



The CRADLE
The Children Foundation
Promoting Justice for Children-
the Future in our Hands



The Global Initiative
for Economic, Social and Cultural Rights

The United Nation raises alarm about the lack of regulation in the education sector and sub-standard schools funded by development aid in Kenya

PRESS RELEASE – Monday 8th February 2016

The United Nations Committee on the Rights of the Child (CRC) published last week a report assessing the implementation of the Convention on the Rights of the Child by the Government of Kenya. In these “[Concluding Observations](#)”, the Committee expressed its concern about the “**Low quality of education and rapid increase of private and informal schools, including those funded by foreign development aids, providing sub-standard education and deepening inequalities**”.

Further, the CRC urged the Kenyan Government to “**Guarantee the legal right to free mandatory education for all, without direct or hidden costs**”. It insisted that Kenya should, in doing so, “**prioritize free primary quality education at public schools over private schools and informal low cost schools and regulate and monitor the quality of education provided by private informal schools in line with the Convention.**”

According to Abraham Ochieng, from the East African Centre for Human Rights, “*the mentioning of schools funded by foreign development aids offering substandard education in the CRC Concluding Observations demonstrates once again that achieving free quality education is a huge issue, in a context where some international donors such as the World Bank and the British development agency fund private fee-charging schools in Kenya*”.

Teresa Mutua, from the Kenya Chapter of the International Commission of Jurists, added, “*This is the furthest we’ve seen a UN Committee going in articulating Government’s role in promoting public education vis a vis private education in guaranteeing education for all. It’s an important reminder that the right to education guaranteed in the 2010 constitution must be implemented by the Government through prioritizing free quality education at public schools, and especially targeting the poor, vulnerable and marginalized in the society.*”

James Njuguna, from Concern Worldwide, observed, “*Children from poor households in informal settlement have to pay for sub-standard education yet they are the ones who need free quality primary education most to escape poverty, as the CRC rightly put it the current trend towards commercialization only serves to deepen inequalities in Kenya.*”

The fact that the CRC highlighted the need to regulate private informal (also called “alternative”) schools, could change of lives of thousands of Kenyan children living in informal settlements, where these schools are

most prevalent. The Concluding Observations were published shortly after the Ministry of Education finally officialised new [Registration Guidelines for Alternative Provision of Basic Education and Training](#) (APBET). These guidelines are meant to facilitate the establishment, registration and monitoring of these alternative schools.

Sylvia Mbataru, from the CRADLE, stated: *“The Government needs to take the necessary actions to ensure that the quality of education being offered in all Kenyan schools meets the minimum standards. The recently published Guidelines are a first positive step, but the standards set for alternative schools are still lower than for normal public and private schools, which creates a very unfair two-speed education system.”*

Pauline Vata, Executive Director of Hakijamii, emphasised: *“It cannot be acceptable, and it is illegal, that children have access to lower-quality education just because they were born in informal settlements, this has over the years institutionalized discrimination! The Ministry of education must take all appropriate measures to ensure that the recommendations outlined in the recent concluding observations are fully implemented, and that that all Kenyan schools obey by similar quality standards.”*

The Concluding Observations by the CRC also come against a background of mounting concerns over commercialisation of education in Kenya, and in Africa.

Kenya National Union of Teachers (KNUT) Secretary General Wilson Sossion insisted *“In the last years, we have witnessed a growing support of the authorities to private schools, including private multinational companies that come to make profit out of poor Kenyan children. As the CRC recalls, this is not acceptable, and it violates the right to free quality education guaranteed in both the Kenyan constitution and international law ratified by Kenya.”*

END

***Notes**

Concluding observations are a list of observations addressed to States by UN human rights committee of experts. After States such as Kenya have submitted their report explaining how they meet their international human rights obligations, they are given a list of issues, which they have three months to respond to. After the state submits a written response, the committee draws concluding observations to the states.

Contacts

- The East African Centre for Human Rights: Abraham Ochieng, abraham@eachrights.or.ke, +254 710 117423, +254 701 670 090.
- The East African Centre for Human Rights: Margaret Wawira, Margaret@eachrights.or.ke, +254704242727, +254701670090.
- The Global Initiative on Economic, Social and Cultural rights, Ashina Mtsumi, ashina@globalinitiative-escr.org, +254717296319.

Documents

- The Concluding Observations of the CRC on Kenya: <http://bit.ly/1SNEIRX>
- Registration Guidelines for Alternative Provision of Basic Education and Training (APBET) <http://bit.ly/1Qmecub>

SIGNED:

East African Centre for Human Rights

Economic and Social Rights- Hakijamii

Cradle, the Children Foundation

Kenya National Union of Teachers

International Commission of Jurists-Kenya Chapter

Global Initiative on Economic, Social and Cultural Rights