

The State of the Right to Education Worldwide Free or Fee

Executive Summary

Introduction

It is simple. Preventing poor students from studying at the university is bad enough, but forcing primary-school children to work because they are too poor to pay for education which should be free is intolerable.

The State of the Right to Education Worldwide is the first global report to review the education laws and practice in 170 countries and to expose the hypocrisy whereby the right to free and compulsory education is loudly and universally proclaimed, and quietly and systematically betrayed.

Katarina Tomaševski, the first UN Special Rapporteur on the Right to Education spent six years compiling this Report before her untimely death in October 2006. The result should serve as a wake up call to all those concerned with global education and poverty reduction. It exposes the global pattern of poverty-based exclusion from primary education, and calls for poverty reduction strategies to use the elimination of economic exclusion from education as a benchmark. The current reality – where education is priced out of reach of the poor – subverts human rights, and denies another generation its birthright: free and compulsory education worthy of the name.

Free and compulsory education as a fundamental human right

Free and compulsory education for all the world's children forms the backbone of international human rights law but *does not* shape global educational strategies.

The global human rights minimum standards mandate that education be free so that it can be compulsory until the minimum age of employment. Although the law is more than 80 years old, the bitter reality of economic exclusion from education is evidenced in no less than 22 different types of charges which are levied in open defiance of its requirements.

This report shows that the key problem is not the proverbial “insufficient public resources”. The resource in the shortest supply is the political will to acknowledge and reverse economic exclusion, the necessary first step to achieving the right to education.

How can the right to education be affirmed and yet denied within the international community?

A major difficulty in realizing the right to education is the labyrinth of global education strategies with different visions of education. The UN, and its lead agency on education UNESCO, are formally committed to the right to education but many other global stakeholders are not. The United States government and the World Bank lead those who deny that education is a universal human right. That education should be free and compulsory is absent from the World Bank's educational vocabulary. Instead, education is analysed in terms of supply and demand. This approach denies that compulsory education is a governmental responsibility. The result is that governments are pressurized *not* to provide free education, but to transfer its cost to families and communities.

The "international community has made pledges to meet the "Millennium Development Goals" and the objectives of "Education for All" (EFA), including to ensure that by 2015 all children have "access to" and complete free and compulsory primary education of good quality. Yet these political promises, which convert what should have been affirmed as every child's birthright into a long-term development goal, can be broken with impunity. At the same time every country in the world, except the USA and Somalia, is obligated by international human rights law to ensure compulsory education free of direct, indirect and opportunity costs. Yet access to international development finance is not conditioned on human rights law, which is ignored. This report show the shocking consequence of how few countries uphold the right to free and compulsory education in their laws and policies.

The State of the Right to Education Worldwide highlights the abyss between the domestic policies of wealthy creditor and donor governments which keep compulsory education free, and their external policies which have made it for-fee. It demonstrates how policy and practice in 170 individual countries further or frustrate the right to education, showing why this is so, and the impact of the model whether chosen or imposed. It shows how the lack of global accountability means that today's entitlements in public education are based on a country-code lottery. They are considerable for those lucky enough to have been born in the wealthy countries and absent for those who had no such luck.

While international human rights law requires progressive realisation of the right to education and anticipates that international cooperation will facilitate this, there is no global commitment in reality to share the burden of ensuring the core of the right to education – free and compulsory education – internationally. The exclusion of international human rights law from international education strategies facilitates abuse of power by individual governments and by intergovernmental agencies including the World Bank.

Governments which are human rights violators, including rich governments of poor countries, make bad educators, whether prioritising military expenditure over the right to education or transforming education into institutionalised brain-washing, and where their populations have no means to hold them accountable. In such situations, political promises to increase the numbers of children in education have little meaning. Human rights law, which matches individual rights to clear government obligations, provides a framework for ensuring that education is available, accessible, acceptable and adapts to the individual.

Why should we care?

Where children have to work so as to pay the cost of their primary school, double shifts leave them little time to sleep, let alone time and energy and freedom to organize protest campaigns. Katarina Tomaševski's experience of living and working in innumerable countries around the world informs this report which shows what happens where children cannot go to school because it is priced out of their reach. Children and young people are silent victims of global bureaucracies, whose creative statistics and evasive vocabulary disguise their failure to translate any of the promises made into reality. The law, which mandates education to be free and compulsory, has been cast aside. Education should be free but it is for-fee.

