assessments to ensure that they do not lead to adverse social consequences. It informed that they take monitoring and evaluation of policies and projects very seriously and all elements of support provided to receiving countries are subject to rigorous social (including human rights) assessments to ensure that they do not lead to adverse social consequences.

The international human rights framework applying to this issue

It is true that the State may not be the only provider or financier of education according to international human rights law. According to your Committee, the International Covenant on Economic, Social and Cultural Rights as a whole 'neither requires nor precludes any particular form of government or economic system being used as the vehicle' to deliver the rights contained in the Covenant⁵ and 'privatization is not per se prohibited by the Covenant, even in areas such as the provision of

¹ [CESCR Concluding Observations, E/C.12/GBR/CO/6](#). See the details in annex 1.

² [CESCR Concluding Observations, E/C.12/GBR/CO/6](#). Para. 14. See the full text in annex 1.

³ [CESCR Concluding Observations, E/C.12/GBR/CO/6](#). Para. 15. See the full text in annex 1.

⁴ [Seventh periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under articles 16 and 17 of the Covenant, due in 2021. E/C.12/GBR/7](#), para. 18 and 18. See the full text in annex 2.

⁵ CESCR, General Comment No. 3, The nature of States’ parties obligations (Article 2, para. 1, of the Covenant), E/1991/23 (14 December 1990), para. 8.

...education... where the role of the public sector has traditionally been strong.⁶ Even though 'these ideas have traditionally been understood as supporting the possibility for states to allow their obligations to be fulfilled by private providers, including in relation to the right to education...' It is key to acknowledge that 'under international human rights law today, there is an obligation on states to provide public education, regardless of the role of private providers in the field.'⁷

In addition, States' obligation to use the maximum of their available resources towards the full realisation of the right to education, including free education⁸ also applies extraterritorially⁹.

Moreover, International law recognises a freedom aspect of the right to education, which includes the liberty to create private schools. Yet, this comes with conditions¹⁰. For instance, there are conditions that states must respect to be able to finance private actors, including 'the duty to ensure that the right to education is enjoyed equally without discrimination on any prohibited grounds'¹¹, including people living in poverty.

[The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education](#)¹², adopted in 2019, details these conditions including those in the context of international assistance and cooperation (Overarching Principle 6 and Guiding Principles 75 to 79)¹³.

Overarching Principle 6 highlights that '***International assistance and cooperation, where provided, must reinforce the building of free, quality, public education systems, and refrain from supporting, directly or indirectly, private educational institutions in a manner that is inconsistent with human rights***'

Guiding principles (GP) 75-79 elaborate further. GP 75 highlights the importance of consultation with rights holders and the respect, protection and fulfilment of human rights at every phase of a development project. GP 76 notes that states 'must refrain from supporting, directly or indirectly, private educational institutions in a manner that is inconsistent with human rights'. GP 77 stresses that those providing assistance in education have a responsibility to ensure that the support they provide is consistent with applicable human rights law and standards.

⁶ CESCR, General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, E/C.12/GC/24 (10 August 2017). para. 21.

⁷ Jacqueline Mowbray, Is the right to public education? In Frank Adamson, Sylvain Aubry, Mireille de Koning and Delphine Dorsi, [Realizing the Abidjan Principles on the Right to Education: Human Rights, Public Education, and the Role of Private Actors in Education](#). Elgar and Norrag (2021)

⁸ Article 2 and 13 of the International Covenant on Economic, Social and Cultural Rights

⁹ See the [Maastricht Principles](#) and the detailed explanation in the [report](#) we submitted in 2015.

¹⁰ Article 13. 3 and 13.4 of of the International Covenant on Economic, Social and Cultural Rights

¹¹ Sandra Fredman, State funding of private education: the role of human rights. In Frank Adamson and al, op. cit.

¹² The Abidjan Principles aim to compile and unpack existing legal obligations regarding the delivery of education, and in particular the role and limitations of private actors in the provision of education.

¹³ See full reference in annex.

GP 78 elucidates that ‘If States... through international assistance and cooperation or other forms of assistance, have previously encouraged, contributed to, or coerced a recipient State to act inconsistently with that State’s human rights obligations, including to take impermissible steps, such as the introduction or raising of fees or defunding of public or free education, they should seek to remedy this situation in the shortest possible time.’

GP 79 recalls that ‘If the development of private educational institutions in a recipient country has an adverse impact on the enjoyment of the right to education, States providing international assistance and cooperation to that recipient State must take all effective steps to remedy the situation. This may include measures to develop or restore access to free, quality, public education as effectively and expeditiously as possible in the recipient State’.

