



The Global Initiative
for Economic, Social and Cultural Rights

Privatisation in education in Morocco and the right to education: summary factsheet

Brief to the Committee on the Rights of the Child, 31/01.2013

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Policies

Through the **National education and training charter** and the **2009 – 2012 Emergency plan**, the government set itself an objective of **20% of pupils** trained in private primary and secondary education institutions by 2010.

Measures taken to promote private education:

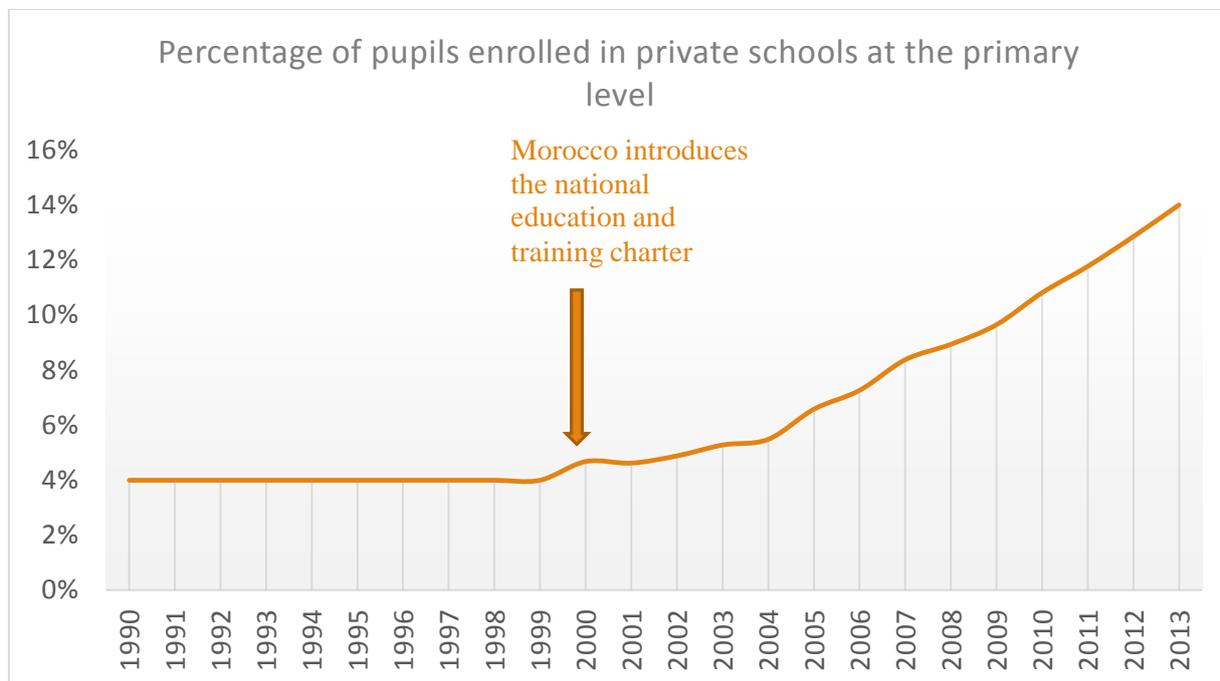
- Tax incentives
- Policy incentives, flexible legal framework
- Support to research fund

Applicable laws include:

- National education and training charter
- Law 06-00
- Dahir n° 1-00-202
- Décret n° 2-00-1015

Rapid increase in privatisation

Private enrolment at the primary level has **more than tripled** from 4% in 1999 to 14% in 2013¹, while between 1995 and 2010 private enrolment at all levels has more than doubled, with an annual average growth of 6%.²



