



The Global Initiative
for Economic, Social and Cultural Rights

**Supplementary Parallel Report submitted by
the Coalition Marocaine pour l'Éducation pour Tous,
the Global Initiative for Economic,
Social and Cultural Rights,
and Sylvain Aubry**

**to the Pre-sessional Working Group of the
Committee on the Rights of the Child
on the occasion of the consideration of the
List of Issues related to the
Third and Fourth Periodic Reports of Morocco
during the Committee's 67th Session.**

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Recommendations to guarantee and promote the right to education in Morocco

This NGO report is supplementary to the parallel report submitted on 5th November 2013 by the Coalition Marocaine pour l'Éducation pour Tous, the Global Initiative for Economic, Social and Cultural Rights and Sylvain Aubry to the Pre-sessional Working Group of the Committee on the Rights of the Child on the occasion of the consideration of the List of Issues related to the Third and Fourth Periodic Reports of Morocco during the Committee's 67th Session (the parallel report).

1. In the parallel report, we suggested that the Committee asks the following questions to Morocco:
 - Has the State party assessed whether its policy of privatizing education in Morocco is the most effective in terms of realizing the Convention rights and corresponding obligations, in particular in order to address discrimination and how has it done so?
 - How does the State Party regulate, monitor and evaluate the provision of education by private providers in Morocco to ensure that it is consistent with Convention rights and corresponding obligations?

We would like to make the following key additional remarks and recommendations.

2. We note that the issue of education, including privatisation of education, is very important and topical in Morocco today. By way of example, His Royal Majesty the King of Morocco dedicated his 20th August 2013 "Speech To [the] Nation On [the] Occasion Of [the] 60th Anniversary Of [the] Revolution Of King And People" to the question of education in Morocco.¹ This speech drew a severe picture of the education system in Morocco, which is largely consistent with the content of our parallel report. In particular, the King noted that the state of education is worse now than it was twenty years ago in Morocco, and that "as a result, and in spite of their limited resources, a large number of families are compelled to pay huge fees for their children to study in foreign schools or private education institutions in order to avoid the pitfalls of the state school and enrol their children in an efficient system". The address re-emphasised the need to consider everyone as having an equal right to education, referring to the 2012 Throne Speech where the King considered that the education system needs to ensure equal access to education for all.²
3. The authors of the parallel report are undertaking a field study on this issue and from 5th to 26th November 2013 we conducted interviews of 25 stakeholders in the Moroccan education system, including government officials, international organisations working in Morocco, private and public school staff members, NGOs working on education, teachers, unions and school

¹ <http://www.maroc.ma/en/royal-speeches/speech-his-majesty-king-nation-occasion-60th-anniversary-revolution-king-and-people>

² See also the analysis of the Speech in Thierry Rambaud, « Le roi du Maroc ouvre le chantier de l'éducation », Bulletin de l'Observatoire d'études géopolitiques, N° 28 septembre 2013, http://www.etudes-geopolitiques.com/sites/default/files/pdf/BulletinOEG_nde_g_28-septembre_2013.pdf

inspectors. This phase of the research, which was the first out of three planned on-the-ground investigations of the education system in Morocco, has allowed us to identify trends regarding the impact of the development of private education on the right to education. These trends include:

- a. Private education is rarely a voluntary choice. Many parents putting their children in private schools do so because they feel that public schools do not offer minimum quality standards. The parents who do choose private education voluntarily have mentioned a desire to put their children with children of a similar social class and to symbolically differentiate themselves from the overall population.³
- b. In a country where the minimum salary is set at 2,333 Moroccan Dirhams (MAD) per month in 2013, and where a substantial part of the population earns less than the minimum salary, the school fees observed in the Kenitra – Casablanca area, which range from 500 MAD to 3,000 MAD per month, effectively bar most of the population from accessing private schools, *de facto* turning private schools in closed clubs for the richest households. For the low and middle income households who wish to put their children in private schools to access similar opportunities as rich households, the private school fees require families to make significant sacrifices impacting their other economic, social and cultural rights, such as the right to food.
- c. Some laws regulating private education providers exist; in particular, the Law 06-00 sets norms for the curriculum, the qualifications of the staff and requires private educational establishments to meet the minimum standards of infrastructure, coaching, programs and methods used in public education. However, these standards remain loose, and private schools are seldom regulated in practice, largely because of the lack of adequate means to enforce the legislation.
- d. The development of private schools also has indirect harmful effects on the right to education by affecting the quality of public schools. It has been reported that many teachers teaching in public secondary schools also teach in the private sector to improve their wage, but spend more time and energy delivering better quality courses for their private school than their public employer.⁴ Although the law requires public secondary school teachers to not work more than 8 hours a week in private schools, it appears to not be well enforced. Additionally, most private schools conduct learning entry and/or *de facto* income admissions tests, which create social and academic segregation by taking the best or most advantaged pupils, and leaving children with difficulties in public schools, thus further reinforcing their difficulties.
- e. Our research found a number of allegations that a number of private schools, as they are motivated by profit and need to show good results, artificially inflate the students' marks at the continuous national exams, and focus part of their teaching on pushing their students to obtain good marks rather than delivering a more comprehensive education

