Education for All by 2015: A Freedom Based Approach

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**Abstract**: The prevailing consensus within the international community on how to achieve education for all, or universal access to education, is based upon what is commonly referred to as the rights-based approach. This consensus is now being challenged by widespread government failure and the remarkable growth of private schools for the poor across the developing world. In order to achieve education for all in the 21st century a new freedom based approach is recommended.

**Key words**: rights based approach, freedom based approach, private schools
1. Introduction

The prevailing consensus within the international community on how to achieve education for all, or universal access to education, is based upon what is commonly referred to as the rights-based approach. This consensus is now being challenged by widespread government failure and the remarkable growth of private schools for the poor across the developing world. In order to achieve education for all in the 21st century a new freedom based approach is recommended.

2. The rights-based approach

The prevailing consensus within the international community on how to achieve education for all, or universal access to education, is based upon what is commonly referred to as the rights-based approach. According to UNESCO/UNICEF (2007), the goal of a human rights-based approach to education is ‘to assure every child a quality education that respects and promotes her or his right to dignity and optimum development’ (UNESCO/UNICEF, 2007, p. 1). A conceptual framework for this approach is also provided which includes the following three interlinked and interdependent dimensions:

The right of access to education – the right of every child to education on the basis of equality of opportunity and without discrimination on any grounds. To achieve this goal, education must be available for, accessible to, and inclusive of all children.

The right to quality education – the right of every child to a quality education that enables him or her to fulfil his or her potential, realize opportunities for employment and develop life skills. To achieve this goal, education needs to be child-centred, relevant and embrace a broad curriculum, and be appropriately resourced and monitored.

The right to respect within the learning environment – the right of every child to respect for her or his inherent dignity and to have her or his universal human rights respected within the education system. To achieve this goal, education must be provided in a way that is consistent with human rights, including equal respect for every child, opportunities for meaningful participation, freedom from all forms of violence, and respect for language, culture and religion (UNESCO/UNICEF, 2007, p. 4).

According to UNESCO/UNICEF, for the right to education to be guaranteed, each of these three dimensions must be addressed simultaneously. Organized attempts at promoting the
concept of the right to education have been made since 1948, and they have been directed and controlled by UNESCO, UNICEF, the World Bank and an increasing number of government agencies, NGOs and charities. International aid has been at the heart of these developments and it has been used to build new schools, train new teachers and provide educational technology and equipment. A major initiative over recent decades has been the United Nation’s School Fee Abolition Initiative (SFAI), where international aid has been used to abolish school fees at all government primary schools, predominantly in African countries. This has been the general approach over the previous half-century and important progress has been made in increasing access to education across the developing world. This is the context in which the following developments have taken place.

3. The rise of private schools for the poor

For the majority of development experts, as private education is concerned only with serving the privileged, it is irrelevant to interests about extending access to the poor. However, the existence of a burgeoning private education sector serving the poor is now acknowledged in the development literature. For example, the Oxfam Education Report states, ‘. . . the notion that private schools are servicing the needs of a small minority of wealthy parents is misplaced . . . a lower cost private sector has emerged to meet the demands of poor households’ (Watkins, 2000, pp. 229–30). In India, the Probe Team (1999) examined villages in four north Indian states and found that ‘even among poor families and disadvantaged communities, one finds parents who make great sacrifices to send some or all of their children to private schools, so disillusioned are they with government schools’ (p. 103).

Reporting on evidence from Haryana, Uttar Pradesh and Rajasthan, De et al. (2002) have noted that ‘private schools have been expanding rapidly in recent years’ and that these ‘now include a large number of primary schools which charge low fees’ (p. 148). For the poor in Kolkata there has also been a ‘mushrooming of privately managed unregulated . . . primary schools’ (Nambissan, 2003, p. 52), and research in Haryana, India, has concluded that private schools are now operating practically ‘in every locality of the urban centres as well as in rural areas’ (Aggarwal, 2000, p. 20). These findings are reinforced by the EFA (2009) Global Monitoring Report, which confirms that private provision in some developing countries is no longer the sole preserve of the rich and that ‘[p]rivate primary schools charging modest fees and operating as small businesses, often with neither regulation nor support from government, are changing the education landscape’ (EFA, 2009, p.162).

