Education Privatisation and its impact on the Right to Education in Chile

Summary of Issues for UN Committee on Economic, Social & Cultural Rights (CESCR)

Chile’s experience with privatisation in education is unique: a systematic move to privatisation over the whole country and over a period of 30 years. Lessons learned from Chile are important for the current education reform process in Chile, but should also be heeded by other States considering similar privatisation policies.

The analysis of the Chilean education system shows that privatisation creates or deepens inequalities between socio-economic groups and creates a strongly segregated society, which is a violation of the right to education. This systemic inequality and segregation nullifies the potential for education to power socio-economic mobility and end intergenerational poverty.

1. Privatisation of Chile’s education system: reforms of the 1980s

During the 1980s, under the Pinochet military regime, Chile undertook a dramatic policy shift towards privatisation of its education system involving amongst other things:

- the devolution of responsibility for administration of educational institutions to local municipalities;
- The introduction of a voucher system whereby schools are funded by the State on the basis of the number of students attending daily;
- The deregulation of school curriculum.

The reforms were undertaken in the name of efficiency and school ‘choice’. The theory was that commercialising the relationship between schools and families would thereby incentivise increased quality.

As a result, Chile became one of the most privatised education systems in the world. Before 1973 80% students were enrolled in public schools; by 2014 at least 60% of students are enrolled in private schools.

Discontent with the system and inequalities it creates led to huge public protests in 2006 (Penguin Revolution) and 2011 (Chilean Winter), particularly by students.

2. Current situation

There are currently 3 types of schools in Chile:

- **Public schools**: Free schools subsidised by the State and managed by the municipalities. In 2011, 40% of pupils attended these schools.¹
- **State-subsidised private schools**: partially subsidised by the State and partially by private funding (mainly through fees and charges). Almost all of them have private owners. In 2011, 53% of pupils attended these schools.²

Independent private schools: Entirely private and entirely funded by student fees. In 2011, 7% of pupils attended these schools.  

Chile’s education system is highly dependent on private funding. It has the highest share (amongst PISA countries) (40%) of private expenditure in education at all levels of education (20.8% of this is from households: compare with 8.8% in Argentina). Many of the private schools, including those receiving public funding, are ‘for profit’.  

3. Inequalities and segregation

• Chile has the most socio-economically segregated education system of all PISA countries.

• The degree of socioeconomic integration, which measures the socio-economic diversity of students within schools, is less than 50% in Chile, while the average for OECD member countries is 74% (over 89% in Finland and Norway). According to PISA, in Chile 23.1% of the difference in pupil’s performance in mathematics can be attributed to socio-economic status (OECD average is 14.8%). Chile is 3rd most unequal country on this basis (out of 66 PISA countries). Thus students from disadvantaged families in Chile are less likely to achieve high levels of performance.

• Chile has a 2-track education system: elite high fee paying schools with high-performing students; and free and cheaper schools with lowest performing students.

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5 The OECD Program for International Student Assessment (PISA) is undertaken by 65 OECD countries.
Some of the causes of discrimination and stratification:

- **Low regulation** of school fees, and tax incentives to families to send their children to fee paying schools.
- **Myth of ‘school choice’** – poorer families’ school choice is constrained by affordability and geographic location.
- **Entry requirements and tests** are used by schools to select the best academic students thereby reinforcing segregation. Most secondary schools and most private primary schools use entry tests and requirements for socio-economic information to select students (e.g.: marriage certificates, application fees, certificate of salary). Since 2009 the law has prohibited primary schools that receive public funds from selecting students based on previous academic results and socioeconomic information.⁶

Contrary to the Chilean system, the highest performing education systems across the OECD are those that combine quality with equity.⁷ PISA results and other research show that school choice – and, by extension, school competition – is related to greater levels of segregation in the school system, which may have adverse consequences for equity in learning opportunities and outcomes.⁸

The situation in Chile contravenes the principles of non-discrimination and equality of opportunity, which are strongly protected under international law.

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⁶ See: Ley General de Educación, Articles 12 (“[…] en ningún caso se podrá considerar […] el rendimiento escolar pasado o potencial del postulante. Asimismo, en dichos procesos no será requisito la presentación de antecedentes socioeconómicos de la familia del postulante.”), 13 and 14.


President Bachelet’s election campaign focused heavily on proposals for addressing these stark inequalities in the Chilean education system. The government has initiated a package of reforms to:

- ban for-profit education;
- establish a new institutional framework for the public offering of general education;
- progressively eliminate shared payment;
- ban economic, social, academic and behavioral selection at all levels of general education.

Given the extent to which the current education system in the State Party is affecting the realisation of the right to and the extent to which the State Party has been failing to fulfil its obligations under the ICESCR, it is urgent that reforms in the line of the 2014 Reforma educacional be adopted and implemented as a matter of priority. Issue of profit making for schools, in particular those that receive public funding, are crucial.

5. Suggestions for the List of Issues

The education system in Chile is currently not compliant with articles 13 (right to education) and 2(2) (non-discrimination) of the Covenant. These same issues were raised by the Committee in its 2003 review of Chile and by the Committee on the Rights of the Child (CRC) in 2007.

We recommend the CESCR raise the following issues:

- Is the State party planning on moving to rebuild a public system of quality schools, in line with its obligations under the ICESR? Is the State Party considering moving away from the voucher system in a near future?
- Can the State Party give the timeline within which it is planning to effectively address segregation and discrimination in the education system?
- How will the government concretely ensure that schools receiving public funds do not practice any form of entrance selection, do not charge additional fees, and do not make profit?
- By when will the State party plan to totally abolish the system of shared payment?


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