Sao Paulo/Quito, Nov. 1, 2023

To: Maria Meramendivilla

Office of the United Nations High Commissioner

In the context of the presentation of your report to the Human Rights Council at its fifty-sixth session, the Latin American Campaign for the Right to Education (CLADE, for its acronym in Spanish) and the Global Campaign for Education (GCE) are pleased to share some contributions on the importance of specifically deliver free public inclusive transformative education for all to promote and protect human rights and in achieve of the Sustainable Development Goals (SDGs).

1. **Main Challenges and barriers to access and to fulfill the realization of the right to education and the provision of public education services.**

   Halfway between the adoption of the Agenda for Sustainable Development in 2015 and the 2030's deadline, the UN has alerted the international community that the world is nowhere near reaching the Sustainable Development Goals. This statement resonates with what can be observed in the specific goal 4.

   Resonating with Katarina Tomasevski, who detailed the content of the human right to education, highlighting the four dimensions that the State must guarantee in educational services to comply with the realization of the right: affordability, accessibility, acceptability and adaptability. Additionally, we consider that States must comply with a fifth dimension, accountability, allowing educational communities to participate in the debate and decision-making to qualify public policies and to control State action and the transparent and adequate use of public resources. This framework can be interesting to analyze all public services from a human rights perspective, as proposed in the document Future is Public: Global manifesto for public services

   What the GEM Report 2023 shows, however, is that 80% of the goals of SDG 4 are delayed or will not be achieved. In Latin America and the Caribbean, according to a report by ECLAC, in the current state, only target 4.3 will be achieved by 2030. The UNESCO document also revealed how the digitization of education, adopted during the COVID-19 pandemic, very quickly and without planning to avoid breakdowns in educational trajectories, favored the privatization and entry processes of large technological corporations in education.

   These new actors, who have a disproportionate power to influence education policies, began to press for changes in policies and for the adoption of digital tools that do not necessarily respond to the public interest, but to their individual interest

in increasing their profits. In this sense, the GEM Report warns that there is little impartial scientific evidence on the impact of technology on learning outcomes and that most of the studies that defend it are biased because they are generally prepared quickly by the same actors interested in continuing to sell their products and technological solutions to governments.

It should also be noted that, during the COVID-19 pandemic, many family leaders faced economic problems and had to take their children out of private school and send them to public school. This shows the centrality of free education to guarantee the right to education not only of groups that have historically been excluded from public policies, but of all people who at one time or another in their lives need to continue their studies without breaks. Obviously, that process put pressure on public education systems, which shows the need to have sufficient resources for education.

It is also worthy to highlight that, although education systems across the world had embraced the idea of *transformation and change* as a way to achieve SDG4, notions of transformation and positive change had rarely resulted in transformative education policies aiming to expand people's opportunities to enjoy the right to education and develop the academic and critical skills they need to navigate everyday life and the impacts of multiple crises. As a result, the gap between policy declarations and policy implementation remains significant and millions of children and youth are still out of schools, notably in low-and-middle income countries and those affected by multiple crises and emergencies.

In Latin America and the Caribbean, according to the latest report produced by UNESCO, UNICEF and ECLAC, 170 million children and young people were left out of the education system in the context of the pandemic and their return is extremely slow or non-existent.

Education systems in many places are still reproducing patriarchal practices in which the education of girls and women is often undervalued and consistently underfunded. Furthermore, in some of these systems, the reproduction of gender inequalities, as well as multiple forms of oppression, intolerance, racism and violence against ethnic and religious groups can be found. Also, the lack of consistency between ideas of positive transformation and inclusion and the lack of policies and practices to make education inclusive for people with disabilities prevails and deserves special attention.

In addition, every year, conflict, disaster, climate change and health-related emergencies dramatically disrupt the right to education of millions of students, families and communities. Further, figures for the period 2020-2021 show that attacks on education, including the military use of schools and universities, accounted for more than 5,000 cases which affected at least 9,000 students and educators (GCPEA, 2023).

The confluence of multiple crises, including conflict, displacement, disaster, climate change, and the COVID-19 pandemic, compromise the right to quality lifelong learning education for all and the achievement of SDG4. It is estimated that all these crises have increased the number of crisis-impacted children in need

of urgent quality education to 224 million[1], while millions of various groups of learners were left outside of the processes of formal and non-formal education.