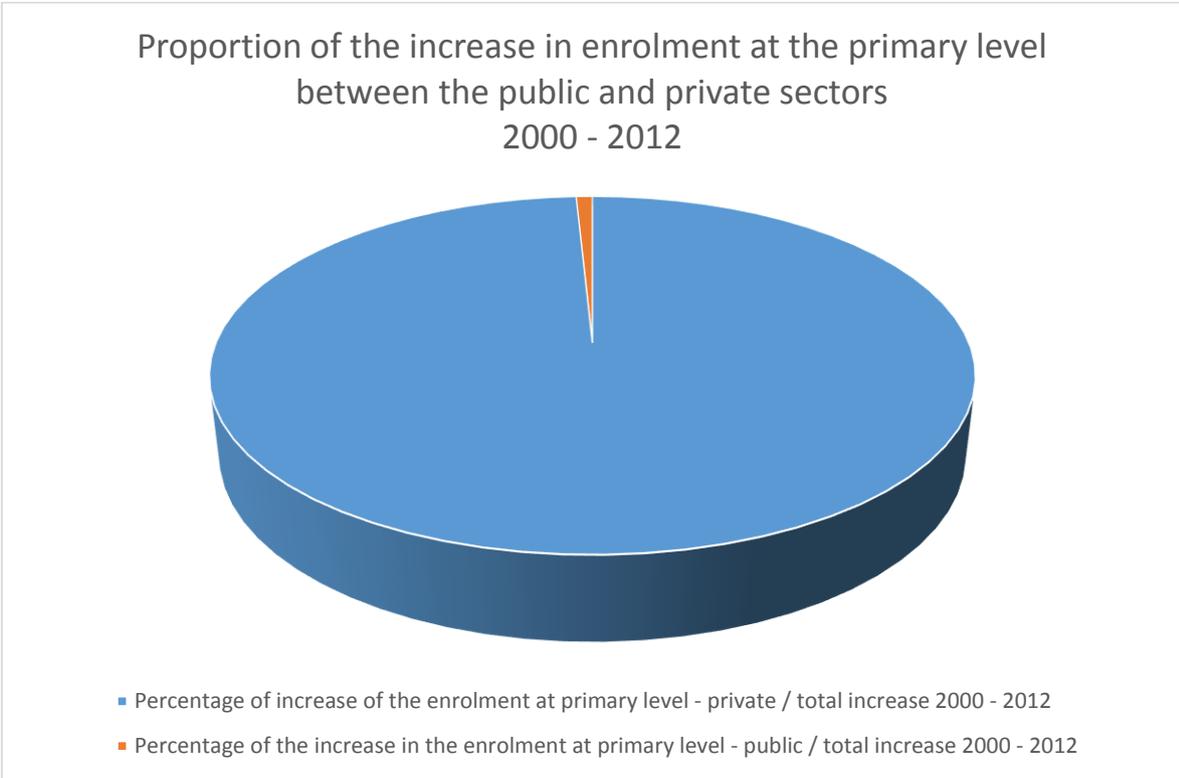
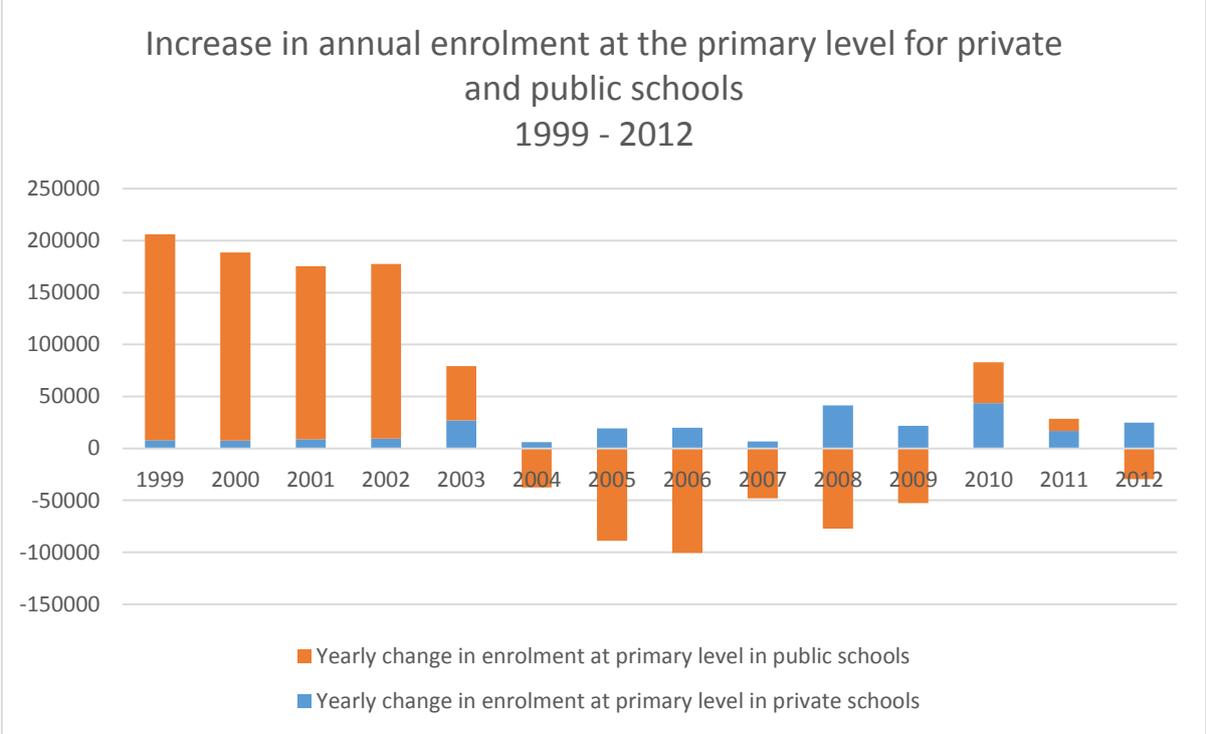
Projections of enrolment of percentage of pupils enrolled in private schools at primary level (2014 – 2038) applying the annual average growth 2000 - 2013

