

Statement of Interpretation on Article 17§2- Private sector involvement in education

The Committee recalls that Article 17§2 of the Charter requires States Parties to establish and maintain an educational system that is both accessible and effective (Conclusions 2011). The Charter provides that the obligations under this provision may be met directly or through the involvement of private actors. The Committee notes further that in many states private education is also available.

The Committee is also mindful in this respect of the Abidjan Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education. It recalls that the requirement that States respect the freedom of parents to choose an educational institution other than a public institution leaves unchanged the obligation under the Charter to provide free quality public education. Similarly, the offer of educational alternatives by private actors must not be to detrimental to the allocation of resources or otherwise undermine the accessibility and quality of public education. Moreover, States are required to regulate and supervise private sector involvement in education strictly by making sure that the right to education is not undermined. In particular, in accordance with Article 17§2 of the Charter, the State remains obliged in all cases to ensure that parental choice and private education are not prejudicial to the development of the children concerned or to the quality of the education offered or the knowledge imparted to them.