Although all these emergencies affect people in both the global south and the global north, the negative impacts are not equally distributed. They consistently affect low-income countries and those members of the society who are frequently left behind by education policies and more generally for development policies.

Most of these crises are foreseen. Nevertheless, few countries have an overarching national strategy that expressly enshrines the right to education – and when they have, planning tends to overlook the significant and long-term impacts of emergencies in the provision of education. Schools are often used as emergency shelters and the reconstruction of school infrastructure, following attacks, climate change-related emergencies or disaster, tend to take years if ever completed. Teachers' shortage in these contexts are also significant.

The corollary of these is that emergencies disrupt education opportunities and many of those who drop out, never go back to school. Besides, students, families, and communities affected by emergencies consistently call into attention the need for governments to design and implement comprehensive programmes to support those dealing with the physical and mental impacts of emergencies.

The COVID -19 pandemic, along with austerity programmes largely imposed by international financial institutions, notably the World Bank and the International Monetary Fund, have made much more visible the profound structural inequalities that characterise our societies and our education systems. In fact, as the Joint Education Financing Program (World Bank and UNESCO) shows, two-thirds of low-income countries and countries in the lower-middle-income category have reduced their general education budgets since the onset of the pandemic. In comparison, one-third of countries in the upper-middle-income category and high-income countries have also reduced their budgets, albeit to a lesser extent.

As Abdel Karim (2022) discusses, these differing trends lead to a widening gap in education expenditures between low-income and high-income countries. Prior to COVID-19 in 2018-2019, high-income countries were spending around $8,501 annually per child or youth on education, compared to approximately $48 in low-income countries. The pandemic has exacerbated the huge disparity in per capita education spending between rich and poor countries.

Furthermore, the analysis shows that austerity measures which tend to prioritise debt payments to creditors over financing the provision of social services for the population compromise the achievement of SDG4. Evidence for countries in different regions of the world shows that low-and-middle income countries are unlikely to increase funding for education unless progressive taxation systems are put in place and unless multilateral organisations adopt aggressive policies to reduce the debt service pressure on these countries.

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[1] Education Cannot Wait Issues (2023) New Global Estimates Https://www.education cannot wait.org/.

But the challenge of education funding extends beyond merely mobilising more resources; it also involves improving the quality of funding allocated to education budgets to decrease historical and new inequalities. In this sense, it is crucial to adopt affirmative actions and policies to ensure the inclusion of marginalized groups in the budget and to adopt a gender-based budget and expenditure.

2. **Good practices and approaches taken to overcoming identified challenges to the provision of public services.**

Despite the challenging scenario, there are many examples that prove that it is possible to offer quality public educational services that respond to the five As, even in low- and middle-income countries. The Privatization in Education and Human Rights Consortium prepared a study that presents five inspiring case studies in this regard, developed in Bolivia and Ecuador, Brazil, Cuba, Namibia and Vietnam.

In summary, the comparative analysis of the cases reveals that:

- Locally relevant education systems motivated by social justice can drive powerful social change
- Teachers serve as catalysts for public education systems' change when they are valued, trained, and empowered in both schools and strategy.
- Participatory and supportive accountability promotes professional development and public education quality
- Engaged communities enhance the quality of public education
- Sustained public education finance drives social transformation through enhanced quality and inclusion

On the other hand, CLADE also developed studies on significant and relevant cases of public educational provision in youth and adult education,education for migrants and education for indigenous young women and adults in Latin America.

3. **Participation of private actors in public service delivery**

Despite studies showing that populations continue to aspire to and support the strengthening of public education services (see *Popular support for public education in global perspective*, UNESCO 2021), there is an increasingly rapid trend in the entry of private actors into this field worldwide.

In the last decade, privatisation in education has emerged as one of the key threats to the development of public education systems, as a major debate in the field of education and beyond, and as a central part of discussions in other fields such as human rights. This privatisation of education includes not only an increase in the number of traditional private schools catering to the elite, but also the rapid expansion of low-cost profit-making schools targeting poor households, large-scale commercial investments in private school chains, private tutoring, privatisation of education services such as testing, increased education provision and funding through public private partnership arrangements, government and donor support for private education expansion, the adoption of private sector management techniques in the public education sector, among others. This affects rights holders directly in their capacity to fully enjoy the right to education without discrimination, since the diverse manifestations mentioned above also

contribute to opaque systems where education is not framed as a public good but as a commodity, where the process for public scrutiny is not in place. All these components pave the way for discretional procedures, discriminatory processes that impact the most vulnerable, leaving them behind.