Human rights law defines what governments should and should not do. Amongst the should-dos, ensuring education for all children tops the list. Using human rights as the lens for examining education necessitates challenging exclusion from education and also asking what education is for. Schooling, which is what global targets prioritize, is not the end but merely the means for education. Without human rights safeguards, compulsory education can amount to institutionalization of indoctrination. Many governments today neither provide education for all, nor know who are educating the youth. The right to education also demands that public authorities take charge of education because it is simply too dangerous not to do so. Human rights law requires policy makers to ask the questions which bean-counters avoid.

Despite the clear requirements of international human rights law, and often in breach of national law, the private cost of primary school may be more than 30% of the annual family budget and five times more than the public primary education budget in some countries. The rule of law is threatened by governments and the World Bank which fail to fully finance free compulsory education for all children.

Read the report. Get angry. Help expose and oppose economic exclusion from education.

Summary of findings

- **The right to education is taking a back seat to fiscal sustainability.** International cooperation has not prioritized the realization of the right to education, and those poor governments which are committed to provide free primary education have not been adequately supported by the resources they require from donor governments and development banks. This leaves developing country governments caught between their human rights obligations and economic exigencies. International human rights law demands ensuring free primary education while debt relief strategies demand fiscal sustainability. In the end, debt servicing takes precedence over human rights obligations because sanctions for non-compliance are immediate and expensive.
- Despite the rhetoric to the contrary, **many governments and intergovernmental agencies are *not* committed to education as a human right** for all children. Military spending far exceeds investment in education around the world – there are at least 150 soldiers for every 100 teachers in the world. Only 2% of educational funds come from international aid. Compulsory education is not supported in global education strategies as this would define education as a public service and a public responsibility. Instead supply and demand rationales continue to dominate educational policy making. Where demand is excessive the cost of education has been transferred from governmental to family budgets. This has institutionalised economic exclusion from education.
- **The boundary between public and private education has been obliterated** by conditioning access to public school by payments. In developing and transition states 35% of the cost of education is privately funded; in industrialised countries the figure is 8%. This conflicts with the very notion of free and compulsory education, where education is free at the point of use because getting educated is mandatory for all children.
- Charging for education which should be free is a **global phenomenon**. In Sub-Saharan Africa primary education is only really free in three countries; in seven countries over 30% of children never even start school. In post-communist states (such as Eastern Europe or Central Asia) free education is now virtually non-existent; teachers' salaries are often below official poverty benchmarks and various formal and informal charges for impoverished public education have made education much too expensive for the poor.

- **More than twenty different charges may be imposed in primary school.** Country data shows that children are pushed out of school as the expenses of going to school start mounting. The cost of free education varies dramatically. The price of school textbooks and uniforms may be less than 3% or more than 30% of the family budget. Data also indicates that school enrolment and attendance dramatically rise when school fees and other charges are eliminated. Experience of countries which have compensated families for lost revenue in sending children to school shows significant success in increasing retention of children in education.

- **Resolve *and* resources are required** to realize the right to free and compulsory education. The report documents policy-based charges in primary school in wealthy countries, showing the need to scrutinize the educational fate of the poor in rich countries. There is no automatic association between the wealth of a country and its educational performance. The USA has lower enrolments than Argentina. Latin America shows the greatest growth in free and compulsory education, despite many obstacles. In 2001/2 some 6% (or 1.3 million school-aged children) were out of school in the USA, a figure which does not even include those children who are uncounted, who are in the USA in fact, but not according to the law.

