



Asia South Pacific Association  
for Basic and Adult Education  
Learning Beyond Boundaries



■ Taken by PCE Pakistan in a primary school in a rural union council of Jamshoro, Sindh where kindergarten to grade 5 are housed in one room. There is one teacher (who attends three times a week) to cater to all children in this school. The main reason why children as young as 6 drop out of school here is poverty due to which they are forced by circumstances to work in the government owned coal mine in the vicinity.

## Addressing Privatisation Using Human Rights Review Mechanisms

*The experience of national education coalitions and ASPBAE in countering the privatisation of education in Asia-Pacific using human rights tools and mechanisms*

For the period 2015 to 2017, national education campaign coalitions, in cooperation with the Asia South Pacific Association for Basic and Adult Education (ASPBAE), launched a coordinated lobby campaign using human rights review mechanisms to highlight the issue of the rising privatisation and commercialisation of education in the Asia-Pacific region. Five national civil society education coalitions from the Philippines, Mongolia, India, Nepal, and Pakistan conducted country case studies, prepared parallel reports, and engaged the relevant UN treaty bodies and the UN Human Rights Council (HRC) on the issue of privatisation and its impact on the right to education.

This Explainer presents a background of the human rights review mechanisms and the story of the lobby engagement of the concerned coalitions with ASPBAE in cooperation with international partners, notably, the Global Campaign for Education (GCE), ActionAid International (AAI), Global Initiative for Economic Social and Cultural Rights (GI-ESCR), Education Support Programme (ESP) of the Open Society Foundations, and the Right to Education Initiative.

The push towards the privatisation and commercialisation of education globally and in the Asia-Pacific region is a major concern that has been noted by the UN Human Rights Council and various treaty bodies. ASPBAE and national education coalitions in the region noted that privatisation discriminates against the poor, widens gender inequality, undermines the public education system, and leads to segregation. These issues are explained in-depth in the accompanying publication which presents the summaries of the parallel reports submitted by the national education coalitions to the relevant human rights bodies.

## BACKGROUND ON HR REVIEW MECHANISMS

### What are the available human rights review mechanisms of the United Nations as mandated by international law and human rights treaties?

The human rights mechanisms of the United Nations (UN) are periodic reporting and review mechanisms to monitor the compliance of State parties to obligations under international law, conventions and the treaties which they ratified. These mechanisms are undertaken primarily by the UN treaty bodies and the UN Human Rights Council (HRC). State parties are obligated to submit periodic reports on the implementation and enforcement of human rights to the relevant treaty body. Under this periodic reporting are constructive dialogues with State authorities to assess the status of their human rights obligations, including the right to education. Other stakeholders, including CSOs, can participate in the review process by submitting parallel or alternative reports, and meeting with the concerned committees and their members.

*The UN human rights treaty bodies play a prominent role in guiding the States and other stakeholders towards the full implementation of the treaties through the monitoring process.*

The committees are composed of independent experts who are elected by State parties and whose competence in the field of human rights is recognised. They are mandated to monitor and encourage states to uphold and implement their obligations to the treaties/conventions they ratified. There are currently ten HR treaty bodies – among them are committees on Economic, Social and Cultural Rights (CESCR), the Rights of the Child (CRC), the Elimination of Discrimination against Women (CEDAW), and the Rights of Persons with Disabilities (CRPD).



The relevant committee/treaty body examines the reports in a constructive dialogue with the State party's delegation based on the information available. After the review process, the committee publishes its recommendations in what is known as the "Concluding Observations."



### What is the Universal Periodic Review?

The Universal Periodic Review (UPR) is another mechanism in which all the Member States' human rights records are examined in a reporting cycle of four to five years. It is conducted by the UN Human Rights Council (HRC) through its working group composed of state representatives. The UPR is an intergovernmental process intended to complement, and not to duplicate, the work of UN treaty bodies and other human rights mechanisms.

Under this mechanism, the review is framed from a wide range of evidence including the report submitted by the national government and the independent assessments from UN treaty bodies, and other stakeholders, such as NGOs, National Human Rights Institutions (NHRIs), and international organisations. The basis of the peer review is: (a) the Charter of the United Nations; (b) the Universal Declaration of Human Rights; (c) human rights instruments to which the State is a party; (d) voluntary pledges and commitments made by States; and (e) applicable international humanitarian law. Civil society organisations (CSOs) can participate in the UPR process by submitting parallel reports and participating in meetings and briefing sessions.

### How can civil society participate in the review process?

*All treaty bodies have adopted the process of receiving written and oral submissions from NGOs, NHRIs, and UN entities to help in their review of the State party reports.*

In addition to the State parties' report, the relevant treaty bodies and the Human Rights Council (HRC) may receive information on a country's human rights situation from other sources, such as the NHRIs, international and local NGOs, United Nations entities, other intergovernmental organisations, professional groups, and academic institutions.

Civil society is given the opportunity to engage in the review process by participating in formal and informal briefing sessions and interacting with individual members of the relevant committee or working group. Most committees allocate a specific plenary time to convene with the CSOs and other stakeholders and make oral statements about their submissions.

CSOs have been actively engaging in human rights review mechanisms through the submission of parallel reports that highlight specific issues or a comprehensive range of human rights issues. Education-focused organisations, coalitions, and global networks have likewise been active in engaging human rights bodies, particularly on the substantive provisions related to the right to education. The parallel reports provide critical and deeper insights into the key human rights situation in the focal countries and the corresponding recommendations which are also publicly disseminated for advocacy engagement at global and national levels.