Year	2000	2005	2010	2013	2020	2023	2030	2038
Percentage of pupils enrolled in private schools at primary level	4.2%	5.5%	10%	13%	24%	30%	52%	97%

¹ UNESCO Institute for Statistics, 2013.

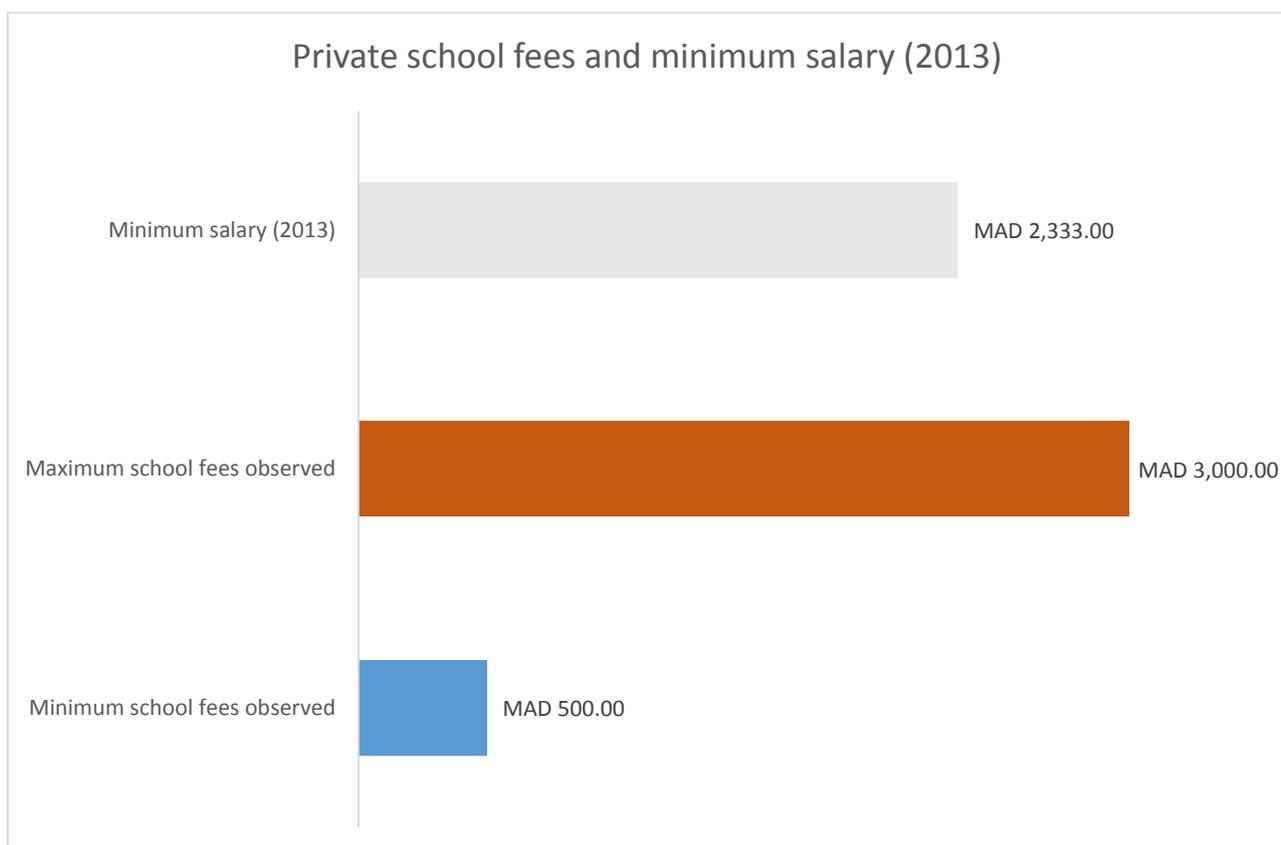
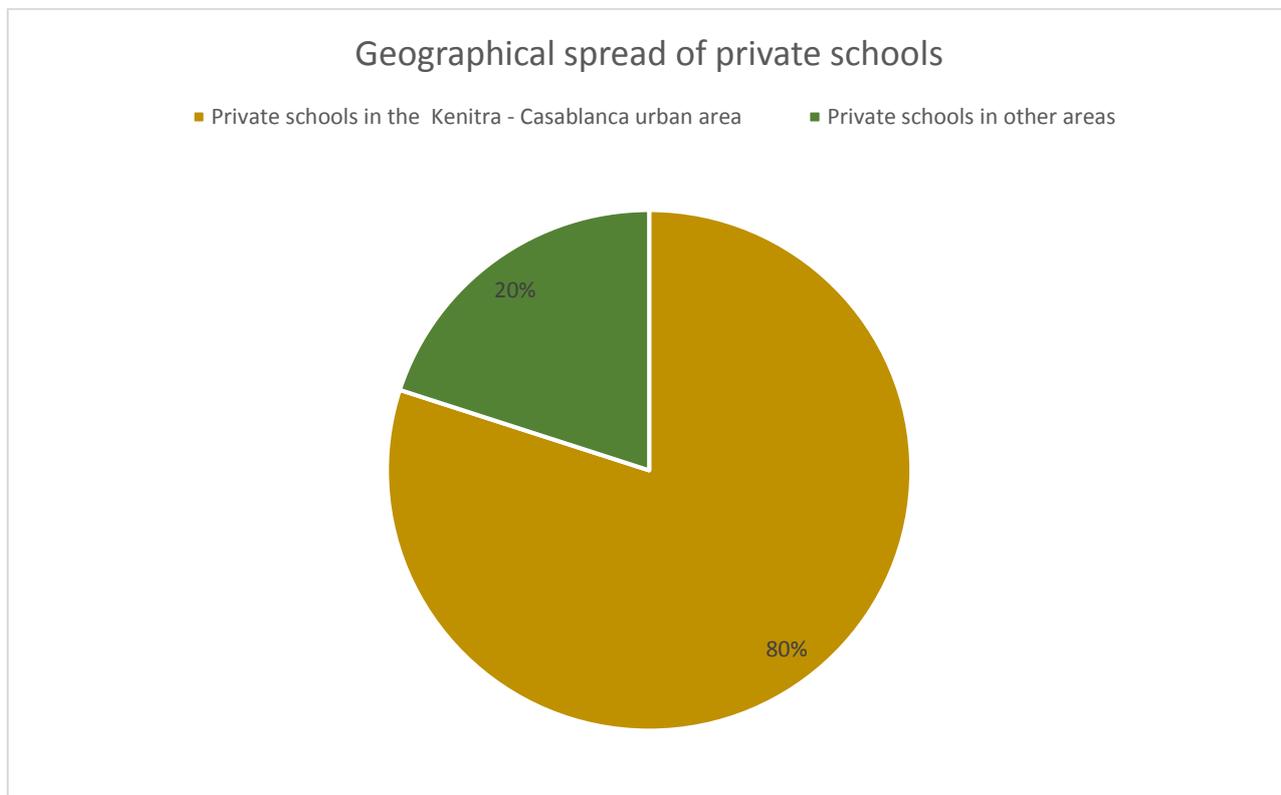
² UNESCO, Education au Maroc: Analyse du secteur, 2010/ED/FU/RAB/PI/2, p. 49.