Table 1: Countries with charges for public primary education

| Sub-Saharan Africa | Eastern Europe and Central Asia | Asia | Middle East and North Africa | Latin America |
|--|--|---|---|---|
| Angola Benin Burkina Faso Cameroon Cape Verde Central African Rep. Chad Congo/Brazzaville Congo/Kinshasa Côte d'Ivoire Equatorial Guinea Eritrea Ethiopia Gabon Ghana Guinea Guinea-Bissau Liberia Mali Mauritania Mozambique Namibia Niger Sao Tomé & Príncipe Senegal Sierra Leone Swaziland Togo Zimbabwe <u>Governments rolling back charges</u> Burundi Gambia Kenya Lesotho Madagascar Malawi Nigeria Rwanda South Africa Tanzania Uganda Zambia | Albania Armenia Azerbaijan Belarus Bulgaria Croatia Georgia Kazakhstan Kyrgyzstan Macedonia Moldova Romania Russia Serbia Tajikistan Turkmenistan Ukraine Uzbekistan <u>Externally funded education</u> Bosnia & Herzegovina Kosovo | Bhutan Burma/Myanmar Cambodia China Fiji Indonesia Laos Maldives Nepal Pakistan Papua New Guinea Philippines Singapore Viet Nam <u>Externally funded education</u> Timor-Leste <u>Governments rolling back charges</u> Bangladesh India Malaysia Mongolia | Djibouti Egypt Iran Israel Jordan Lebanon Qatar Sudan Syria Tunisia UA Emirates Yemen <u>Externally funded education</u> Afghanistan Iraq Palestinian Territories | Bolivia Colombia Ecuador Dominican Republic El Salvador Guatemala Honduras Nicaragua Panama Paraguay Peru The Caribbean Antigua & Barbuda Belize Grenada Guyana Haiti St Lucia St Vincent Suriname Trinidad & Tobago |

Table 1 classifies regions by the prevalence of charges in public primary school, from Sub-Saharan Africa as the most affected region towards Latin America, with its commitment to free secondary rather than only primary education. Africa has attracted immense international attention but there has been almost no publicity for the plight of Eastern Europe and Central Asia, which is the second most affected region. The transition from centrally-planned, all-encompassing and free to a market-based education points to the correlation between poverty and policy. That region illustrates impoverishment in its extreme but some of its facets are present world-wide. Poverty-based exclusion from education is not confined to developing countries. It spans policy-based charges in primary schools in Israel or New Zealand. These are indicative of the changing practice of states in dividing the financial responsibility for education between the government and the family.

Regional overviews

Sub-Saharan Africa

“The World Bank has joined those who advocate the elimination of user fees but has not proceeded to apply this rhetoric where it could have made a difference, such as in debt relief.”

Katarina Tomaševski - Free or Fee: 2006 Global Report

Successive political promises have been made since 1961 to ensure that all children have access to education in the region. None has been realized.

This section of the report documents the reality whereby fifteen of forty-four countries have no policy commitment to free primary education at all. It also shows some of the underlying causes of for-fee education in the region, including the regressive ideological shift encouraged by the World Bank, away from the previous model of education as a free public service, towards a free market of education. This shift triggered the re-design of public education, opened the door to creeping privatization and introduced “user fees”.

Uniformly low educational enrolments in countries where charges are levied and much higher enrolments in countries that have made a commitment to free education tell the most important part of the story, as detailed in this report. The phenomenon of enrolment explosions triggered by announcements of free education has shown how big a barrier the fees, charges and other contributions are for poor children, who are the majority of Africa’s population.

This section reveals how, after decades of treating education as an unaffordable luxury, one government after another is pledging to define education as a free public service. However, investment still falls short in many countries and the international community has been slow to support shifts back towards free primary education.

The law and practice in Sub-Saharan Africa

| Country | Legal guarantee of free education | | | Charges levied | |
|--------------------------|-----------------------------------|----|-------|----------------|----|
| | Yes | No | Prog. | Yes | No |
| Angola | | / | | / | |
| Benin | | | / | / | |
| Botswana | / | | | | / |
| Burkina Faso | | | / | / | |
| Burundi | | / | | | } |
| Cameroon | | / | | | } |
| Cape Verde | | / | | / | |
| Central African Republic | | / | | / | |
| Chad | / | | | / | |
| Comoros | | / | | / | |
| Côte d'Ivoire | | / | | / | |
| Congo | / | | | / | |
| Congo D.R. | / | | | / | |
| Equatorial Guinea | / | | | / | |
| Eritrea | | | / | / | |
| Ethiopia | | / | | / | |
| Gabon | / | | | / | |
| Gambia | / | | | / | |
| Ghana | / | | | / | |
| Guinea | | / | | / | |
| Guinea-Bissau | / | | | / | |
| Kenya | / | | | | } |
| Lesotho | | | / | | } |
| Liberia | | | / | / | |
| Madagascar | / | | | | } |
| Malawi | / | | | | } |
| Mali | / | | | / | |
| Mauritania | / | | | / | |
| Mauritius | / | | | | / |
| Mozambique | | / | | / | |
| Namibia | / | | | / | |
| Niger | / | | | / | |
| Nigeria | / | | | | } |
| Rwanda | / | | | | } |
| Senegal | / | | | | } |
| Seychelles | / | | | | / |
| Sierra Leone | | / | | / | |
| Somalia | | / | | / | |
| South Africa | | / | | / | |
| Swaziland | | / | | / | |
| Tanzania | | / | | | } |
| Togo | | | / | / | |
| Uganda | | / | | | } |
| Zambia | | / | | | } |
| Zimbabwe | | / | | / | |