Tooley and Dixon (2007) have carried out more detailed research in Hyderabad, Andhra Pradesh, and of the 918 schools they found located in low-income areas, 320 (34.9 per cent)
were government, 49 (5.3 per cent) were private aided, and 549 (59.8 per cent) were private unaided. Of these, the largest number are unrecognized (335 schools, or 36.5 per cent of the total), while 214 private unaided schools were recognized (23.3 per cent of the total) (Tooley and Dixon, 2007, p. 21). Not only were government schools in an overall minority, but there were more unrecognized unaided schools than government schools. The total number of children in all 918 schools was 262,075, and 65 per cent of school children attended private unaided schools. Therefore, a large majority of the children in the low-income areas of Hyderabad are reported to be attending private unaided schools (ibid., p. 22).

Tooley and Dixon also carried out extensive testing on children in both private and government schools in Hyderabad and found both that mean scores in mathematics were about 22 per cent and 25 per cent higher in private unrecognized schools and recognized schools than in government schools, and that this advantage was even more pronounced in English. While the majority of parents with children attending private schools in Hyderabad paid school fees, approximately 18 per cent of children in Hyderabad were provided with a free school place. Salaries in government schools were also nearly four times the reported salaries in private schools.

Based upon their research, Tooley and Dixon (2005) make the following conclusions. First, the majority of children in the poor areas of Hyderabad which they studied were attending private unaided schools. Second, this meant that the official number of school enrolments was widely underestimated. Third, children were getting better results in private unaided schools and, finally, the teacher costs in private unaided schools were significantly less than government schools. It is fair to suggest that Tooley and Dixon (2005) had stumbled across a ‘notable education revolution’ currently taking place in Hyderabad and their research also found similar developments occurring in China, Kenya, Ghana and Nigeria.

Based on his research findings over the previous five years, Professor Tooley’s 2006 essay, Educating Amaretch: Private Schools for the Poor and the New Frontier for Investors, won the first prize in the International Finance Corporation and Financial Times’ first annual essay competition, ‘Business and Development: Private Path to Prosperity’, and on 17 February 2007, the Financial Times also referred to the subject in its editorial under the heading ‘Educating the Poorest’:

Without literacy and numeracy, people are doomed to a life of poverty. Development experts know that. So, too, do parents. Disgusted by corrupt and incompetent public sector provision, many of the world’s poorest people are turning to private sector alternatives. This is a fascinating development, on which the world should now build. . . . Almost everybody knows that governments cannot run factories, farms or shops. But many people still expect them to do a first-rate job of delivering education. They
are deluded. Poor parents have realised this already. They have also done something about it. . . . Education is not, as has long been believed, too important to be left to the private sector. It is, instead, too important to be left to failing public monopolies. The private-sector revolution empowers the one group of people that cares about the education of children: their parents. Outsiders – both official and private – must build on the initiative the poor have shown. (Educating the Poorest, 2007)

While views to the contrary may well be found in other national newspapers, these are still significant developments as it suggests that an increasing number of people and organizations are now prepared to take seriously the idea that private schools can cater for low-income families, a concept which was still being dismissed a decade ago.

In response to the increasing awareness of the growth of private schools serving low-income families, a number of different organizations have responded to help stimulate growth in the sector. For example, Scholarships for Kids is a UK charity set up in 2008 to provide the first scholarship programme dedicated to helping children in some of the world’s poorest slum areas attend a new generation of budget private schools. With a scholarship costing only £75 per year, the programme is already giving access to education to hundreds of children living in the Kibera slums on the outskirts of Nairobi.

Opportunity International is the UK’s largest microfinance charity seeking to empower people in developing countries with microfinance so that they can work their own way out of poverty. In 2008, Opportunity International started its new Microschools programme, which provides loans to ‘edupreneurs’ to help set up new private schools serving low-income communities. Microschools are now operating in fifty locations in Ghana and nine in Malawi and they now intend to expand this pilot into several other countries across Africa and Asia.