Between 2000 and 2012, the number of students enrolled at the primary level (in government and non-government schools) increased by 347,500 students, while in the same period enrollments in private primary schools increased by 344,500 students, which is the equivalent of 99% of the total increase.



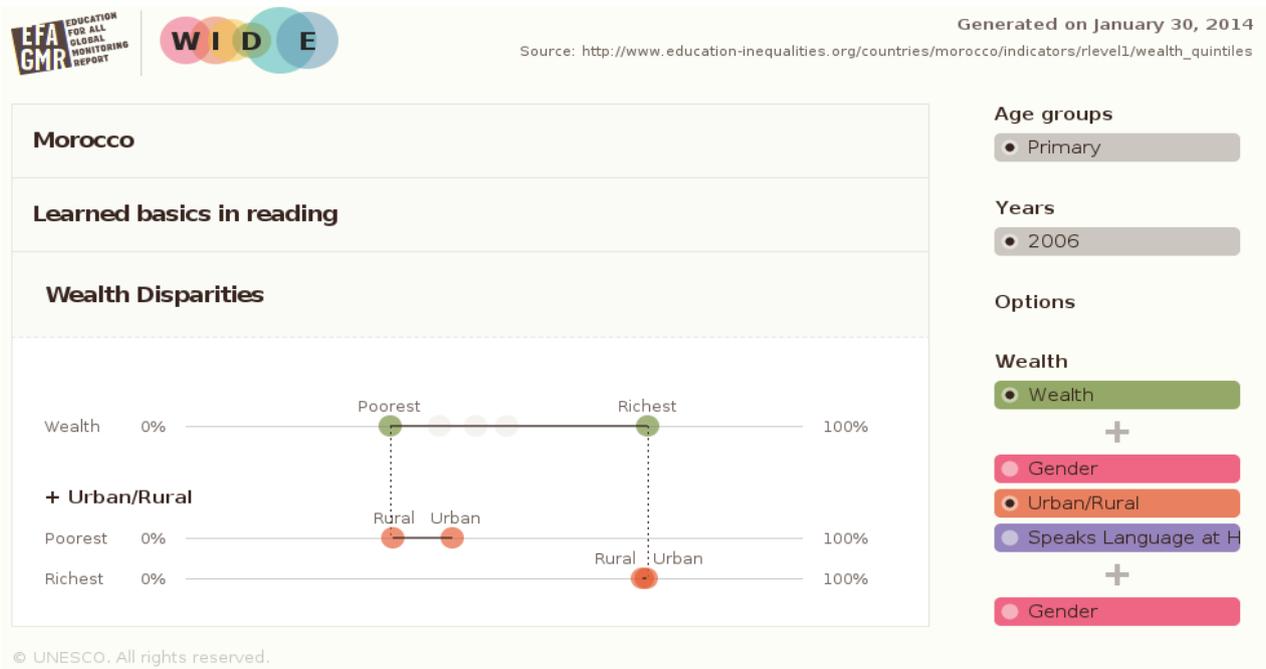
Inequalities in the Moroccan education system

Private schools target essentially children from rich urban households.



Several indicators reflect growing inequalities. For instance, just taking one measurable leaning outcome – basic in reading: % of children who achieve an international minimum learning standard in reading, according to the results to the PIRLS (Progress in International Reading Literacy Study).

In 2006, 33% the least advanced group (rural poor) reached minimum learning standard in reading, against 75% of the most advanced group (urban rich). The difference between the two groups was of 42%. There was almost no difference between rural rich and rural pool.



In 2011, the least advanced group’s results went down by 2% to 31% of poor rural children managing basics in reading, whereas the most privileged group’s results went up by 9%, with 84% of rich urban children achieving minimum learning standards in reading.

→ The inequalities between rural poor children and urban rich children went up by 26%

→ In the meantime, the difference between rural rich and rural poor, which was insignificant in 2006, has grown by 340%



Quotes on private education in Morocco

United Nations Committee on Economic, Social and Cultural Rights (CESCR), concluding observations on Morocco



‘THE STATE PARTY HAS A TWO-SPEED EDUCATION SYSTEM WITH A STRIKING DIFFERENCE IN LEVEL BETWEEN PUBLIC AND PRIVATE EDUCATION WHICH DENIES EQUAL OPPORTUNITIES TO LOW-INCOME SECTORS OF SOCIETY’.