Out of 45 countries in Sub-Saharan Africa, only three - Botswana, Mauritius and Seychelles - fully guarantee free primary education. By no coincidence, they are also cited as African economic successes. In 12 countries, governments have committed themselves to making primary education free in recent years. However, the general picture remains that in too many Sub-Saharan African countries public primary education should be but is not free. The experience in human rights work is that overcoming the denial that a problem exists is the first and the most difficult hurdle. Acknowledgment of a problem leads to seeking solutions, both national and international.

For this region as in all others, governmental commitments are examined by comparing their fiscal priorities. The yardstick is based on widespread acknowledgment that excessive military expenditure distorts governmental budgets and investment in education suffers. Indeed, available data for the past decade and for this one highlight distorted priorities in Angola, Ethiopia or Sudan, and point to the priority given to education in Lesotho, Namibia or Seychelles.

Eastern Europe and Central Asia

The end of the Cold War also spelled the demise of public education as a universal and human right in these regions. Eastern Europe and Central Asia was formerly hailed by the United Nations for having achieved “universal, compulsory and free education at the primary level”. However, those days are long gone with changes in government policy impoverishing public education and giving rise to charges and fees for public services.

This trend has been largely invisible to international observers, as the countries which fall outside of the EU zone no longer form a region according to UN terminology, and their transition from second world to poor and heavily indebted “Third World” has been largely undocumented.

The heritage of free education has survived in legal guarantees in all countries in the region but educational policies have taken a different track. Privatisation of public services, including education, is a mainstay of “transition” in the region. Regressive economics buzz words, and their anti-human rights impact, have crept into the region’s terminology and practice. Terms such as “market-based education”, “user charges”, “tuition fees” and “cost recovery” are now common. This new approach to education funding stems from the influence of World Bank policy advice, and conditions for loans and debt relief to the region which consider free public services for all “financially unsustainable”. Government’s abandonment of financial responsibility for education has shifted the financial burden on families who are now paying widespread and varied charges, both formal and informal. Those families unable to afford the charges are forced to pull their children from school, resulting in massive declines in school enrolments and completion. Education has become a privilege for those who can pay.

This change has distorted the very notion of compulsory education. Imposing a duty upon children with which they cannot comply cannot work in practice, while it also jeopardizes the very notion of human rights and corresponding governmental obligations.

Primary education in Eastern Europe and Central Asia: Legally free, really for fee

| Country | Legal guarantee of free education | | Charges levied | |
|------------------------|-----------------------------------|----|----------------|----|
| | Yes | No | Yes | No |
| Albania | / | | / | |
| Armenia | / | | / | |
| Azerbaijan | / | | / | |
| Belarus | / | | / | |
| Bosnia and Herzegovina | / | | / | |
| Bulgaria | / | | / | |
| Croatia | / | | / | |
| FYROM (Macedonia) | / | | / | |
| Georgia | / | | / | |
| Kazakhstan | / | | / | |
| Kyrgyzstan | / | | / | |
| Moldova | / | | / | |
| Romania | / | | / | |
| Russia | / | | / | |
| Serbia and Montenegro | / | | / | |
| Tajikistan | / | | / | |
| Turkey | / | | / | |
| Turkmenistan | / | | / | |
| Ukraine | / | | / | |
| Uzbekistan | / | | / | |

“Children are given the legal right to education because they lack a political voice that would enable them to secure their education through the political process.”

Katarina Tomasevski - Free or Fee: 2006 Global Report

Asia and the Pacific

This extremely diverse region not only holds different models of education, but features both ends of the spectrum with respect to its educational landscape. High educational accomplishments have been achieved in Sri Lanka with free and compulsory education and in Malaysia without. On the other hand, the complete absence of commitments to free and compulsory education in Bhutan and Nepal coincides with the lowest enrolments in primary education in the region.

Only half of Asian countries provide formal guarantees of the right to education because many Asian governments remain reluctant to commit themselves to universally recognised human rights.