According to the Indian School Finance Company (ISFC), the low-cost private school market in India is now booming, with an estimated 75,000 private schools in low-income areas across the country. As a result, in January 2009 the ISFC began to provide medium-term loans at market rates to low-cost private schools across India for computer laboratories, teacher training, furniture and building more classrooms. By September 2009 they had already financed 119 schools and impacted the lives of 90,882 children. The ISFC’s goal is to identify the most capable school entrepreneurs in local communities and help them improve the academic quality of their programmes for more children. Starting in Hyderabad, Andhra Pradesh, they now intend to expand their operations to four more cities by the end of 2010.
In September 2008 a joint venture between the Deutsche Bank Americas Foundation, NewGlobe Schools, Gray Ghost Ventures and the Kellogg Foundation announced an $8 million commitment to finance emerging affordable private schools across Kenya and India. Gary Hattem, President of the Deutsche Bank Americas Foundation, stated that ‘[w]e recognize the important role that low-cost private schools play in educating poor children in the developing world and are excited to be a part of those initiatives, which strive to achieve scalable models for high quality low cost schools’ (Hattem, 2008). The project will aim to develop scalable systems that will use new capital to strengthen local expertise to extend the reach of low-cost private schools to poor children in India and Kenya. This commitment is expected to help develop the capacity of teachers, principals and school leaders; improve the management of resources; and work towards creating a standardized, high-quality delivery model. During the first two years, it will hope to directly impact 100,000 poor children in India and Kenya, and potentially benefit millions more in the future. According to Steve Hardgrave, Managing Director at Gray Ghost Ventures, the aim will be to build upon the success of the use of microfinance in other sectors of the economy to help ‘dramatically expand access to quality education for poor children in the developing world, and this will have a game-changing effect on poverty alleviation’.

4. Understanding the right to education

The recent growth of private schools for the poor in developing countries has raised a number of important questions concerning the concept of the right to education and its relevance in the twenty-first century. The original definition of the right to education agreed and sanctioned by the United Nations and the wider international community can be found in Article 26 of the 1948 Universal Declaration of Human Rights:

Article 26, Universal Declaration of Human Rights

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit;

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;
Parents have a prior right to choose the kind of education that shall be given to their children (UN, 1948).

While readers may be familiar with the contents of the first two paragraphs, the inclusion of Paragraph 3 raises further difficult questions. For example, what is meant by the right to choose in education for parents living in developing countries? And how does this right relate to the right to free and compulsory education outlined in Paragraph 1?

The answers to these questions can be found in the historical documents which recorded the debates and discussions that took place during the process of drafting Article 26 in 1947 and 1948. Until the final stage of the drafting process, Article 26 still only included the first two paragraphs. However, there remained serious concerns about the inclusion of the word compulsory in Paragraph 1, after a previous vote to remove it had been narrowly defeated by eight votes to seven. The fear was that free and compulsory education might be misinterpreted to mean that the control of education should be left entirely to the discretion of the state, or that the state should have unrestricted authority over education. It was important to exclude the possibility of situations in which governments had the power to prevent parents from educating their children as they wished. There were also concerns that the first two paragraphs had completely failed to acknowledge the importance of the people who were ultimately responsible for children’s education – their parents.

For many of those involved in the drafting of Article 26, free and compulsory education was no longer sufficient to guarantee the right to education in the post-war period. The abuse of education in Nazi Germany was still too fresh in their minds. Free and compulsory education did not mean that education should be controlled by the government, or that a government monopoly should be allowed to develop, as this would clearly undermine the right of parents to choose. The purpose of Paragraph 3 was to safeguard this right by stating it explicitly. Paragraph 3 was therefore included in Article 26 to help ensure that free and compulsory education was not misinterpreted to mean that the state was free to develop a monopoly in the delivery of education and deprive parents of the right to choose, and also to recognize that, while the state can guarantee education, the primary responsibility and the right to determine education rests with parents.