In addition, GP 38 states that ‘International assistance and cooperation for education must prioritise supporting the recipient State to meet its core obligations. In particular, **it must prioritise free, quality, public pre-primary, primary, and secondary education for all**, especially vulnerable, disadvantaged, and marginalised groups, and move as effectively and expeditiously as possible towards free, quality, education in public educational institutions at other levels’. GP 15 stresses that ‘States must allocate the maximum of their available resources towards ensuring free, quality education...’, which include resources that may be mobilised through fair and progressive taxation and other domestic income generating mechanisms; elimination of illicit financial flows, corruption, tax evasion, and tax avoidance’ (GP 16)

Concerns about UK’s financial support to for-profit / commercial private schools

In a recent submission to UK International Development Committee (IDC) Parliamentary inquiry¹⁴ civil society organisations, including us, raised concerns about UK investment in for-profit schooling and we would like to flag some elements to your attention.

The submission recalls that the UK, through the British International Investment (BII), has made 40 **investments** in the education sector over the last 15 years, of which at least 11 are **in the provision of pre-primary through to secondary education**.¹⁵ **These include two investments in the controversial for-profit school chain in Africa, Bridge International Academies**, also known by the name of its parent company, New Globe Schools.¹⁶ Other types of investments in this portfolio include for-profit universities and technical/vocational post-secondary education, education technology companies, childcare providers and infrastructure/services.

¹⁴ See annex.

¹⁵ Analysis for this submission based on investments listed in BII project database tagged “education” from January 2008 through December 2022, accessed January 2023: [All investments - British International Investment \(bii.co.uk\)](https://www.bii.co.uk/all-investments).

¹⁶ BII investment information page for New Globe Schools (Bridge International Academies) : <https://www.bii.co.uk/en/our-impact/investment/bridge-international-academies/>

BII is currently vested in the majority of these projects indirectly through financial intermediaries for which BII provides very limited information. **BII offers little to no publicly available information about the impact of specific education investments**, including in key dimensions such as impact on poverty, access for excluded and marginalised groups, inequalities in educational access and outcomes, and impacts on the wider public education system.

The submission points to evidence which finds that commercial and for-profit schooling can lead to the exclusion of girls and deepen gender inequity, as well as socioeconomic marginalisation through the creation or reinforcement of segregated and stratified education systems. It also highlights the lack of evidence regarding commercial/for-profit school educational quality, while raising concerns regarding evidence of commercial school chain resistance to regulation and lack of accountability. Finally, it highlights evidence demonstrating that even relatively small quantities of investment can lead to significant for-profit chain expansion, with potential negative impacts on workforce training, public sector investment and capacity, and educational options and opportunities for children left behind.

The submission goes on to raise a series of concerns and documented complaints and judgements against for-profit schools known as Bridge International Academies (also known as New Globe Schools). It highlights the growing consensus that public development assistance should not support for-profit provision of education. Finally, it concludes by making three recommendations to BII; 1) Formally commit to cease investments in for-profit schooling; 2) Exit investments in New Globe Schools/ Bridge International Academies; 3) Ensure all investments in education support the right to education.

Concerns about UK's corporate taxes policies and its impacts on the right to education

In addition, it is worth flagging as well that through its corporate taxes policies, the UK is responsible for hindering the efforts of states to raise revenue to fund ESC rights, including the right to education. The 2021 report by the Tax Justice Network reported that the UK and its dependent territories are responsible for one-third of global corporate tax abuse and half of the world's tax evasion.¹⁷ This is a huge impediment in advancing the realisation of the right to free education, particularly for the most marginalised groups,¹⁸ in violation of the UK's extraterritorial obligations. In this regard, the CEDAW Committee recommended the UK to undertake independent, participatory and periodic impact assessments of the extraterritorial effects of its financial secrecy and corporate tax policies on the rights of women and to revise its corporate, trust, financial and tax legislation, policies and practices, with a view to fully realising the enjoyment by women of their rights under the Convention, including abroad.¹⁹

¹⁷ Tax Justice Network, The State of Tax Justice 2021: <https://taxjustice.net/reports/the-state-of-tax-justice-2021/>

¹⁸ The TaxEd Alliance (Actionaid, Tax Justice Network, Global Alliance for Tax Justice, Education International, Global Campaign for Education) and GRADE welcome the opportunity to contribute to the thematic report on 'The Right to Education, Advances and Challenges' of the Special Rapporteur on the Right to Education, which will be presented to the Human Rights Council in June 2023: <https://medicine.st-andrews.ac.uk/grade/wp-content/uploads/sites/39/2023/01/Submission-on-the-Right-to-Education.pdf>

¹⁹ Committee on the Elimination of Discrimination against Women. Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland. [CEDAW/C/GBR/CO/8](https://www.unhcr.org/refugees/country/country-profile/United-Kingdom-of-Great-Britain-and-Northern-Ireland). Para 20.