Many countries in the region, including Indonesia, Malaysia and Singapore, prioritize freedom of education over the right to education. This freedom empowers communities, particularly religious or linguistic, to design and carry out education of their children. Thus education may be all-encompassing but is neither provided nor paid by the state. Others, including Burma/Myanmar, Cambodia, China, Laos and Viet Nam define education as free and compulsory and their laws and policies reflect a model of uniform state monopolised compulsory education.

Primary school is for-fee rather than free in the majority of countries throughout the region. This is either according to, or in contravention of the law and the primary reason is the low priority for public education in governmental budgets. Another obstacle has been disagreements between development banks over the economic returns from education funding. The World Bank has insisted that loans for primary education generate higher economic returns than support to higher levels of education. The Asian Development Bank disagreed, prioritising higher education for faster economic returns. This short-sighted approach perpetuates a vicious cycle in which the wealthy get educated and wealthier as a result of this education while millions of poor children continue to be denied their right to education, a key avenue to break free from poverty.

It is precisely to break this vicious circle that primary education was made a public responsibility. An underlying reason is that primary education does *not* generate return on investment. Primary school leavers do not work nor should they: they are children. The attractiveness of education as a parental investment depends on employment prospects of school leavers. In Asia, girls and women have proven to be particularly disadvantaged by such private decisions on investment in education.

45% of the world's children who are out of school are in Asia, and the largest numbers are in China, India and Pakistan. One key reason is the preference for military expenditure over educational investment. In Pakistan, for example, there are at least 150 soldiers for every 100 teachers.

Guarantees of free education: The law and practice in Asia

| Country | Legal guarantee of free education | | Charges levied | |
|------------------|-----------------------------------|----|----------------|----|
| | Yes | No | Yes | No |
| Afghanistan | / | | / | |
| Bangladesh | / | | / | |
| Bhutan | / | | / | |
| Cambodia | / | | / | |
| China | / | | / | |
| Fiji | | / | / | |
| India | / | | / | |
| Indonesia | | / | / | |
| Korea | / | | | / |
| Laos | | / | / | |
| Malaysia | | / | | / |
| Maldives | | / | / | |
| Mongolia | / | | / | |
| Myanmar | | / | / | |
| Nepal | / | | / | |
| Pakistan | | / | / | |
| Papua New Guinea | | / | / | |
| Philippines | / | | / | |
| Singapore | | / | / | |
| Sri Lanka | | / | | / |
| Timor-Leste | / | | / | |
| Thailand | / | | | / |
| Vanuatu | | / | / | |
| Viet Nam | / | | / | |

Middle East and North Africa

Education in the Middle East and North Africa is neither unified nor uniform. The three educational systems that run in parallel are government-provided, private and religious. Although international human rights are not guaranteed in many national constitutions, free education is. The heritage of education as a public responsibility is reflected in the constitutions and laws of Middle Eastern countries.

However over the last 20 years, government-provided education has changed, with costs being transferred to families. Definitions of “free” public education and ways to translate that guarantee into practice, vary from government to government. “Free” education can consist of the government covering teachers’ salaries but having parents to assume the costs of books, transportation, resources, tutoring or uniforms.

Excessive military expenditure by North African and Middle Eastern governments is a parallel concern. The report also highlights the fact that the region's statistics are either scarce or non-existent with respect to monies invested in education as well as in military spending. Does it mean that public investment is embarrassingly low while military spending is appallingly high? This section of the report attempts to shed some light on this issue.

Free education in the law and practice in Middle East and North Africa

| Country | Legal guarantee of free education | | Charges levied | |
|----------------------|-----------------------------------|----|----------------|----|
| | Yes | No | Yes | No |
| Algeria | / | | | / |
| Bahrain | / | | | / |
| Djibouti | | / | / | |
| Egypt | / | | / | |
| Iran | / | | / | |
| Israel | / | | / | |
| Jordan | / | | | / |
| Kuwait | / | | | / |
| Lebanon | / | | / | |
| Libya | / | | | / |
| Morocco | / | | | / |
| Oman | / | | | / |
| Qatar | / | | / | |
| Saudi Arabia | / | | | / |
| Sudan | / | | / | |
| Syria | / | | | / |
| Tunisia | / | | | / |
| United Arab Emirates | / | | / | |
| Yemen | / | | / | |

*“Children cannot wait to grow,
hence their prioritized right to education.
The damage of denied education while they are growing up is difficult,
if not impossible, to remedy retroactively.”*

Katarina Tomasevski - Free or Fee: 2006 Global Report

Latin America

The many human rights battles that transformed military dictatorships into democracies represent for this region a 'lost decade' and taught a bitter lesson in impoverishment. That regional educational commitments have subsequently been raised to the universal completion of secondary education speaks volumes to the region's belief in making the right to education a reality. Much as everywhere else, the cost of for-fee education is expressed in the numbers of children out of school. Much more than elsewhere, this is investigated and documented in Latin America. If charges are levied, the number of children and young people who go to school automatically diminishes.