At the national level, CSOs engage government authorities upon submission of their reports and the outcome of the reviews contained in the Concluding Observations. For education-focused advocacy groups, the CSOs' participation in the Geneva review process provided critical inputs and recommendations for policy advocacy which can drive change towards the full realisation and fulfilment of the right to education.

### What are the steps in the review conducted by the human rights bodies?

The review process begins with the submission of the State's report to the concerned human rights body. Other stakeholders, including CSOs, are also invited to submit their respective reports for the reviewing body to consider. A pre-session is then conducted where CSOs and other stakeholders may participate and give oral statements. The concerned committee or working group drafts a list of issues and questions to request more information from the State, which is then invited to submit written responses to the list.

In the case of the review done by the UN treaty bodies, the concerned committee reviews all submissions. They then hold a constructive dialogue with the State party's delegation. The constructive dialogue is a meaningful opportunity in which the State can present their report, discuss its content, and respond to the questions raised by the committee members. This is also where the UN treaty bodies provide the State with expert advice on how to comply with their international human rights commitments and obligations more effectively. Prior to the dialogue, formal and informal briefing sessions are usually held

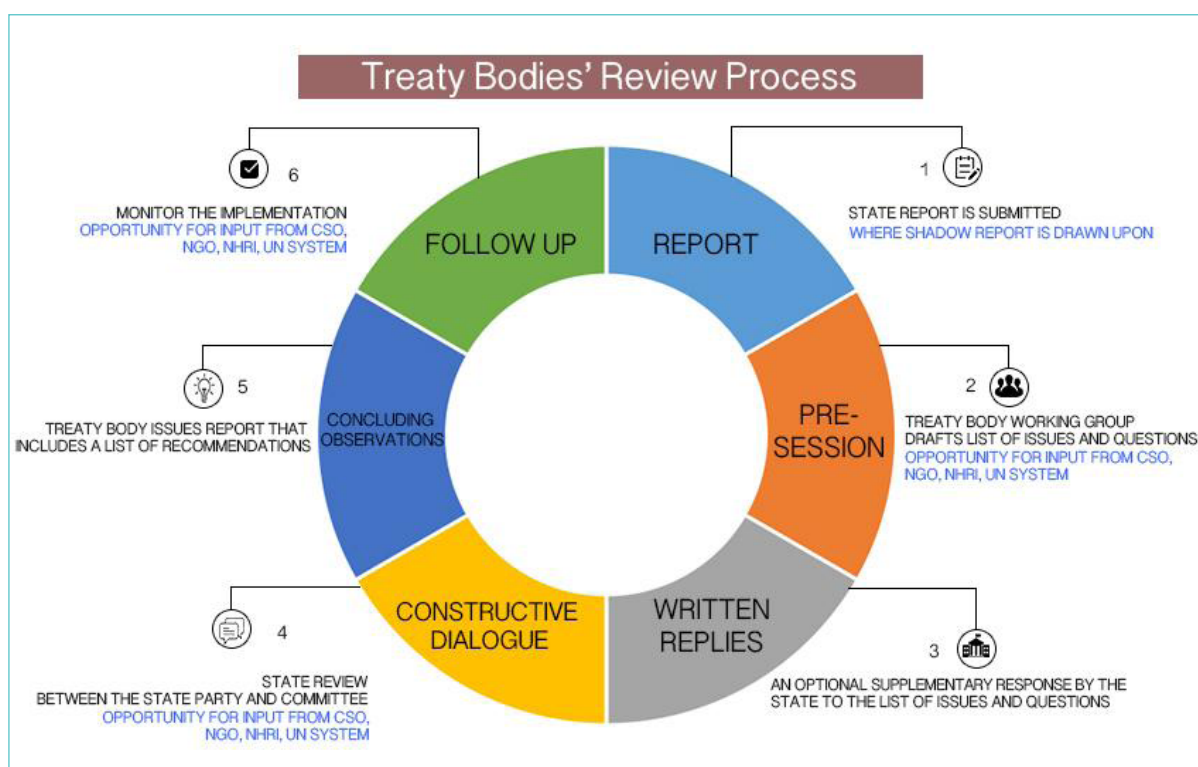
with CSOs and other stakeholders. The committee then prepares its *Concluding Observations* that contains a list of recommendations for implementation by the State party.

The working group of the Human Rights Council conducts the UPR in which similar processes take place. The State party submits a report from which representatives of Member States are invited to raise questions in advance. The committee also adopts its *Report of the Working Group* after a dialogue with government representatives and meetings with CSOs and other stakeholders. The relevant committee then follows up the State Party on the implementation of its recommendations. It is also imperative that CSOs monitor the steps taken by the government to address the committee findings and recommendations.

There are also special procedures involving Special Rapporteurs or Independent Experts, or a working group from the five UN regional groupings (Africa, Latin America and the Caribbean, Eastern Europe and the Western group) who are given mandate from the UN HRC to examine, monitor, advise, and publicly report the violations of civil, cultural, economic, political, and social rights. It oversees 44 thematic mandates among which are on the right to education, minorities issues, violence against women, persons with disabilities, and indigenous peoples; and country-specific mandates on human rights situation of the current 11 countries particularly Cambodia, Myanmar, Korea in the Asia Pacific.



■ AFE Mongolia with representatives from Child Rights Connect NGO during the preparation meeting of the CRC Session, 2017



## THE STORY OF THE ENGAGEMENT WITH UN HUMAN RIGHTS BODIES

### What were the preparations for the actual lobby with UN human rights bodies?

**Capacity-building activities.** ASPBAE organised a series of regional trainings and workshops focused on the advocacy on the right to education using UN human rights tools and mechanisms. Representatives of national education coalitions in countries that were scheduled for human rights review in 2016 and 2017 participated in these capacity-building events. The participants were oriented on the different UN human rights bodies, the available tools and mechanisms for engagement, and the spaces where civil society can participate. They were also briefed on how to prepare and write the parallel or alternative reports for submission to the relevant committees. The substantive provisions of the right to education contained in the core human rights treaties and other instruments were also reviewed during the trainings.