Suggested questions to ask to the UK government

- What is the methodology followed to conduct human rights impact assessments of non-state providers – **including paid-for schools and low-cost private schools** – what are the results and are they publicly available (if yes, where can they be accessed)?
- What is the UK doing to prioritise the development of free, quality, public education systems particularly in areas where state provision is weak or non-existent, instead of solely relying on non-state providers?
- Particularly, what measures is the UK taking to close avenues for global tax abuse, tax avoidance and evasion? What is the UK doing to support states ability to raise revenue in a fair progressive way (through progressive tax reform) to enable the mobilisation of maximum available resources for the realisation of the right to education?

ANNEXES

ANNEX 1: CESCR Concluding observations made in 2016²⁰

14. While welcoming the achievement by the State party of the international target of allocating 0.7 per cent of gross national product for official development assistance in the framework of international cooperation, the Committee is concerned that in some cases the assistance provided has reportedly been used for activities in contravention of economic, social and cultural rights in the receiving countries. The Committee is particularly concerned about the financial support provided by the State party to private actors for low-cost and private education projects in developing countries, which may have contributed to undermining the quality of free public education and created segregation and discrimination among pupils and students (arts. 2, 13 and 14).

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

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

ANNEX 2: Extracts of the UK report submitted to the Committee in May 2022²¹

18. While we see the state as the guarantor of quality basic education for all, it doesn't need to be the only financier, or provider, of education services. In many countries where the UK provides aid, non-state providers, including low-cost private schools, play an important – and growing – role in delivering education, particularly in the poorest countries. The UK takes a pragmatic approach to supporting education where our priority is to ensure children get the education they deserve. Where state provision is weak or non-existent, we will work with non-state providers – **including paid-for schools** – to provide an education to children who would otherwise get none. This includes public-private partnerships, leverage private sector financing for education, or working with governments to strengthen regulation and oversight of non-state provision. All of these elements of support are subject to rigorous social assessments to ensure that they do not lead to adverse social consequences.

²⁰ [CESCR Concluding Observations, E/C.12/GBR/CO/6](#)

²¹ [Seventh periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under articles 16 and 17 of the Covenant, due in 2021. E/C.12/GBR/7](#)

19. We take monitoring and evaluation of policies and projects very seriously and all elements of support provided to receiving countries are subject to rigorous social (including human rights) assessments to ensure that they do not lead to adverse social consequences. We further work to ensure that individuals are able to raise concerns about violations of their rights, including economic, social and cultural rights within their respective countries. The UK's approach to addressing violations will vary depending on the receiving country and particular project.

ANNEX 3: Extract of the Abidjan Principles²²

Guiding Principle 15. States must allocate the maximum of their available resources towards ensuring free, quality education, which must be continuously improved. The maximum available resources should not fall below the level required by domestic or international education funding commitments, such as the percentage of gross domestic product set in development goals.

Guiding Principle 16. Available resources include all resources at the disposal of the State, or those that may be mobilised through:

- a. primarily domestic sources, such as fair and progressive taxation and other domestic income generating mechanisms; expansion of the revenue base; reallocation of public expenditure; elimination of illicit financial flows, corruption, tax evasion, and tax avoidance; the use of fiscal and foreign exchange reserves; the management of debt by borrowing or restructuring existing debt; the development and adoption of an accommodating macroeconomic framework; or
- b. international assistance and co-operation.

Guiding Principle 38. International assistance and cooperation for education must prioritise supporting the recipient State to meet its core obligations. In particular, it must prioritise free, quality, public pre-primary, primary, and secondary education for all, especially vulnerable, disadvantaged, and marginalised groups, and move as effectively and expeditiously as possible towards free, quality, education in public educational institutions at other levels.

Overarching Principle 6. International assistance and cooperation, where provided, must reinforce the building of free, quality, public education systems, and refrain from supporting, directly or indirectly, private educational institutions in a manner that is inconsistent with human rights.

Guiding Principle 75. International assistance and cooperation, where provided, must reinforce the building of free, quality, public education systems, in consultation with the concerned rights-holders and in partnership with the recipient country. Every effort should be made at each phase of a development project to ensure that human rights are respected, protected, and fulfilled. To this end, an impartial and independent evaluation process should be in place.

²² www.abidjanprinciples.org

Guiding Principle 76. States and relevant international organisations providing international assistance and cooperation in education must refrain from supporting, directly or indirectly, private educational institutions in a manner that is inconsistent with human rights.

Guiding Principle 77. Private actors have a responsibility to refrain from conduct which nullifies or impairs the enjoyment of the right to education. Those providing assistance in education have a responsibility to ensure that the support they provide is consistent with applicable human rights law and standards, including child protection policies. States must regulate them to ensure that any educational assistance provided by private actors within their jurisdiction does not nullify or impair the realisation of human rights.

Guiding Principle 78. If States, international organisations, or other actors, through international assistance and cooperation or other forms of assistance, have previously encouraged, contributed to, or coerced a recipient State to act inconsistently with that State’s human rights obligations, including to take impermissible steps, such as the introduction or raising of fees or defunding of public or free education, they should seek to remedy this situation in the shortest possible time.