The UN records also provide a unique insight into the relationship between each of the three paragraphs of Article 26 and help to shed new light on the purpose and meaning of the right to education, as defined by the international community in 1948. While the three paragraphs are numbered one to three, this merely reflects the order in which they were drafted and does not reflect a particular hierarchy of importance. The records also suggest that it was not the original intention of those who drafted Article 26 for each of three paragraphs to be
addressed separately, or that any single paragraph should take priority over the others. In particular, it was not their intention for Paragraph 1 to be addressed in isolation to the others. Instead, while each paragraph addresses a different component of the right to education, all three components are interconnected and dependent upon each other. The right to education, therefore, can only be guaranteed when a careful balance between the three components is achieved. Figure 1 shows the interconnected paragraphs of Article 26.

**Figure 1 Article 26 and the right to education**

In Figure 1 the right to education is represented by three interrelated components which interact not only with each other, but also with the surrounding environment. It is only when all three components interact together that the right to education is guaranteed – the whole (the right to education) is therefore greater than the sum of its parts.

The fact that Paragraph 3 was included specifically to prevent a government monopoly in the delivery of education implies that the right to education cannot be guaranteed unless there is a large and healthy private sector in education. This suggests that the recent growth of private schools serving low-income communities in developing countries is entirely consistent with the original concept of the right to education as defined in Article 26 in 1948. It simply represents an example of parents exercising their basic right to choose in education and, contrary to popular belief, this basic human right is not only relevant to middle and high-income families but it is important to all parents, irrespective of income.
However, when comparing the current rights-based approach to education for all, discussed earlier, with the above interpretation of the right to education, it immediately becomes clear that the basic right of parents to choose and control the kind of education their children receive has completely disappeared. Instead, it is the rights of children which now appear to dominate the discussion. This point has previously been discussed by Willmore (2002), who suggested that while the failure to educate all children has received much attention, ‘failure to allow freedom of choice, in contrast, has received little attention in international fora, even though this human right, without question, is violated more frequently than the right to free education’. Willmore (2002) concludes that this violation of a basic human right is so widespread that many development experts no longer question its wisdom or its morality.

5. A freedom-based approach
If the international community is to reverse this ongoing neglect of the rights and responsibilities of parents, and if it is to embrace the growth of private schools for the poor, then a new freedom-based approach may now be required. A useful insight into what the freedom-based approach to education for all will look like is provided by the way the United Nations approaches the task of guaranteeing the right to food, and food for all. While there are obvious differences between food and education, both can be defined as basic human needs, with food clearly ranking as the most important.

The UN’s Food and Agricultural Organization (FAO) was established in 1945 with a mandate to raise levels of nutrition and to improve agricultural productivity. Food was recognized as a basic human right in Article 25 of the 1948 Universal Declaration of Human Rights, and at the World Food Summit in 1996 the UN reaffirmed the fundamental right of everyone to be free from hunger and the right of everyone to have access to safe and nutritious food. Member states therefore pledged themselves to achieve Food for All, with an immediate objective of halving the number of undernourished people by 2015. While the FAO states that the primary responsibility for ensuring the right to adequate food and the fundamental right to the freedom from hunger rests with national governments, this does not mean that governments have a duty to distribute food to all their citizens. Instead, they have an obligation to respect the right to food by not interfering with individuals’ efforts to provide for themselves, and should help those who do not already enjoy the right to food by creating opportunities for them to provide for themselves. It is only after these safeguards fail to secure food for all that a government has a responsibility to provide food, especially to those unable to help themselves. However, while the FAO refers to a government’s obligation to provide for the vulnerable by the direct distribution of food, an alternative is also
recommended; governments may also issue food vouchers, which may be much more cost-effective.

The government’s obligation to fulfil the right to food comprises an obligation to facilitate, which means that it should create and maintain an ‘enabling environment’ within which people are able to meet their food needs. Therefore, facilitating the enjoyment of the right to food does not necessarily mean direct government intervention, but that government can take steps to ensure private markets are allowed to perform well. National governments can therefore take a number of measures to promote private food markets without resorting to direct food assistance, including reducing barriers to obtaining trade licences, making it easier for companies to enter the market, reducing value-added taxes to keep food prices affordable and by introducing legislation to prohibit monopolies.