This finding shifts the spotlight on governmental commitments to make and keep education free. This is reflected in the high degree of correspondence between constitutional guarantees and governmental policies in Latin America. In terms of the right to education, however, the law is uniform throughout the region in guaranteeing free education, with the sole exception of Colombia. Unfortunately, policy and practice do not follow the laws of the country in half of the region.

Human rights correctives have been used in Latin America more than in other regions so as to make education free in all different meanings of this word. One facet is freeing education from financial obstacles; another is ensuring respect of freedom in education. Constitutions earmark the percentage of government funding to be dedicated to education in countries such as Brazil, Costa Rica, Ecuador and Venezuela. Starting from Brazil and Mexico, many Latin American governments provide subsidies to free children from work, so that they can go to school.

Lastly, the Latin American commitment to secondary education promises to remedy a key shortcoming of the MDGs: 'graduating' children at the age of 9 or 10 cannot be deemed to constitute successful governmental performance.

"Primary education is an investment with no immediate return and is therefore part of public law."

Katarina Tomasevski - Free or Fee: 2006 Global Report

The law and policy on free education in Latin America

| Country | Legal guarantee of free education | | Policy on charging fees | |
|--------------------|-----------------------------------|----|-------------------------|----|
| | Yes | No | Yes | No |
| Argentina | / | | | / |
| Bolivia | / | | | / |
| Brazil | / | | | / |
| Chile | / | | / | |
| Colombia | | / | / | |
| Costa Rica | / | | | / |
| Cuba | / | | | / |
| Dominican Republic | / | | | / |
| Ecuador | / | | / | |
| El Salvador | / | | | / |
| Guatemala | / | | / | |
| Honduras | / | | | / |
| Mexico | / | | | / |
| Nicaragua | / | | / | |
| Panama | / | | | / |
| Paraguay | / | | / | |
| Peru | / | | / | |
| Uruguay | / | | | / |
| Venezuela | / | | | / |

The Caribbean

Different from the prevalence of constitutionally guaranteed free and compulsory education in Latin America, the emphasis is placed on safeguards for freedom in education in this region.

There is no common policy on education and the models of education differ from country to country. Constitutionally guaranteed freedom of education supports parallel systems of private and public, religious and secular education. This dividing line routinely coincides with for-fee and free schools.

The common law, based on the English legal system and now reinforced by the influence of US law, is widespread in the Caribbean and prioritizes constitutional guarantees of freedom to provide education by religious communities or private entrepreneurs.

Education is seen primarily as a parental responsibility and constitutional guarantees of religious and economic freedom offer choice. Because education is generally not free, choice is determined by the family's purchasing power. Because choice is exercised at one's own cost, the poor do not have any choice; children can only go to school if it is free. Education as a free public service is less prevalent than in Latin America but, still, the majority of countries have such a guarantee, at least according to the law.

However, charges are levied even when such nominally free education exists in the majority of countries.

The Caribbean has been affected by the trend to privatize financial responsibility for education as has been the case in much as the rest of the world. This trend has reinforced the model of making parents financially responsible for educating their children. In countries where education was defined as a public responsibility and the government obliged to ensure free education, contrary governmental policies have impeded the universalization of education and undermined the rule of law.

Different from other regions, budgetary allocations for education in the Caribbean are relatively high, with the regional average being 5.6% of the GDP, slightly under the UNESCO recommended 6%. Although more than half of the countries in the region have exceeded that minimum, there is concern for children in Haïti where there are hardly any public services left, and no statistics available on education. In the neighbouring Dominican Republic, 2.4% of the GDP is allocated to education, hardly enough to cover the country's own children let alone to deal with the exodus of Haïtian children who need to be educated. As a consequence, poverty-based exclusion from education is widespread. To add to the dilemma is the fact that the Caribbean has the highest HIV/AIDS infection rates in the world second only to Africa. Most infections occur amongst the young. There is also a visible gender gap of vulnerability to HIV/AIDS with girls and young women at a risk which is three or six times higher than that for boys and men.