Guiding Principle 79. If the development of private educational institutions in a recipient country has an adverse impact on the enjoyment of the right to education, States providing international assistance and cooperation to that recipient State must take all effective steps to remedy the situation. This may include measures to develop or restore access to free, quality, public education as effectively and expeditiously as possible in the recipient State, while supporting that State to enforce standards and regulations related to private involvement in education which are in accordance with applicable human rights law and standards. This is without prejudice to the obligations of the recipient State to respect, protect, and fulfil the right to education domestically.

**ANNEX 4: Submission to UK IDC Parliamentary Inquiry – Investment for development:
The UK’s strategy towards Development Finance Institutions made by 14 organisations in
February 2023**

1. This submission was drafted by Oxfam, ActionAid, Africa Network Campaign on Education For All -ANCEFA, Coalition for Transparency and Accountability in Education (Liberia), Education International, Eurodad, Global Campaign for Education, Global Initiative for Economic Social and Cultural Rights, Global Justice Now, Initiative for Social and Economic Rights (Uganda), Latin American Campaign for the Right to Education-CLADE, National Education Union (UK), Right to Education Initiative, and World Organization for Early Childhood Education-OMEP. These organisations work to promote the right to education and the realisation of the global education goals including SDG 4. This submission highlights concerns about British International Investment’s (BII) funding in the area of education.

Background on BII investments in education

2. According to its project database, BII has made 40 investments in the education sector over the last 15 years, of which at least 11 are in the provision of pre-primary through to secondary education, in addition to indirect investments through other funds.²³ These include two investments in the controversial for-profit school chain in Africa, Bridge International Academies, also known by the name of its parent company, New Globe Schools.²⁴ Other types of investments in this portfolio include for-profit universities and technical/vocational post-secondary education, education technology companies, childcare providers and infrastructure/services.
3. BII is currently vested in the majority of these projects indirectly through financial intermediaries. The large majority of education projects over the last 15 years are intermediated investments (36 out of 40), for which BII provides very limited information. BII offers little to no publicly available information about the impact of specific education investments, including in key dimensions such as impact on poverty, access for excluded and marginalised groups, inequalities in educational access and outcomes, and impacts on the wider public education system.
4. In its new strategy for 2022-2026, BII indicates that in education, “we will focus our investment activity on higher education, technical education, and education technology companies. *We will not prioritise new investments in K-12 (kindergarten to twelfth grade) private education.*”²⁵ This is a welcome development given the concerns outlined in this submission, although it does not go far enough. It is not a formal commitment to cease investments in K-12 for-profit education, and it is short term. Elsewhere, the strategy indicates BII will “support specialised financial-service products that deliver basic needs. We aim to invest in specialised lenders and insurers that meet the basic needs of people, and also empower banks and other traditional lenders to lend to basic-needs-related segments of the economy [including...] education finance and health insurance.” **This suggests that BII support to for-profit schools is at risk of continuing through financial intermediaries such as private equity funds, even if the fewer direct investments cease.**

The evidence about for-profit and commercial schools

5. A growing body of evidence raises deep concerns about the negative impact of commercial and profit-oriented private schools in education. In its 2021 report focused on private actors in education, UNESCO’s Global Education Monitoring report warns of growing inequality and exclusion due to private educational institutions’ high costs and weak government regulation, and in particular warns that “**profit-making is inconsistent with the commitment to guarantee**

²³ Analysis for this submission based on investments listed in BII project database tagged “education” from January 2008 through December 2022, accessed January 2023: [All investments - British International Investment \(bii.co.uk\)](https://www.bii.co.uk/en/our-impact/investment/bridge-international-academies/).

²⁴ BII investment information page for New Globe Schools (Bridge International Academies) <https://www.bii.co.uk/en/our-impact/investment/bridge-international-academies/>

²⁵ “Productive, Sustainable and Inclusive Investment: 2022–26 Technical Strategy,” British International Investment (2022) p. 21, [2022-2026-technical-strategy-2.pdf \(bii.co.uk\)](https://www.bii.co.uk/en/our-impact/investment/bridge-international-academies/)

free pre-primary, primary and secondary education.” It cautions against seeing education as a “market” where competition between providers is a feature; and provides a strong reminder that education must always be free to the user, and that school fees have no place in equitable education systems.²⁶

6. In particular, evidence on commercial and for-profit schools raises the following concerns:²⁷

- a. **Exclusion of girls and gender inequity:** The widespread elimination of fees in primary schools in the 2000s meant that millions of girls around the world were able to go to school for the first time,²⁸ however the expansion of low-fee private education threatens to undermine this progress. A review of the academic evidence commissioned by DFID found that girls are not able to access private schools equally to boys.²⁹ For example, government data from India shows that only 44% of children enrolled in private schools at the elementary level are girls, and the gender gap in private schools has been steadily increasing over time.³⁰ This approach risks disproportionately excluding girls and deepening gender inequalities in education.
- b. **Serious quality concerns:** There is no evidence to support claims that learning outcomes are consistently better in private schools.³¹ However, there are serious concerns about education quality in for-profit and low-fee private schools. Commercial chains and for-profit schools often put business interests before education quality by employing poorly qualified, uncertified and poorly trained teachers as well as using other cost-saving measures that undermine education quality, such as not investing in adequate educational materials and facilities.³² The reliance on unqualified teachers flies in the face of strong evidence from the World Bank and others that the presence of a trained, qualified, and well-supported

