



**Oxford Human Rights Hub**  
A global perspective on human rights



**OPEN SOCIETY FOUNDATIONS**

Online Workshop  
July 29, 2015

**The Challenges of Public-Private Partnerships in Realising the Right to Education  
Online Workshop: Programme**

The Oxford Human Rights Hub and the Education Support Programme of the Open Society Foundations are excited to be hosting a participative and interactive online workshop exploring key challenges of public and private partnerships in realising the right to education.

Public private partnerships (PPPs) are an increasing phenomenon in the field of education. The growing influence of market models of private education, particularly in providing low-fee schools, has challenged the traditional understanding of education as a public good. This brings with it the risk that the State will abdicate its public responsibilities, and education will be viewed as a market commodity. This raises the question of how to retain the fundamental nature of the right to education as a societal or public good, rather than a private good. There has been limited public debate on the merits and demerits of PPPs and while the debate has been approached from several perspectives a solid human rights approach to PPPs is completely absent.

The aim of this online consultation is to fill this gap and to develop a human rights understanding in relation to several crucial issues raised by PPPs. UN Special Rapporteur on the right to education, DR. Kishore Singh, will be participating in the online workshop and use the workshop discussions as a resource for his annual report to be submitted to the UN General Assembly in September 2015.

The online workshop will investigate three key questions:

**1. What is the role of law in structuring a PPP and in conceptualising the purpose of education?**

With a growing prevalence of private providers, who often conceptualise education as a profit making enterprise, how can we continue to frame, structure and implement education as a public function, a social good and a social responsibility? This raises fundamental questions on the definitions and character of a 'public function', 'societal good' and 'social responsibility'. What is the role of human rights law if education is to remain characterised as a societal good?

*Jayna Kothari (Centre for Law & Policy Research, India)*

## **2. How can the state and private providers be held accountable?**

A majority of states have committed to international legal standards on the right to education. How do we regulate private providers so that they constitute a proper fulfilment of the state's continuing duty to respect, protect, promote, facilitate and fulfil the right to education?

The challenge of accountability of private actors raises two emerging systemic issues in the socio-economic rights discourse.

### **2a. Accountability for quality**

First, how can private providers be held accountable for the quality of education delivered? This requires academics, practitioners, courts and other relevant stakeholders including teachers and communities to develop and implement universal, holistic human rights indicators to measure the quality of education.

*Angelo Gavrielatos (Education International, Australia)*

### **2b. Accountability for corruption**

Second, how do current accountability mechanisms address the issue of corruption within the public and private relationship? The lessons from South Africa demonstrate the need to pilot creative strategies and remedies to ensure good governance in education.

*Tembeka Ngcukaitobi (Advocate Group 621, South Africa)*

## **3. What enforceability measures are needed to hold actors in PPPs accountable?**

PPPs raise new questions on how traditional enforceability mechanisms can be used to guarantee the highest quality of education. Are criminal measures appropriate? Or do financial incentives have a stronger effect? What is the role of courts and quasi-judicial tribunals? And what role do treaty bodies play in ensuring accountability? What are the unintended consequences of each enforceability measure?

*Conor O'Mahony (University College Cork, Ireland)*

*Salima Namusobya (Institute for Economic and Social Rights, Uganda)*

### **Format**

This Workshop will be conducted online. There will be a 'live base' at the Oxford Human Rights Hub in Oxford, with allocated experts from around the globe and an audience participating 'virtually' from around the globe.

To participate, please sign up [here](#). On July 29 at 2pm (BST) the experts and a live virtual audience will go [here](#) to participate.

The speakers will prepare a pre-recorded video, 5-10 minutes in length. There will be an audience chat function so throughout the video presentation the audience members can pose questions and comments. After each presentation, there will be a question and answer session with the experts on hand, via the software from their remote locations. The audience members will be able to both see and hear the experts. The moderator, based in Oxford, will pose specific questions to each of the participants. This format will be repeated for the remaining questions. There will be a general round table discussion, again guided by the moderator at the end of the Workshop.