Resource speakers from UNESCO, human rights networks, and partner INGOs were invited to provide key inputs during these training events. Organisations who have gone through the review process, notably African and Latin American NGOs, shared their concrete experiences with the coalition participants. Towards the end of this process, ASPBAE and the concerned national coalitions agreed to focus the engagement on the issues of education financing and privatisation and their impact on the right to education. The lobbying and campaigning strategies were also mapped out to achieve concrete results in the engagement with the UN human rights bodies.

The training was replicated and customised at the country level in several Asian countries to achieve greater participation in the advocacy engagement and gain broader consensus on the issues to be highlighted. Participation in actual lobbying processes offered powerful capacity-building avenues as well. Coalition representatives met with the Special Rapporteur on the Right to Education and gained further insights on the review process and on key education issues. Coalitions' and ASPBAE representatives observed actual meetings and interactions with committee members in Geneva during the review of countries in the other global regions to gain experience. The trainings, consultations, and exposures contributed immensely in planning and implementing the advocacy campaign.

**Research activities.** The research exercise drew from the coalitions' and ASPBAE's earlier studies on education financing and built on this body of work. These researches were notably focused on the gaps and disparities in education performance, the poor financing and declining donor assistance, and the rising privatisation and corporate capture of education. They reviewed the previous government reports and previous concluding observations of the human rights bodies to assess how the State parties implemented the corresponding recommendations.



Apart from official government statistics, data were also culled from alternative sources, particularly from NGO and academic studies. Additional data was also generated from primary sources, such as interviews, focused group discussions and consultations with coalition members and partners, including those operating at the local level. The interactions and consultations with other stakeholders, including parents and teachers, school officials, youth groups, and relevant government agencies, served as opportunities to get the perspectives of the marginalised groups on the issues in the education system. These inputs informed the CSO parallel reports and likewise offered compelling messages for engagement with human rights bodies at the country level. The research output also served as important input for the continuous information and advocacy work of ASPBAE and the coalitions at national and regional levels.

#### Tips: What worked well in doing the researches by the coalitions?

- ◇ Create a team to lead and coordinate the research activities.
- ◇ Find access to reliable sources of information, data & statistics, e.g. government reports & policy papers, UN documents & reports, researches done by the academe, case studies by NGOs, and media reports.
- ◇ Draw from the experiences and expertise of the coalitions and international partners engaging with HR treaty bodies through consultations and trainings.
- ◇ Include the marginalised groups in the consultations and integrate their stories in the report for more powerful messaging.

**Writing the parallel report.** The coalitions prepared parallel reports focusing on the financing and privatisation of education, and the impact on the right to education, especially on the poor and disadvantaged groups. The national education coalitions were keen to ensure that the analysis and recommendations captured in the parallel reports fully reflected the views and positions of its members and enjoyed strong buy-in and support from relevant stakeholders in the country.

#### The elements of a CSO Report include:

- ◇ **Introduction.** The report begins with an overview of the key issues that the coalition would like to focus on. For instance, the national education coalition in Pakistan started by succinctly stating that their report is about the inadequate financing and the growth of unregulated private actors in education which have resulted to segregation and violations of the right to education.
- ◇ **Current situation.** This section lays down the background and an analysis of the education situation in the country and highlights the gaps and barriers that impede the fulfilment of the right to education. In NCE Nepal's report, for example, the coalition outlined the national laws and policies on the right to education and their implementation in practice. Then, they discussed the push towards privatisation, using data from official government statistics and academic studies.

- ◇ **Concrete evidence on the issues.** Evidence culled from credible and reliable sources is incorporated in the reports to illustrate the implications of the issues more effectively. To strengthen their arguments against the privatisation of education, the coalitions included data from their reviews of government policy documents, government statistics, budget trends and analysis, school enrolment rates and profiles, and CSO case studies and research.
- ◇ **Normative framework.** The reports cited specific provisions of international law and their elaboration to provide a vital reference to the evidence presented and, thus, support the key assertions on the infringement of the right to education. As an example, the report of E-Net Philippines cited the equality and non-discrimination provisions of both the ICRC and the ICESCR, and their elaboration under General Comment 20 of the ICESCR and General Comment 5 of the ICRC. A provision under General Comment 13 of the ICRC specifically relates to possible discriminatory admission policies by private education providers.
- ◇ **Conclusion and recommendations.** At the end of the parallel reports, the coalitions concluded with a list of recommendations that proposes possible steps to address the main issues presented in the report. For example, in their report, AFE Mongolia recommended an increase in the overall education budget, a higher per student expenditure, an end to public funding of private schools, and a stronger monitoring of the admission policies of private schools.

Extensive meetings and consultations with coalition members and other stakeholders were organised to validate the key assertions, decide on the content and format, substantiate the main arguments, and draft the reports collectively. These parallel reports were enhanced by contributions from child-rights organisations, youth organisations, teachers' unions, and human rights organisations, among others. All of these collaborations were forged in the five

countries that participated in this lobbying campaign. The reports were further improved with inputs and comments from ASPBAE and international partners who accompanied the process of drafting and submission of the parallel reports.