²⁶ UNESCO Global Education Monitoring Report (2021/2) Non-State Actors in Education: Who Choses, Who Loses? https://en.unesco.org/gem-report/non-state_actors

²⁷ For more in-depth evidence and discussion of each of these points, see Oxfam’s testimony to the U.S. Congress House Financial Services Committee on IFC investments in for-profit private schools (November 2019) <https://www.congress.gov/116/meeting/house/110198/witnesses/HHRG-116-BA10-Wstate-DaarN-20191113.pdf>

²⁸ United Nations (2015) The Millennium Development Goals Report.

²⁹ Day Ashley L. et al (2014) The role and impact of private schools in developing countries: a rigorous review of the evidence, DFID. Since the DFID review, several new studies have also added to the body of evidence on female disadvantage in private schools. See for example: Sahoo, S. (2015) Intrahousehold gender disparity in school choice: evidence from private schooling in India. University of Goettingen; Indian Statistical Institute, New Delhi; Maitra, P., S. Pal and A. Sharma (2016) Absence of Altruism? Female Disadvantage in Private School Enrolment in India. World Development; Alcott, B. and P. Rose (2015) Schools and learning in rural India and Pakistan: Who goes where, and how much are they learning? Prospects 45.

³⁰ Government of India, UDISE 2020-21. Cited in: Oxfam India (2022) Private Schooling in India: Challenges in achieving Gender Equity. <https://www.oxfamindia.org/knowledgehub/policybrief/private-schooling-india-challenges-achieving-gender-equity>

³¹ World Bank (2018) World Development Report: Learning to realize Education’s Promise.

³² Srivastava, P. (2013) “Low-fee private schooling: issues and evidence” in P. Srivastava (Ed.) Low-fee Private Schooling: aggravating equity or mitigating disadvantage? Oxford Studies in Comparative Education Series (Symposium Books, Oxford, 2013).

educator is one of the most important factors for achieving strong learning outcomes.³³

- c. **Deepening poverty and inequality:** Evidence also strongly suggests these schools are not reaching out-of-school children, children in rural areas, or children from the poorest families.³⁴ Families who do manage to find or borrow the money to pay fees often do so at great sacrifice, forgoing other basic needs and causing them to fall deeper into poverty or debt.³⁵ In Ghana, for example, Omega Schools, a major low-fee private school chain that targets poor communities, charges fees for one student that are equivalent to 40% of the income of the poorest families' household income.³⁶ A poor, average-sized family in Pakistan would have to spend 127% of its income to send all its children to a low-fee private school.³⁷ In India, children from the poorest wealth quintile are almost 5 times less likely to attend private school than those from the wealthiest quintile.³⁸ Low fee and for-profit schools risk creating or reinforcing segregated and stratified education systems, leading to greater economic and social inequality.
- d. **Resistance to regulation and lack of accountability:** Commercial chains often flout national laws and resist regulations that seek to ensure compliance with education standards, including regulations related to teacher certification and curriculum standards, as well as labour laws related to teachers' work conditions and pay.³⁹ This increases the risk of corruption, and undermines governance and the rule of law in host countries. For example, Bridge International Academies was ordered by the Ugandan government to close its schools in the country in 2018 after its ongoing refusal to meet standards related to teacher certification and qualifications, curriculum, and school facilities.⁴⁰

³³ See World Bank (2018) WDR op. cit., and Bruns et al. (2014) Great Teachers: How to raise student learning in Latin America and the Caribbean. World Bank.

³⁴ Srivastava, P. (2013) op. cit.

³⁵ Day Ashley L., et al. (2014) op. cit. See also: Lewin, K. (2007) "The Limits of Growth to Non-government Private Schooling in Sub-Saharan Africa" in P. Srivastava and G. Walford (Eds.) Private Schooling in Less Economically Developed Countries: Asian and African perspectives, pp. 41–65. Oxford: Symposium Books.

³⁶ Riep, C. (2014). Omega Schools Franchise in Ghana in Macpherson, I, Robertson, S and Walford, G (eds) (2014). Education, Privatisation and Social Justice: case studies from Africa, South Asia and Southeast Asia. London: PERI.