³ See also Sylvain Beck, « Un déplacement de frontière. Le cas des établissements scolaires français à Casablanca », October 2013, <http://www.sciencespo.fr/ceri/fr/content/un-deplacement-de-frontiere-le-cas-des-etablissements-scolaires-francais-casablanca?d03>

⁴ See for instance Saâdeddine Igamane, « Les cours de soutien payants au Maroc : une privatisation rampante de l'enseignement public », 15 November 2013, <http://farzyat.cjb.ma/les-cours-de-soutien-payants-au-maroc-une-privatisation-rampante-de-l-enseignement-public>

in line with the aims of education outlined in article 29 of the Convention on the Rights of the Child.

These are trends that we observed through the first in-depth field research, and they will be complemented by additional empirical research and analysis, including qualitative data collection and analysis in 2014. The results will then be communicated to the members of the Committee in mid-2014 in an additional report.

4. We also call attention to the recent report and comments by the UN Special Rapporteur on the Right to Education, in which he stated that “in many parts of the world inequalities in opportunities for education will be exacerbated by the growth of unregulated private providers of education, with wealth or economic status becoming the most important criterion to access a quality education.”⁵ He added that “while private schools can be an important partner in delivering education, it must be recalled that private companies focus on maximizing profit. While preserving public interest in education, effective sanctions in the case of abusive practices by private providers of education are necessary”⁶. Further he insisted that “[a]t a time when market-based approaches in government are becoming prevalent, Governments must be reminded of their primary responsibility to ensure social equality without discrimination”.⁷ He concluded that “social interest in education must be protected with regard to its mercantilization, geared towards commercial gains only. Education should be preserved as a public good and not be allowed to be reduced to a mere business.”⁸

5. **Accordingly, the government should:**

- a. **Conduct a study on the direct and indirect impacts of the development of private education on the enjoyment of the right to education, which seeks the inputs of all stakeholders including civil society organisations, parents’ associations, and human rights bodies;**
- b. **Take all the necessary measures, which may include the measures suggested below, to avoid any direct or indirect harmful impact of the private educational sector and to ensure that the private sector contributes to the fulfilment of the right to education for all in Morocco, as was originally planned in the Charte nationale de l’éducation et de la formation (National education and training charter [the Charter]) in 2000⁹;**
- c. **Ensure that it has the necessary means, in particular through adequate staffing of inspectors at the regional academy level, to strictly enforce the *Dahir* n° 1-00-202, the *Décret* n° 2-00-1015 and other laws and policies governing private education, as was anticipated in the Charter¹⁰ and make inspectors reports available so that parents are able to make meaningful evidence-based choices about private and public education providers.;**
- d. **Put in place an accessible and efficient remedy mechanism which applies to public and private education providers for parents and children who consider that their right to**

⁵ A/68/294, para. 26.

⁶ Ibid., para. 100.

⁷ Ibid., para. 101.

⁸ Ibid. para. 99.

⁹ In particular at para. 163.

¹⁰ Ibid.

education is being violated. This remedy may be judicial¹¹ and/or administrative, for example through the national human rights institution.;

- e. Institute a moratorium on the opening of new private schools until items a – d above are in place;
- f. Regularly collect and make publically available data on private school fees and social diversity amongst the pupils attending private and public schools, so as to be able to identify and understand inequalities and review and amend if necessary its laws and policies governing education providers.;
- g. Take immediate measures to ensure that everyone can access quality education without distinction on account of social origin or other prohibited grounds and to ensure that everyone has a real educational choice. This could for instance include measures to require private schools to accept a percentage of pupils from low-income households without any fee,¹² to set a ceiling for school fees,¹³ or to fix a progressive rate for school fees based on households' income.; and
- h. Given its obligation to use the maximum available resources to respect, protect and fulfil the right to education of Moroccan children, re-assess the distribution of resources to private education providers in Morocco, including through taxation or other concessions, and take measures to ensure that the maximum available resources are in fact being directed to fulfilling the right to education. In particular, the government could condition its support to private schools on adherence with strict criteria that assess whether they consider education as a public good, for instance:
 - i. Whether the school uses all of its benefits to invest in educational quality and equality;
 - ii. Whether the school contributes to efforts to bring quality education to rural and disadvantaged areas; and
 - iii. Whether the school sets reasonable school fees allowing a diversity of pupils from all social origins to attend the school.

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¹¹ For example illustrated by a recent landmark court case in Cambodia, where the High Court directed action in cases of collection of excess admission fees by private schools. See <http://www.campebd.org/Details.php?DetId=23>

¹² As was done for example in India.

¹³ As for example in Cambodia.