The Global Initiative for Economic, Social, and Cultural Rights (GI-ESCR) and the Right to Education Initiative were particularly helpful in sharing their wide experiences and expertise in preparing CSO reports for these UN human rights processes. They assisted the coalitions in citing the relevant provisions in the human rights treaties, general comments, and the special reports on the right to education. They also shared examples of reports submitted by other education-focused NGOs that raised similar concerns on the rising privatisation of education.

In some countries that were scheduled for review, NGO networks prepared comprehensive reports that covered a range of issues. The national education coalitions participated and contributed to these initiatives and offered data and analysis specific to education. Simultaneously, they also prepared a separate report that focused solely on education, specifically on financing and privatisation issues.

#### Tips: What helped the coalitions in preparing a good report?

- ◇ Studies done previously provide a wealth of evidence for the reports.
- ◇ Good statistics and presentations strengthen the main arguments.
- ◇ Involvement of lawyers, HR activists, and academics in preparing and critiquing the parallel reports strengthens the report.
- ◇ Constant sharing with ASPBAE and other coalitions in the course of preparing the report facilitates greater learning.

## THE PARALLEL REPORTS AT A GLANCE

The parallel reports of the education coalitions in the five focal countries looked at the current situation of the education sector, presented the performance and gaps, discussed trends in education financing and private school enrolment, and analysed the barriers and threats to the fulfilment of the right to education. The reports raised the following issues:

- ◇ The low spending level on public education which remains way below the global benchmark of 6% of the Gross Domestic Product (GDP);
- ◇ The huge number of out-of-school children and youth particularly among girls, ethnic minorities, persons with disabilities, the rural poor, and other marginalised and vulnerable groups;
- ◇ The persisting gender disparity in education;
- ◇ The expansion of and increasing enrolment in private schools, the proliferation of the largely unregulated low-fee private school, and the emergence of corporate chain schools;
- ◇ The privatisation and commercialisation of education which exacerbate inequality, gender disparity and discrimination; and
- ◇ The weak regulatory frameworks, and ineffective monitoring and enforcement of regulations of private actors in education.

The coalition reports recommended the following to address the issues raised:

- ◇ Increase education expenditure consistent with the global benchmarks to address the gaps and meet all SDG education targets;
- ◇ Improve allocation and ensure transparent spending and proper utilisation of education funds;
- ◇ Review existing and proposed public-private partnership (PPP) programmes in education to ensure equity and the right to education;
- ◇ Prevent the proliferation of unregulated, unregistered and substandard low-fee private schools;
- ◇ Adopt stronger regulatory and accountability measures covering the private sector involved in education delivery, financing and management; and
- ◇ Strengthen the public education system for inclusive and equitable education for all.

#### What were some of the coalitions' lobbying strategies that proved effective in the actual engagement with the UN human rights bodies?

The UN human rights bodies provide spaces for the meaningful participation of civil society and other non-state actors in the review process. The committees welcome the coalitions' parallel reports which present alternative views on the human rights situation in the

particular State under review. The organisations who have submitted reports may attend the pre-sessions where they can give oral statements and engage in a dialogue with the committees. Following the pre-session, the committees come up with a list of issues based on all the reports received including those that were submitted by the coalitions. Non-state groups also attended and participated in the Constructive Dialogues and the UPR Working Group sessions where the State parties presented their respective reports.

Actual presence and participation during the pre-sessions, the constructive dialogues, and the informal meetings are crucial for the lobby engagement with UN human rights bodies in Geneva, Switzerland. During these sessions, the coalition representatives made written and oral statements to present the gist of their respective issues and recommended actions. It is also important to have brief meetings and informal conversations with individual committee members, particularly those who are assigned to review the education situation.

Prior to the formal and informal sessions, the coalition representatives visited the permanent missions of governments targeted for the lobby engagement. Meetings were also organised with HR officials, particularly with the office of the Special Rapporteur on the Right to Education, and with Geneva-based INGOs conducting lobby work. The coalition representatives also reached out to their State party delegations before and during the constructive dialogues. These meetings were instrumental in facilitating future coordination in the implementation of the reviewing committee's recommendations.

*The coalition representatives came prepared for the lobby engagement. Apart from the parallel reports, the coalitions prepared supplementary materials, including the report summaries, country profiles, and education briefs, which were disseminated to the committee members.*

The presentation of issues in eloquent graphs, charts, and photos also proved effective in conveying the key messages. The committee members were given questions on the key education issues- some of which were raised during the dialogues with the State parties.

ASPBAE and its international partners, particularly the GI-ESCR, supported the coalitions in their lobby engagements in Geneva. The CRC sessions on Nepal and Pakistan were held in May 2016 with the participation of the education coalitions in both countries - the National Campaign for Education (NCE-Nepal) and the Pakistan Coalition of Education (PCE). The representatives of GI-ESCR accompanied both coalitions in most of the meetings and briefing sessions with committee members in Geneva.

The CESCR session on the Philippines took place on 28 September 2016 with the participation of E-Net Philippines, ASPBAE and GI-ESCR. The CRC pre-session on Mongolia held on 4 October 2016 was participated in by the Mongolian education coalition (All for Education or AFE) that made an oral statement and a written briefing for committee members. The Geneva Office of Save the Children supported AFE in its lobby efforts.

The education coalitions in India and Pakistan also submitted parallel reports to the Human Rights Council (HRC) for the UPR of



■ Consultation on the challenges of education privatization and commercialization in India, August 2016

both countries. NCE-India organised a series of consultations with stakeholders prior to its submission. The coalition also gave input and information materials to its partner organisations who took part in the actual engagement with the HRC working group on 4 May 2017 in Geneva.