³⁷ B.R. Jamil, K. Javaid, B. Rangaraju (2012) "Investigating Dimensions of the Privatisation of Public Education in South Asia," ESP Working Paper Series 43, Open Society Foundations.
http://www.periglobal.org/sites/periglobal.org/files/WP43_Jamil_Javaid&Rangaraju.pdf Cited in Oxfam (2014) Working for the Many: Public services fight inequality.

³⁸ Calculation based on data from: MoSPI - Ministry of Statistics and Programme Implementation. 2019. "Key Indicators of Social Consumption on Education in India." National Sample Survey Office.

³⁹ Legal and regulatory violations in commercial and low-fee schools have been documented in a number of other countries including the Philippines, India, Kenya and Ghana. See Riep, C. (2015) op. cit (for Ghana); Srivastava, P (2013) op. cit (India); Education International, Regulatory framework for Philippine private schools and practices in APEC schools (for the Philippines)

<https://download.eiie.org/Docs/WebDepot/Regulatory%20framework%20PHL%20and%20APEC%20practices.pdf>

⁴⁰ Janet K. Museveni, First Lady of Uganda, Minister of Education and Sports, February 15, 2018, "Enforcement of the Standard Operating Procedure (SOP) for private schools and school charges in Uganda." New Vision.

- e. **Negative impact on public education systems:** Whilst some investments are relatively small in value, they can support the expansion of commercial school chains and can therefore catalyse dramatic changes in host country education systems. Little rigorous research has assessed the cumulative effects of large-scale private schooling on the long-term sustainability of public-school systems, but concerns include undermining the political constituency for investment in quality public schooling in the longer term, and the creation of an untrained teacher workforce due to reliance on underqualified teachers hired on short-term contracts. Moreover, where such schools receive public funding, they displace efforts and funding to expand public education, leaving limited alternatives for those children who are left behind.⁴¹
7. Given the concerning evidence about socio-economic and gender inequality and exclusion of low-income communities in low-fee and commercial private schools, BII's investments in for-profit schools would seem to undermine its mission to "ensure more productive, sustainable and inclusive economies" and "enable people... to build better lives for themselves and their communities."⁴² **Importantly, we believe these investments contradict the UK government's broader commitments to fighting poverty, and undermine its focus on women and girls, and specifically, the importance of girls' education.**

Concerns about BII Investments in Bridge International Academies/New Globe Schools

8. BII has made two investments in New Globe Schools/Bridge International Academies: a \$7 million direct equity investment in 2013, and in 2014, an indirect investment via the financial intermediary Novastar Ventures East Africa Fund (amount not disclosed).⁴³
9. Civil society organisations have been raising concerns about the company's operations for a number of years, including in a [2018 open letter to investors](#)⁴⁴ signed by 88 organisations highlighting **concerns about the quality of education, lack of transparency, poor labour conditions, high cost relative to family income, and lack of respect for the rule of law in host countries.** For example, all 63 Bridge Schools in Uganda were ordered to be closed by the High Court of Uganda in 2018 after they failed to comply with requests from the Ministry of

https://www.newvision.co.ug/new_vision/news/1471272/enforcement-standard-operating-procedure-sop-privateschools-school-charges-uganda

⁴¹ Bous, K. M. and J. Farr (2019) False promises: How delivering education through public-private partnerships risks fueling inequality instead of achieving quality education for all. Oxfam International.

<https://www.oxfam.org/en/research/false-promises>

⁴² "Our Mission" page on BII website, accessed 2 Feb 2023. <https://www.bii.co.uk/en/about/our-company/>

⁴³ BII investment information page for New Globe Schools <https://www.bii.co.uk/en/our-impact/investment/bridge-international-academies/>

⁴⁴ 2018 open letter to investors in Bridge Academies, available at <https://www.gi-escr.org/publications/public-letter-of-concern-to-current-or-prospective-investors-in-bridge-international-academies>; which also references evidence in previous CSO statement signed by 174 organisations in 2017, available at <https://www.right-to-education.org/resource/civil-society-call-investors-cease-support-bridge-international-academies>

Education to meet its legal and educational standards, including on teacher certification.⁴⁵ In addition, concerns were raised about the company's model which seeks to extract profit from the aspirations of poor parents, who sacrifice other basic needs, or fall into debt, to pay fees for an education of uncertain quality.

10. More recently, an evaluation of a program in Liberia to outsource public schools to private operators, including Bridge Academies, found only modest learning gains in Bridge schools that plateaued after the first year, while at the same time cited "stark tradeoffs" such as mass expulsions of students from Bridge schools leading to dropouts and negative impacts on access to education, per-student costs at least three times higher than in public schools, and failure to reduce sexual abuse.⁴⁶ Another study recently found evidence of student learning gains in Bridge schools in Kenya,⁴⁷ however education organisations have highlighted the limitations of the study and called for caution in interpreting its findings.⁴⁸
11. In March 2022, **the World Bank's International Finance Corporation (IFC) [divested from New Globe Schools/Bridge Academies](#) after a series of serious complaints to the IFC's independent accountability mechanism**, the Compliance Advisor Ombudsman (CAO) regarding the IFC's investment in the company (see Annex). Allegations in the complaints range from **violations of labour rights, child sexual abuse involving BIA staff and students, and inadequate health and safety measures that led to the tragic death of one child and the injury of another**. Compliance appraisal reports by the CAO in the course of their investigations have found "substantial concerns regarding the child safeguarding and protection outcomes of IFC's investment in Bridge"⁴⁹ and regarding its environmental and social outcomes, including community impacts,