This further reinforces the need for all-encompassing education which is free in all different meanings of this word.

Constitutional guarantees of free and for-fee education in the Caribbean

| Country | Legal guarantee of free education | | Policy on charging fees | |
|---------------------------|-----------------------------------|----|-------------------------|----|
| | Yes | No | Yes | No |
| Antigua and Barbuda | / | | / | |
| Barbados | / | | | / |
| Belize | / | | | / |
| Grenada | | / | / | |
| Guatemala | / | | / | |
| Guyana | / | | / | |
| Haiti | | / | / | |
| Jamaica | | / | / | |
| St Kitts and Nevis | / | | | / |
| St Lucia | | / | / | |
| St Vincent and Grenadines | | / | / | |
| Suriname | / | | / | |
| Trinidad and Tobago | / | | / | |

The Wealthy West

Global education strategies formally divide the world in two parts. A low threshold has been laid down for the poor (primary education as a long-term goal) while the rich continue performing to a much higher standard (secondary education for all and lifelong learning to follow).

The right to education should have globally institutionalised a minimal entitlement for all humans premised on its two characteristics:

- (1) that it is a human right rather than an entitlement limited to citizens, and
- (2) that governmental human rights obligations are universal rather than circumscribed by national borders.

This has not happened and the global trend is, in fact, in the opposite direction. Two general findings of the annual educational assessments by the Organization for Economic Cooperation and Development (OECD) have described that trend:

- the proportion of private funding of primary and secondary education tends to be higher in countries with low levels of GDP per capita, and
- education reproduces existing patterns of privilege.

This section of the report examines the dichotomy of assessment, definitions and practices in this part of the world when it comes to education. It looks at the Wealthy West examining the history behind the establishment of a universal public system and uses this argument to make the case for applying the same principles and practice in poorer countries. In addition, policy-based charges in primary school in this region are discussed highlighting the need to scrutinize the fate of the poor in rich countries. The tyranny of statistical averages portrays these countries as having universalized education but this is often not the case.

The link between the elimination of child labour and free and compulsory education formed part of the oldest international human rights law. All-encompassing and compulsory education was introduced in many of today's post-industrializing countries in the 19th century. Education was gradually made free because experience showed that it would never actually become compulsory unless it was also free. The four key arguments behind universal, state-funded education in 1877 in New Zealand were:

- social control,
- the need for an educated electorate,
- investment in economic productivity, and
- equal individual rights.

The report notes how surprisingly little has changed regarding these four arguments in more than a century.

It is against this background that this section examines the laws and policies in the wealthy, mostly post-industrializing countries to discern the incidence of free and for-fee models of education.

Definitions of free education include a range of subsidies provided to offset the cost of enrolment, tuition, books, meals, computers, sports, transportation for children who live far from school, as well as extra-curricular activities.

Although compulsory education in public schools is free in all 34 countries, generous interpretations of the meaning of *free* are not shared amongst all Western countries. Charges have been introduced in some countries and these are explored in some depth in this section.

“Governmental policies which need to be in place to keep education free and compulsory reach far beyond the sector of education because endless research has documented the negative impact of poverty on children’s school attendance and their educational attainment.”