PCE attended the HRC pre-session on the UPR of Pakistan in November 2017 in Geneva. Prior to its participation in the pre-session, the coalition conducted diplomatic briefings in Islamabad that targeted missions of several countries to drumbeat on the issues of education financing and privatisation. Among the missions visited were those of Germany, Norway, Denmark, and the Netherlands. The parallel report was also shared with the diplomatic missions of 12 other countries.

The international partners accompanied the coalitions in their lobby engagements with the UN human rights bodies, particularly in sorting out schedules, in organising informal meetings and briefings with committee members, and in arranging visits to permanent missions of targeted countries. Representatives of international partners also spoke during the sessions and informal meetings to supplement the oral presentations of the coalition representatives. The GI-ESCR also represented E-Net and argued in behalf of the coalition during the CESCR pre-session on the Philippines held in March 2016.

#### Tips: What lobby strategies worked well for the coalitions?

- ◆ Know the engagement terrain, the review process, and the committee members.
- ◆ Interact with committee members, particularly those interested and those assigned to review education issues.
- ◆ Come prepared with brief statements, briefing notes, and speeches as time given for oral presentations is extremely limited.
- ◆ Use compelling visuals to simplify information and win arguments.
- ◆ Be ready with questions which can be fed to and raised by the committee members.
- ◆ Partners based in Geneva and those familiar with HR lobby work can help a lot in lobbying.
- ◆ Visits to diplomatic missions in Geneva and in the home country can win sympathies and allies in the review process.
- ◆ Attend NGO briefings and cooperate with other NGOs engaging in the same review.
- ◆ Be prepared to attend relevant side events during the review period and use this time to maximise your presence and visibility.

## What were the results of the reviews?

The UN human rights bodies that reviewed the human rights situations in the Philippines, Mongolia, India, Nepal, and Pakistan came out with reports containing their findings and recommendations based on the reports received, and the dialogues and meetings conducted with the State parties and non-state groups, including the education coalitions in the five countries. Below is a list of some of the recommendations culled from the reports of the Committee on the Rights of the Child (CRC) and the Committee on Economic, Social and Cultural Rights (CESCR).

### ON EDUCATION FINANCING

1. Implement appropriate financing strategies, so as to ensure the effective and actual provision of free quality education to all without discrimination, in all parts of the country, in particular for children in most marginalised situations.
2. Allocate sufficient financial resources for the development of early childhood education based on a comprehensive and holistic policy of early childhood care and development.
3. Strengthen the public education sector by increasing the budget allocated to primary and secondary education and a view to improve the access to and the quality of primary and secondary education for all, without hidden costs, particularly for children of low income families and children living in the rural areas.

### ON EQUAL ACCESS TO EDUCATION

1. Ensure universal, free and compulsory primary education for all children in the country through adopting relevant laws and policies at national, provincial and territorial levels.
2. Strengthen efforts to guarantee equal access to education by all children at all levels, paying particular attention to the specific needs particularly of marginalised and vulnerable children.
3. Improve access to inclusive education for children with disabilities and develop inclusive education to cater to the students' individual needs.

### ON IMPROVING THE QUALITY OF EDUCATION

1. Improve the quality of education and provide quality training and incentives for teachers, with particular emphasis on rural areas.
2. Ensure the availability of qualified teachers, transportation to schools, learning and instructional materials and adequate physical infrastructure, including access to clean water and sanitation facilities.
3. Prioritise construction and reconstruction of school infrastructure in areas affected by natural disasters or conflict, and allocate sufficient resources to provide basic facilities, including drinking water, toilets and heating.

### ON VIOLENCE IN SCHOOLS

1. Take measures to protect schools, in particular secular and girls' schools and prevent possible attacks, including targeted attacks on teachers, as well as prevent the occupation of schools by armed groups.

2. Strengthen measures to combat violence against children in schools at all levels through teacher training on educational methods that encourage positive, non-violent forms of discipline and by establishing mechanisms to prevent and protect children from violence.

### ON REGULATORY FRAMEWORKS

1. Prevent privatisation of schools and establish mechanisms to monitor the compliance of private schools with minimum educational standards, curriculum requirements and qualification for teachers.
2. Take appropriate regulatory measures to ensure that private providers of education do not undermine social cohesion, or exacerbate segregation and discrimination, in particular by effectively regulating fees, syllabus, admission criteria and diversity of student backgrounds, and other barriers to access.
3. Ensure the adequate implementation of the legislation, as well as ensure child friendly school infrastructure in private schools.
4. Ensure regulatory and enforcement frameworks, including reporting mechanisms, to combat the phenomenon of schools and/or teachers subjecting children to hidden costs for attending school.
5. Ensure that all schools, including the low-cost private schools, are registered and complying with existing rules and regulations.

## How were the reports and Concluding Observations disseminated?

In response to all the reports received and meetings held with the State party and non-state organisations, the concerned UN treaty body issues a set of Concluding Observations which outlines the main areas of concerns that need to be addressed. These observations recommend concrete measures to guide the State in fulfilling the rights in question. The Concluding Observations can also be used to stimulate a dialogue with the government, influence the policies, and drive the agenda on the right to education forward.

Although it is not their primary responsibility, CSOs are encouraged to bring the State parties' reports and the Concluding Observations to the attention of the public. The effective dissemination of these documents will engage the civil society and popularise the outcomes of the reporting process. It will also leverage pressure on the government to adopt the necessary changes to implement the recommendations of the human rights bodies and hold them accountable for their actions to fulfil their treaty obligations.