⁴⁵Republic of Uganda in the High Court of Uganda at Kampala, Bridge International Academies vs. Attorney General: Ruling. March 16, 2018. https://archive2020.ei-ie.org/media_gallery/253ec.pdf

⁴⁶Romero and Sandefur (2019) Beyond Short-term Learning Gains: The Impact of Outsourcing Schools in Liberia after Three Years. Center for Global Development Working Paper 521. <https://www.cgdev.org/publication/beyond-short-term-learning-gains-impact-outsourcing-schools-liberia-after-three-years>; and Romero and Sandefur (2020) The impact of Outsourcing Schools in Liberia to Bridge International Academies after Three Years. Center for Global Development. <https://www.cgdev.org/sites/default/files/impact-outsourcing-schools-liberia-after-three-years-bridge.pdf>

See also: Eurodad (2022) History RePPeated II: Why Public-Private Partnerships are not the solution. Case study on Liberia Education Advancement Program (LEAP) <https://www.eurodad.org/historyrepppeated2>

⁴⁷ Gray-Lobe et.al. (2022) Can Education be Standardized? Evidence from Kenya. Working paper NO. 2022-68. Development Innovation Lab, University of Chicago. <https://bfi.uchicago.edu/working-paper/2022-68/>

⁴⁸ See joint civil society statement (September 2022) "Civil society organisations highlight limitations of new study on Bridge International Academies' education model, and urge caution in interpreting findings" – which raises 6 areas of concern about the study and its conclusions, including that learning gains in the study cannot be clearly attributed to the company's model, and that a large body of academic evidence raises concerns about the effectiveness and impacts of scripted, standardised teaching. <https://www.educationbeforeprofit.org/civil-society-organisations-highlight-limitations-of-new-study-on-bridge-international-academies-education-model-and-urge-caution-in-interpreting-findings/>

⁴⁹ Compliance Advisor Ombudsman (December 2020) COMPLIANCE APPRAISAL: SUMMARY OF RESULTS Bridge International Academies-04. <https://www.cao-ombudsman.org/sites/default/files/downloads/CAOAppraisalReport-BIA-04-Dec23.pdf>

registration status of schools, and adherence to health and safety requirements.⁵⁰ The final reports are still forthcoming.

12. The International Development Committee has itself released a [report on DFID's work in education in 2017](#), which included concerns about UK funding for Bridge Academies and referenced the predecessor committee's investigation which included field visits to Bridge schools in Nigeria, Uganda and Kenya, and which raised "serious questions about Bridge's relationships with governments, transparency and sustainability."⁵¹

A growing consensus: Public development assistance should not support for-profit provision of education

13. Recent developments in key international and regional agencies have resulted in a new standard of best practice for public development assistance in education, which follows the principle that public development assistance should not support for-profit or commercial provision of core education services.
14. In June 2022, the IFC **announced** that it would not resume its investments in fee-charging kindergarten through grade 12 (K–12) private schools, following the release of an independent evaluation by the World Bank Independent Evaluation Group (IEG) on the IFC's investments in this area and their impacts on educational outcomes, poverty, and inequality.⁵² The evaluation noted that its "findings support a single conclusion: resumption of IFC investments in K–12 private schools is not advisable without making substantial changes to IFC's approach." In its response to the evaluation, IFC noted that most private K–12 schools are difficult to invest in directly, and cited a number of challenges with such investments including weak financial results and the "**potential for investments in private K–12 schools to exacerbate inequalities and have unintended, undesirable spillovers into the public sector school system. IFC management takes these findings seriously and wishes to refrain from activities unfavourable or detrimental to international development.**"
15. Similar recent policy shifts have included the Global Partnership for Education's decision in its [2019 Private Sector Strategy](#) to prohibit funding to for-profit provision of core education services, and a 2018 resolution by the [European Parliament](#) that declared the European Union and its Member States must not use development aid money to fund commercial private schools. Most recently, in 2022 the [African Commission on Human and Peoples' Rights](#) in its General Comment No. 7 on State obligations in the context of private provision of social

⁵⁰ Compliance Advisor Ombudsman (October 2019) COMPLIANCE APPRAISAL: SUMMARY OF RESULTS Bridge International Academies. https://www.cao-ombudsman.org/sites/default/files/downloads/CAOAppraisalReport_BridgeInternationalAcademies_English.pdf

⁵¹ The 2017 IDC committee report includes a case study on Bridge and annexes a letter from the Chairman of the previous committee with a report raising concerns about Bridge Academies. [DFID's work on education: Leaving no one behind? \(parliament.uk\)](#)

⁵² World Bank Independent Evaluation Group (June 2022) An Evaluation of International Finance Corporation Investments in K–12 Private Schools. <https://ieg.worldbankgroup.org/evaluations/evaluation-international-finance-corporation-investments-k-12-private-schools>

services, stresses the non-commercial character of public services, including education. These positions uphold the principle that **education is a right, not a market commodity**. Investing in access to free and inclusive public education of good quality is the best way to ensure fulfilment of SDG4 and education for all.