In Latin America and the Caribbean, the greatest pressure occurs in early childhood education and higher education, although the participation of private actors and large networks of schools – low cost or very high cost - in basic education has also grown in the region, with low state regulation. In Chile, after decades of adopting neoliberal policies, the privatization of education generated high segregation between students and schools, which has been denounced in the last 20 years by secondary school students and other actors, with great state repression (about 700 annual expulsions between 2016 and 2020, according to official data, which amounted to 1200 after the return to face-to-face presence after the pandemic).

In addition, in recent years, along with the dissemination of the narrative of the global crisis of education and learning, there is a growing discourse in all regions of the globe that puts technology as a fundamental tool to overcome these crises. The OECD launched a document called AI and the Future of Skills. Educause the study Driving Digital Transformation in Higher Education, which presents "technical" solutions to solve complex socioeconomic and political problems in education.

In this context, an exponential growth of private companies has been observed, which develop platforms, software, applications and other "solutions" not only to directly provide distance education (from preschool and to university, also through professional and permanent training throughout life), but also to "improve" learning processes, educational and school network management, evaluation, student behaviors, data analysis, automation and artificial intelligence, communication, among others (Ben Williamson & Anna Hogan, 2020).

It is a market that tends to monopolize from the creation of an infrastructure and technological patterns that are adopted globally by individual students, companies and governments, generating an increasing dependence on a few corporations that sell their products on a large scale and creating interoperability problems that make it difficult for other actors to enter those markets.

As the 2022 report of the United Nations special rapporteur on the human right to education, Boly Barry, says, technology should be a tool to guarantee the right to a free and quality public education and to accelerate States' commitments. If properly used, it could bring benefits, reduce inequalities and foster the development of human dignity, based on support for educational processes that promote individual and social transformation and more democratic citizen participation in the debate and decision-making of educational policies.

What is observed, however, is that, during the pandemic, the use of technologies has reinforced the gaps that already existed between historically marginalized groups, weakened the role of teachers, homogenized knowledge and even the way of thinking of people, and captured personal data. States themselves are

increasingly dependent on the data and infrastructures produced by large technology corporations.

Equally worrying is the fact that, during the pandemic, agreements between technology corporations and States have been made without planning, in a hurry and with little transparency. It is very difficult to access established contracts to know the conditions of the agreements, duration and others. In addition, as mentioned above, there is little scientific evidence on the efficiency and effectiveness of the tools adopted, since they change very quickly and unbiased peer-reviewed studies fail to follow the same speed. As a result, the private suppliers of technological tools themselves develop rapid and questionable studies to verify the efficiency of their solutions, in order to continue increasing their profits through the sale of new products to the States, which can generate waste of resources.

4. Economic policies, legislation, promising practices, or strategies

The inclusion in the public agenda of the urgent need to eradicate illicit flows of resources, tax avoidance and evasion and tax havens, as well as to adopt mechanisms for taxation of corporations and large individual fortunes to promote tax justice in the world is very promising.

In Latin America and the Caribbean, tax evasion and avoidance accounts for 6.1% of the regional gross domestic product, approximately 325 billion dollars in 2020. In countries such as Argentina, for example, the application of fiscal justice measures such as 50% annual tax on large fortunes, 10% increase on properties and 20% reduction in tax expenses would contribute 16% to the national education budget.

During the pandemic, some Latin American countries increased taxes on large fortunes (cases of Argentina and Bolivia), which made it possible to create a fiscal environment that was a little more favorable to dealing with the multiple crises resulting from the pandemic – although the processes have been adopted exceptionally and only for the first year of the pandemic.

On the other hand, for the first time, [Latin America held a summit of finance ministers in Colombia](#) on the subject and the United Nations is promoting discussion on a tax convention, encouraged by different African countries.

In the LAC Regional Committee for Monitoring the Implementation of SDG4 and in the High Level Steering Committee, education ministers have committed to moving forward with the adoption of fiscal justice mechanisms to expand domestic funds for education.