In this lobby engagement, the coalitions' parallel reports, research summaries, and policy briefs were disseminated through various platforms to pursue the advocacy at the national level with government agencies, particularly the ministries of education, finance, and planning. The reports were also distributed to the NHRIs, the relevant parliamentary committees and legislators, coalition partners, and other stakeholders. The list of issues and the Concluding Observations of the CRC and CESCR on Nepal, Pakistan, Philippines, and Mongolia were also distributed to the same target groups. The corresponding reports of the working group of the Human Rights Council which reviewed the human rights situation in India and Pakistan were, likewise, disseminated broadly to different audiences.

After the release of the Concluding Observations by the reviewing bodies, the coalitions issued press releases, prepared short articles, and organised press conferences and media briefings. The highlights of the committee findings and recommendations were also posted on social media and the coalitions' websites. There were substantial newspaper and TV coverage, especially in Nepal, Pakistan, and Mongolia.

The issues raised in social media focused mostly on the trends of privatisation, and its impact on public education and the right to education. It also revolved around the poor funding of public education, the rising school fees, the lack of effective regulation of private actors in education, and the increased state funding of private education providers.

In Nepal, there were at least six television talk shows covered at national and district levels which drew the policymakers' attention. The press coverage and social media posts spread through blogs and other online platforms. The coalition partnered with media outfits to monitor the progress in the implementation of the CRC recommendations. The media coverage highlighted the negative effects of privatisation on the right to education and called for adequate financing, improved quality of schools, removal of school fees, and strict regulation of private schools.

#### Tips: What dissemination strategies worked well for the coalitions?

- ❖ Forge partnerships with media groups for sustained media coverage.
- ❖ Invite media people in forums, workshops, and dialogues to sustain the interest.
- ❖ Use both traditional and social media platforms for maximum reach and impact.
- ❖ Maximise radio broadcasting to reach local stakeholders and those with visual disabilities.
- ❖ Reach out to HR institutions and groups, parliamentarians, political parties, local governments/stakeholders.
- ❖ Reach out to international audience through partners and international media.

#### What activities were pursued to track the implementation of the recommendations by UN treaty bodies and the Human Rights Council?



*Immediately following the engagement in Geneva and the release of the Concluding Observations, the coalitions pursued the engagement at the national level to put further pressure on State agencies to look into the recommendations of the HR treaty bodies and the Human Rights Council.*

In Pakistan, policy briefs and summaries of the parallel report were disseminated nationally with social media coverage. Major newspapers and blog sites covered the Concluding Observations of the CRC and the engagement process. In the Philippines, at least nine media releases were issued on the highlights of the parallel report and the Concluding Observations, while in Mongolia, a press conference was organised and press releases were issued on the parallel report which highlighted the challenges that come with education privatisation. The Mongolian media has taken a keen interest on the issues raised in the reports and committed to writing regularly about education financing and privatisation. A special report on privatisation was also aired over a popular TV news programme.

The coalitions also organised a series of public forums and dialogues, and used existing platforms, such as annual coalition meetings, national mobilisations, capacity-building workshops, community assemblies, and other local advocacy activities, to share the highlights of the parallel reports and discuss the committee findings and recommendations. These were also disseminated in regional and global events organised by or participated in by ASPBAE and the national coalitions.

In the case of the Philippines, E-Net and ASPBAE conducted a series of roundtable meetings with the Commission on Human Rights (CHR) to follow up the Concluding Observations of the CESCR and to look into the State's accountability on the Right to Education. With the Commission, E-Net developed an action plan on the monitoring of the right to education. They also convened with education officials who promised to respond to the issues and recommendations raised by the CESCR.

Taking off from the findings and recommendations of the CRC in November 2016, the coalition in Mongolia pursued its call for the increased funding of education and effective regulation of private schools with concrete proposals. The coalition held dialogues with education officials and with local government units. They also produced a position paper elaborating on the negative impact of privatisation and commercialised education. The timing worked well given the media interest and the increased awareness of the issues raised by the CRC.

Meanwhile, NCE Nepal participated in several joint meetings and budget reviews of government agencies, as well as meetings with Development Partners, Local Education Group (LEG), and the National Commission for Human Rights. During these events, the coalition raised the issues concerning the investment in education, public

school strengthening, and the regulation of private schools based on the Concluding Observations of the CRC. They also held meetings with parliamentarians, government officials, local governments, and political parties who were encouraged to look into these issues. One result of the follow-up campaign was the formation of a “Lobby Forum” which aims to monitor the government’s compliance with the CRC recommendations.

After the UPR process, NCE-India shared the findings with coalition members and CSO partners during consultations, public forums, and the national convention. As another follow-up measure, the coalition conducted a study on the low-fee private schools in the country. This research study, along with the parallel report, was presented to teachers’ unions, CSOs, and relevant government officials during a regional consultation. NCE-India also put forward a Charter of Demands to the Prime Minister of the country, calling for the withdrawal of the public-private partnership programmes in the education sector.

In Pakistan, PCE held meetings with the high-level provincial officials of Punjab involved in the budgeting, planning, and monitoring of education. The coalition asked for a review of the various Public-Private Partnership programmes in education and the operation of low fee private schools. Meetings with top officials of the Ministry of Human Rights were also conducted to follow up and ensure that the government adopts the necessary changes in compliance with the recommendations of the CRC.

At the regional and global levels, ASPBAE and the national coalitions took every opportunity to share the engagement experience and present the consolidated recommendations of the UN human rights bodies. These recommendations were linked to SDG 4 and Education 2030 which demand for the increased funding for education, stronger public education systems, and guaranteed equity and inclusion in education.