Recommendations for BII

16. **Formally commit to cease investments in for-profit schooling:** We welcome BII's recent education strategy which indicates that it will not be prioritising direct investments in K-12 education provision. However, given the body of deeply concerning evidence about this approach, a more unequivocal and long-term policy commitment is needed that also clearly covers indirect investments. BII should follow the decision of IFC and commit to ceasing all *direct and indirect* investments in for-profit preschool through secondary education provision, and should cease to provide policy advice in this area. We would also like to see a similar commitment from FCDO which is supporting for-profit education through different channels with its aid funding.⁵³
17. **Exit investments in New Globe Schools/ Bridge International Academies:** In light of the documented concerns about the behaviour and operations of Bridge International Academies, also known as New Globe Schools, we recommend that BII exit in the shortest possible time from its investments in the company and refrain from making any future investments. BII should fulfil its legal due diligence obligations and responsibilities, investigate concerns about the company's behaviour and take action to respond to the harms caused by these investments.
18. **Ensure all investments in education support the right to education,** comply with human rights standards, and contribute to strengthening the public education system in host countries, as well as supporting good governance, democratic control, transparency and accountability. The UK Government should commit to supporting the development of free, quality, public education systems in line with its commitment to the achievement of SDG4 by 2030.

⁵³ National Education Union and Global Justice Now (2019) In Whose Interest? The UK's role in privatising education around the world. https://www.globaljustice.org.uk/wp-content/uploads/2019/04/in_whose_interest_-_neu_-_global_justice_now_0.pdf

ANNEX

Summary of CAO complaints regarding IFC's investment in Bridge International Academies:

19. The IFC's accountability body, the Compliance Advisor Ombudsman (CAO), has received a series of complaints about the IFC's investment in the commercial school chain Bridge International Academies (BIA). These include a complaint filed in April 2018 by EACHRights in Kenya on behalf of parents, students and teachers, raising concerns about the company's health, safety, and labour conditions as well as economic discrimination, lack of parental inclusion, and transparency. In October 2019, CAO's first compliance appraisal [report found](#) "substantial concerns regarding the Environmental & Social outcomes of IFC's investment in Bridge". The final investigation report is still forthcoming. Three other cases have been filed since then, [02](#), [03](#), [04](#), involving the health and safety of students, as well as child safeguarding concerns, resulting in a subsequent compliance investigation for case 04.
- a. [BIA-01/Kenya case](#): In April 2018, 10 parents and former and current teachers at BIA submitted a [complaint](#) highlighting BIA's negative impacts, especially on the right to education, health and safety, and on labour rights. In its Appraisal Report published in October 2019, the CAO announced its decision to carry out a full compliance investigation into the adequacy of the IFC's due diligence and supervision of its investee. "CAO concludes that there are substantial concerns regarding the E&S outcomes of IFC's investment in Bridge considering: (a) the specific allegations of adverse impacts to teachers, parents and students raised in the complaints; (b) the E&S risk profile of the schools in light of their number, locations and concerns regarding their construction methods; and (c) the registration status of the schools and adherence to relevant health and safety requirements." The compliance investigation is ongoing.
 - b. [BIA-02/Kenya and BIA 03/Kenya cases](#): In June 2020, the CAO confirmed acceptance of two new cases on BIA, filed by the parents of two children who were electrocuted while in a BIA school in Nairobi, Kenya. The electrocution caused the death of one child and injuries to the other. The Complainants and the Company agreed to engage in dispute resolution to try to arrive at a mediated settlement. The dispute resolution process has concluded for BIA-02 case and is still ongoing for BIA-03.
 - c. [BIA-04/Kenya case](#): In the course of the BIA-01/Kenya investigation, CAO staff and experts travelled to Nairobi in February 2020. The investigation team spoke to community members who raised concerns regarding instances of child sexual abuse at Bridge schools. In December 2020, the CAO concluded in its appraisal report that there are "substantial concerns regarding the child safeguarding and protection outcomes of IFC's investment in Bridge considering: (a) specific allegations of child sexual abuse involving Bridge staff and students; (b) the child safeguarding and protection risks of the schools in light of their number, their student body (coming from low-income families), and the young age of students." The compliance investigation is ongoing.