Katarina Tomasevski - Free or Fee: 2006 Global Report

Types of direct charges in public primary education

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| Supplement to inadequate public funding of schools | Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cambodia, China, Egypt, Djibouti, Ecuador, Georgia, Grenada, Guatemala, Guyana, Haiti, Honduras, Kazakhstan, Moldova, Mozambique, Nicaragua, Niger, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Romania, Russia, Sudan, Suriname, Ukraine, Uzbekistan, Viet Nam |
| Registration, admission, or enrolment | Benin, Burkina Faso, Burma/Myanmar, Burundi, Central Africa Republic, Colombia, Côte d'Ivoire, Ecuador, Fiji, Ghana, Guatemala, Indonesia, Kyrgyzstan, Liberia, Moldova, Peru, Suriname, Swaziland, Zimbabwe |
| Periodic payments during school attendance | Benin, Burma/Myanmar, Burundi, Cambodia, China, Ecuador, El Salvador, Indonesia, Israel, Kyrgyzstan, Laos, Lebanon, Liberia, Madagascar, Mali, Moldova, Nepal, Nicaragua, Peru, Qatar, Rwanda, South Africa, Swaziland, Tajikistan, Togo, Yemen, Zimbabwe |
| Charges for tests or examinations | Burma/Myanmar, China, Indonesia, Kenya |
| School building and maintenance | Armenia, Azerbaijan, Bhutan, Colombia, Ethiopia, Fiji, Georgia, Kazakhstan, Kyrgyzstan, Laos, Mauritania, Namibia, Uzbekistan |
| Teaching and learning materials | School textbooks are increasingly sold on the free market, but charges for books and other materials have been reported from: Armenia, Belarus, Benin, Cambodia, Colombia, Guatemala, Iran, Kyrgyzstan, Liberia, Macedonia, Mauritania, Serbia, Trinidad and Tobago, Ukraine, United Arab Emirates, Uzbekistan |
| Library or reading room charges | China |
| Use of nominally free textbooks | Armenia, Belarus |
| School furniture and supplies | Benin, China, Macedonia |
| Basic amenities (water, sanitation, heating) | Burma/Myanmar, Georgia, Kyrgyzstan, Serbia |
| School uniforms | Uniforms may be obligatory but free, or left to discretion of each school and sold on the free market, but charges have been reported from: Bhutan, Colombia, Guatemala, Kenya, Liberia, Namibia, Nepal, Rwanda, Trinidad and Tobago, Swaziland |
| Contributions for salaries of teaching and support staff | Ethiopia, Fiji, Ukraine |
| School inspectorate | Burundi |
| Fees for supplementary teaching and/or private tuition | Armenia, Cambodia, Georgia, Guyana, Kenya, Kyrgyzstan, Macedonia, Moldova |
| Transport | Armenia, Bhutan, Gabon, Kyrgyzstan, Macedonia, Namibia, Nepal, Serbia, Swaziland |
| School-based health services | Cameroon |
| School meals | Grenada, Korea, Kyrgyzstan, Rwanda, Serbia |
| Insurance (accidents or damage) | Kenya, Serbia |
| Charges for extra-curricular activities | Indonesia, Israel, Kenya, Kyrgyzstan, Serbia |
| Boarding | Mongolia |
| Membership fees in school children's organizations | China, Serbia |
| Fees for non-residents | China, Russia |
| Fees for non-citizens | Antigua and Barbuda, Croatia, Dominican Republic, Jordan, New Zealand, Qatar, Singapore |

In conclusion

Primary education is an investment with no immediate return and is part of public law. Public investment yields economic returns with much delay, and then only in combination with other assets. Moreover, education is not only about the transmission of knowledge and skills. Education is a public good because it represents the most widespread form of institutionalized socialization of children. Children can be deprived of schooling but they nonetheless learn out of school, especially about their 'rights-lessness'.

Children cannot wait to grow, hence their prioritized right to education. The damage of denied education while they are growing up is difficult, if not impossible, to remedy retroactively. Education constitutes one of the few globally accepted duties for children because it is compulsory. Children are given the legal right to education because they lack a political voice that would enable them to secure their education through the political process.

Primary education ought to be free for children because they cannot pay for themselves nor should they. This is reinforced by the corollary prohibition of child labour and the complementary principle which links school-leaving age with the minimum age for employment.

Human rights law shares with global poverty reduction strategies the experience that poverty is a key barrier to universalizing education. In primary education, the key governmental obligation is that of result. Where direct, indirect and opportunity costs preclude access to education, the government has to ensure that they are gradually eliminated. The prerequisite is to identify these costs and, then, develop a strategy for their elimination.

The key to a changed global design of education is an affirmation that education is a human right and a public responsibility. This report aims to facilitate such a change.

Recommendations

All governments, rich and poor, as well as the UN and World Bank should:

- acknowledge that the key problem in ensuring universal education is not lack of public resources (as evidenced in high and increasing military expenditures) but the global political will to tackle economic exclusion from education;
- reaffirm education as a public responsibility and eliminate financial barriers so that all children, no matter how poor they are, can go to school;
- end contradictory policies and institutional rivalries between global educational organizations;

- realistically monitor the cost of education imposed on families and the children themselves, hidden behind the confusing vocabulary of 'fee-free' rather than free education;
- ensure forms of international cooperation that facilitate, rather than hinder, free and compulsory education for all children;
- immediately and concertedly prioritise universal free and compulsory education so that *all* children stay in education until the minimum age of employment – at least 14.