E/C.12/MAR/CO/3, para. 30.

Former UN Special Rapporteur on the Right to Education, **Mr. Vernor Muñoz Villalobos**, 2006, country report on Morocco



‘AN APPARENTLY EXCESSIVE PROMOTION BY THE AUTHORITIES OF PRIVATE EDUCATION’

A/HRC/4/29/Add.2, para. 16



‘THE STATE, AND NOT LOCAL ASSOCIATIONS, NOR THE PRIVATE SECTOR, IS RESPONSIBLE FOR GUARANTEEING THE REALIZATION OF THE RIGHT TO EDUCATION’.

A/HRC/4/29/Add.2, para. 16

King of Morocco “Speech To [the] Nation On [the] Occasion Of [the] 60th Anniversary Of [the] Revolution Of King And People”



‘A LARGE NUMBER OF FAMILIES ARE COMPELLED TO PAY HUGE FEES FOR THEIR CHILDREN TO STUDY IN FOREIGN SCHOOLS OR PRIVATE EDUCATION INSTITUTIONS IN ORDER TO AVOID THE PITFALLS OF THE STATE SCHOOL AND ENROLL THEIR CHILDREN IN AN EFFICIENT SYSTEM’.

King of Morocco, 20 August 2013.

Recommendations

1. We believe that the Government should:

- a. Conduct a study on the direct and indirect impacts of the development of private education on the enjoyment of the right to education, which seeks the inputs of all stakeholders including civil society organisations, parents' associations, and human rights bodies;
- b. Take all the necessary measures, which may include the measures suggested below, to avoid any direct or indirect harmful impact of the private educational sector and to ensure that the private sector contributes to the fulfilment of the right to education for all in Morocco, as was originally planned in the Charte nationale de l'éducation et de la formation (National education and training charter [the Charter]) in 2000³;
- c. Ensure that it has the necessary means, in particular through adequate staffing of inspectors at the regional academy level, to strictly enforce the *Dahir* n° 1-00-202, the *Décret* n° 2-00-1015 and other laws and policies governing private education, as was anticipated in the Charter⁴ and make inspectors reports available so that parents are able to make meaningful evidence-based choices about private and public education providers;
- d. Put in place an accessible and efficient remedy mechanism which applies to public and private education providers for parents and children who consider that their right to education is being violated. This remedy may be judicial⁵ and/or administrative, for example through the national human rights institution;
- e. Institute a moratorium on the opening of new private schools until items a – d above are in place;
- f. Regularly collect and make publically available data on private school fees and social diversity amongst the pupils attending private and public schools, so as to be able to identify and understand inequalities and review and amend if necessary its laws and policies governing education providers.;
- g. Take immediate measures to ensure that everyone can access quality education without distinction on account of social origin or other prohibited grounds and to ensure that everyone has a real educational choice. This could for instance include measures to require private schools to accept a percentage of pupils from low-income households without any fee,⁶ to set a ceiling for school fees,⁷ or to fix a progressive rate for school fees based on households' income.; and
 - i. Given its obligation to use the maximum available resources to respect, protect and fulfil the right to education of Moroccan children, re-assess the distribution of resources to private education providers in Morocco, including through taxation or other concessions, and take measures to ensure that the maximum available resources are in fact being directed to fulfilling the right to education. In particular, the government could condition its support to private schools on adherence with strict criteria that assess whether they consider education as a public good, for instance:
 - Whether the school uses all of its benefits to invest in educational quality and equality;
 - ii. Whether the school contributes to efforts to bring quality education to rural and disadvantaged areas; and
 - iii. Whether the school sets reasonable school fees allowing a diversity of pupils from all social origins to attend the school.

³ In particular at para. 163.

⁴ Ibid.

⁵ For example illustrated by a recent landmark court case in Cambodia, where the High Court directed action in cases of collection of excess admission fees by private schools. See <http://www.campebd.org/Details.php?DetId=23>

⁶ As was done for example in India.

⁷ As for example in Cambodia.