#### **Tips: Doing effective follow-up of the recommendations of UN human rights bodies**

- ◇ Timing is key to advance the recommendations of the HR committees and put pressure on the government to follow up on their implementation.
- ◇ Craft concrete programme and budget proposals on how to implement the recommendations of HR bodies more effectively.
- ◇ Sustain the campaign to constantly remind the government of their obligation to implement the recommendations.
- ◇ Campaigning at the sub-national level (provinces, districts and municipalities) can generate broader support and gain more tangible results.
- ◇ Form lobby groups with coalition members, campaign partners, and other interested organisations to sustain the monitoring and pressure work.
- ◇ Coordinated regional actions can complement the national campaigns and lobby engagements.

### **What were the major gains and impact of the engagement?**

The Asia South Pacific Association for Basic and Adult Education (ASPBAE) and the national education coalitions in the region consider the HR review mechanisms as important platforms that allow civil society stakeholders to engage with State parties and UN agencies. The Concluding Observations of the UN treaty bodies which drew heavily from the coalitions’ parallel reports highlighted some of the key issues in the education sector linked to the right to education.

### ***The lobby engagement was a learning experience for the education coalitions and partners, particularly in the areas of research, lobbying, networking, and information dissemination.***

New knowledge and skills were acquired in using the available HR tools and mechanisms in the advocacy for asserting the right to education. The lessons from the engagement were also shared with other coalitions and CSOs within and outside the region during regional and global forums, capacity-building events, and study exchanges. The engagement also forged stronger partnerships at national and global levels, especially with human rights groups, child-focused organisations, and women’s networks, among many others. The coalitions were also linked to international organisations who are working on the same and related issues.

The education coalitions in the five countries undertook lobby engagements which resulted in significant breakthroughs that amplified the ongoing advocacy campaigns against the privatisation and commercialisation of education. The Concluding Observations of the UN treaty bodies and the parallel reports submitted by the coalitions caught the attention of the media, and stimulated discussions among parliamentarians, political parties, and education ministries at the highest level. The lobby engagement and information dissemination efforts resulted in greater public awareness and increased media (including social media) coverage and sympathy on financing and privatisation issues in education.

More groups, including academic and professional associations, human rights organisations and youth groups, have come forward to take up the issues, calling for higher budgets and for effective regulation of the private sector in education. Independent researchers have joined the discourse and volunteered to conduct further studies on the impact of privatisation on equity and the right to education. Internet users have questioned the use of public funds to subsidise private schools when there are insufficient resources to finance quality public education.

The strong articulation of such credible and prestigious human rights bodies, along with the increased public discourse on the issues raised, have exerted pressure on policymakers, government officials, and local executives, to look more seriously into the public funding of education and the involvement of the private sector in the management, financing, and delivery of education. In Mongolia, for example, the government has committed to strengthening the public education system with concrete budget increases and effectively decreased the amount of public subsidies given to private schools. The coalition looks at this as a partial victory that establishes a significant precedent.

In Pakistan, while policy gains from the engagement are still shaping up, PCE emerged as the recognised lead in the lobby engagement with UN human rights bodies on the right to education. The recommendations of the CRC and the CESCR helped the coalition in strengthening its links with the National Human Rights Institution and with several political parties who agreed to take on education financing as an election agenda.

Similar breakthroughs were achieved in the Philippines. Closer cooperation was established with the Commission on Human Rights, specifically for the monitoring of private education providers to ensure non-discrimination and equity in school admission.

Legislators have also expressed support to the recommendations of the CESCR to evaluate PPP programmes in education, specifically the education service contracting and the voucher programme.

In India, the engagement of the coalition in the UPR process strengthened the consensus among stakeholders on the need to strictly regulate the establishment and operation of low-fee private schools. While no policy change was achieved, the parallel report submitted by the coalition to the HRC provided additional evidence for consideration in the pending judicial cases for the implementation of the RTE Act in several states. The UPR report recommending increased budget for education to reached out to the marginalised sectors also influenced the decision to increase the share of states in the education budget.

Meanwhile, in Nepal, the ongoing campaign that accompanied the coalition's lobby engagement with the UN human rights bodies has resulted in more effective and lasting policy impact and gains. The government's 2018 national programme emphasised the strengthening of public education and the stricter regulation of private actors to reduce inequality, discrimination, and segregation in the education system. The report of the High-Level Education Commission that was submitted to the government noted the proliferation of for-profit educational institutions and recommended concrete actions to implement better regulatory frameworks for private education providers and stop the growth of privatisation. The education coalition in Nepal was also tapped to organise seminars for local government units (LGUs) to assist the latter in preparing their respective educational plans and policies. Several of these

LGUs referred to the recommendations of the UN CRC, especially in relation to the financing and regulation of private actors in education.

*Overall, the engagement of ASPBAE and the education coalitions in the human rights review mechanisms was instrumental in amplifying the discourse and advocacy against the privatisation and commercialisation of education with policymakers in the Asia-Pacific region.*

The findings and recommendations of the UN human rights bodies further elaborated the core principles of the right to education and provided clear guidelines on financing of education and the regulation of private actors in education to ensure equity and inclusion. Moreover, the set of recommendations provided a clear linkage to the ongoing engagements of civil society on the Sustainable Development Goals (SDG) and the Education 2030 Framework for Action.



■ NGO formal briefing, Philippines under review during CESCR session, 2016

## LESSONS IN THE LOBBY ENGAGEMENT

### ◇ GLOBAL COORDINATION & COOPERATION.

The lobby engagement with the UN human rights review mechanisms can have better results and greater impact when done as part of a globally-coordinated campaign initiative. Partners with experience in human rights lobby work are valuable in the engagement process.