The question of how a freedom-based approach will operate within the existing human rights framework has also previously been outlined by the Special Rapporteur on the Realization of Economic, Social and Cultural Rights, Danilo Türk. In a 1992 report, Türk reflects on the need for new approaches in implementing social and economic rights and, under the sub-heading ‘Creating standards or creating space?’ he raised the question of whether the United Nations should perhaps focus more on the creation of space than on creating standards:

Creating political, legal, social and economic space, implying the expansion of access to space, to decision-making, to individual, family and community choices and to de facto opportunity to assert, demand and claim economic, social and cultural rights are processes at least as critical to the attainment of these rights as is the creation of new legal or quasi-legal standards. (Türk, 1992, para. 188)

As Türk suggests, creating space recognizes the fact that a significant proportion of the obligations associated with economic, social and cultural rights are negative in nature, implying that government has a duty not to intervene in certain areas of people’s lives. The creation of space therefore does not require substantial government expenditure, but instead requires a government to create the conditions necessary for the eventual fulfilment of these rights, and so ‘[t]he creation of space by Governments can, in fact, lead to improvements in the livelihood of citizens by simply allowing people to create their own solutions to their own problems’ (Türk, 1992, para. 192). According to Türk, this approach also recognizes the frequent inability of governments to intervene sufficiently or provide the necessary resources for these rights to be widely enjoyed. The government should allow these processes to flourish, while simultaneously acting in full accordance with any international obligations
concerning these rights. He concludes that ‘[i]t is in these areas that the relevance of “freedom” enters the domain of economic, social and cultural rights’ (Türk, 1992, para. 193).

Therefore, when the freedom-based approach is applied to education, governments will have an obligation to create and maintain an ‘enabling environment’ within which parents are free to exercise their right to choose how their children should be educated. This places a further obligation on governments to respect the rights and responsibilities of parents by not interfering with their efforts to help themselves. Creating space for education to develop will therefore allow parents to create their own solutions to their own problems. A critical role of government in the freedom-based approach to education will be to ensure that private education markets are allowed to perform well by: establishing and maintaining a fair and level playing field; promoting competition; reducing barriers to entry and making it easier for new schools to enter the market; restricting monopolies; reducing all forms of taxation on schools; and removing all unnecessary and bureaucratic regulations. The role of government will be to positively encourage choice, competition and entrepreneurship in education.

Finally, the freedom-based approach in education is also based on the clear recognition that national governments do not have access to the knowledge or resources that would enable them to guarantee education for all, while also respecting the rights and responsibilities of parents. In circumstances where parents are unable to help themselves, governments can address this problem through the issue of school vouchers, which parents are free to use at the school of their choice. This is the only way of guaranteeing universal access to education without undermining the right of parents to choose.

6. Conclusion

In his 2008 publication The Power of Freedom – Uniting Development and Human Rights, Jean-Pierre Chauffour is heavily critical of development experts who often promote top-down poverty-reduction and growth strategies, supported by international aid and aid agencies, while completely neglecting the fundamental role of freedom in development. Chauffour concludes that ‘the debilitating outcomes of traditional development policies in many low-income countries are often the direct, albeit unintended, result of a disregard for freedom in development’ (p. 131). These same arguments can equally be applied to the international community’s efforts to assist in the growth and development of education in developing countries over the previous half-century. While the focus of attention has been on state intervention and control, top-down central planning and international aid, there has been less attention paid to respecting the rights and responsibilities of parents and restricting government intervention in order to allow the natural growth of education to flourish. A government monopoly of free and compulsory state schools and a rights-based approach to
education for all is not the only approach which national governments across the developing world can choose to embrace. For those governments prepared to reject the prevailing consensus and blaze new trials, the freedom-based approach to education for all may soon become an increasingly attractive alternative.

References