### ◇ INTEGRATED CAMPAIGN.

Integrated advocacy actions spanning global, national, sub-national and community levels offer greater chances of success. Bringing the voices especially of marginalised groups in these spaces offer powerful contributions by civil society.

### ◇ EVIDENCE-BASED ADVOCACY.

Well-written parallel reports with clear and strong evidence culled from official documents, reports, academic studies, credible surveys, case documentation, and testimonies can effectively inform and influence the outcome of the review process.

### ◇ FLEXIBLE, NIMBLE LOBBY TACTICS.

Different coalitions follow similar approaches in conducting the lobby work but must exercise flexibility depending on the country context, the sensitivity of the State party delegation, and the responsiveness of the review committee.

### ◇ ACTIVE PARTICIPATION.

Actual presence and participation in the sessions, briefings, and consultations are crucial to effectively present and argue the case and capture the attention of the review committee.

### ◇ MEDIA IS ESSENTIAL.

The media, both traditional and digital, can play a crucial role in highlighting the lobby engagement to increase public awareness, generate debates, and influence policy change.

### ◇ BUILDING BROADER CONSTITUENCIES.

The lobby engagement provides good opportunities for partnership and cooperation with other networks at national and global levels.

### ◇ FOLLOW-THROUGH.

Recommendations do not automatically translate into policies and actions, so there is a need to monitor compliance and to pursue the advocacy for policy change as part of wider and sustained advocacy actions on education financing, regulation, and accountability.

### ◇ LINK TO BROADER CAMPAIGNS.

Linking the human rights review outcome can amplify civil society engagement in the SDGs, particularly in monitoring SDG implementation and participation in the Voluntary National Reviews (VNRs) as part of the SDG implementation process.

## About ASPBAE

The Asia South Pacific Association for Basic and Adult Education (ASPBAE) is a regional association of more than 200 organisations and individuals working towards promoting quality education for all and transformative and liberating, lifelong adult education and learning. It strives to forge and sustain an Asia-Pacific movement dedicated to mobilising and supporting community and people's organisations, national education coalitions, teachers' associations, campaign networks, and other civil society groups and institutions in holding governments and the international donor community accountable in meeting education targets and commitments, ensuring the right of all to education, and upholding education as an empowering tool for combating poverty and all forms of exclusion and discrimination, pursuing sustainable development, enabling active and meaningful participation in governance, and building a culture of peace and international understanding. ASPBAE publications form an integral part of ASPBAE's information, education, and advocacy activities and efforts, and seek to support sharing and learning among education stakeholders, advocates, practitioners, analysts, and policymakers. The reader is therefore encouraged to write to ASPBAE if they wish to use the material contained herein for reproduction, adaptation, and translation and to provide feedback that could help in further improving these publications.



Asia South Pacific Association  
for Basic and Adult Education  
Learning Beyond Boundaries

**Publisher:**

ASIA SOUTH PACIFIC ASSOCIATION FOR  
BASIC AND ADULT EDUCATION (ASPBAE)

Unit 106 Sterten Place Condominium, 116  
Magainhawa Street, Teacher's Village  
Quezon City 1101, Philippines

**Editorial Board:**

MARIA LOURDES ALMAZAN KHAN  
Secretary-General

CECILIA V. SORIANO  
Programmes and Operations Coordinator

**Main Writer & Coordinator:**

RENE R. RAYA

**The Publication Team:**

Raffiela Lae C. Santiago ★ Jolina Cielo G. Manalang ★  
Rey Pacete

**Adviser:**

Nymia Pimentel Simbulan

**Printer:**

Printed in the Philippines by Clean Copy Express

A cooperation project with the Education Support Programme (ESP) of the Open Society  
Foundations (OSF).

ISBN No.: 978-621-95859-0-3



Asia South Pacific Association  
for Basic and Adult Education  
Learning Beyond Boundaries

Asia South Pacific Association for Basic and Adult Education  
(ASPBAE)  
Unit 106 Sterten Place Condominium, 116 Maginhawa Street,  
Teachers Village East, Diliman, Quezon City 1101, Philippines  
Tel/Fax: 63 2 441 4594  
Email: aspbae@gmail.com  
Website: www.aspbae.org



**NCE  
NEPAL**

National Campaign for Education (NCE-Nepal)  
P.O. Box: 14421, Babarmahal Kathmandu, Nepal  
Tel: +977-01-4223420, +977-01-6203009  
Email: info@ncenepal.org.np  
Website: www.ncenepal.org.np



All for Education (AFE Mongolia)  
Room 902, Peace Tower, Peace Avenue-54, Chingeltei District,  
Ulaanbaatar, 15172, Mongolia  
Tel/Fax: 7000 8292, 8818 6672, 9663 3360  
Email: info@all4education.mn  
Website: www.all4education.mn



National Coalition for Education (NCE-India)  
Shikshak Bhavan, 41 Institutional Area D Block,  
Janakpuri New Delhi - 110058  
Email: info@nceindia.org / nceindia@gmail.com  
Website: www.nceindia.org



**E-Net Philippines**

www.e-netphil.org

Civil Society Network for Education Reforms  
(E-Net Philippines)  
Mezzanine, Casal Bldg., 15 Anonas St., Brgy. Quirino 3-A,  
Project 3, Quezon City, Philippines  
Telefax: +632 9624058  
Email: enet\_philippines@yahoo.com  
Website: www.enetphil.ph



**PCE**

Pakistan Coalition for Education (PCE Pakistan)  
Office 27, Second Floor, Al-Anayat Mall, G-11 Markaz,  
Islamabad, Pakistan  
Tel: +92-51 2112460-2  
Fax: +92-51 2112459  
Email: info@pcepak.org  
Website: www.pcepak.org