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Uganda judgement on the closure of Bridge International Academies must signal a move towards fulfilling the right to education in Uganda and other countries

Kampala, Uganda, November 10, 2016

The 15 organisations endorsing this statement take note of the decision taken by the High Court of Uganda sitting in Kampala on Friday 4th November which confirms that the process followed by the Ugandan Government to decide to close schools run by Bridge International Academies (BIA) was fair and legal. The [judgment](#), which BIA [says](#) it will appeal, confirms that Bridge International Academies could have been operating illegally in Uganda. We call on governments and investors in BIA to commit to the full implementation of human rights standards in dealing with the aftermath in Uganda as well as other countries where BIA is operating.

The Government [announced](#) yesterday that they would transfer Bridge children to nearby schools as they close Bridge schools. While closing schools is always highly regrettable, it appears that the Government was left with no other alternative after [several reports](#) found that BIA was failing to meet minimum education standards. In line with [previous civil society statements](#), we call on the Ugandan Government to ensure timely and orderly transition of affected students to nearby government schools to ensure the uninterrupted full realisation of the right to education of all children. It is critical that no child is deprived of access to education due to school closure and there is minimum loss of instructional time.

Uganda's neighbouring government in Kenya has been facing similar challenges in dealing with BIA, which has over 400 schools in Kenya. It appears that the Kenyan Ministry of Education has held various meetings with BIA to ask the company to comply with regulations, and wrote to the company at least twice on 17th November 2014 and 17th February 2016 to reiterate its demands based on internal reports raising concerns about

BIA's compliance with the law, apparently without success. The Kenya Ministry of Education wrote again to BIA on 31st August with a 90 day deadline until 30th November this year to comply with guidelines and standards.

Abraham Ochieng, from the Kenyan organisation East African Centre for Human Rights ([EACHRights](#)) commented: "The story emerging from Uganda is strikingly similar to our experience in Kenya. It seems that BIA continues to flout national regulations despite repeated calls to comply. No education provider is above the law, and we hope that the process in Kenya will similarly lead to Bridge schools either respecting national standards or closing."

Yet, the Kampala High Court judgement further demonstrates that, contrary to what the company has claimed, BIA had been duly informed by the Ugandan government of the legal requirements it had to follow, but had not taken appropriate action to meet those requirements. This confirms the concerns that although BIA, a multi-million dollar company, has the means and resources to comply with regulations, it appears to have ignored multiple requests to meet the educational standards of the countries in which it operates.

Salima Namusobya, from the Ugandan organisation Initiative for Economic and Social Rights ([ISER](#)) added: "The judgement has proved that BIA is not serious about respecting the law. BIA schools did not respect the Government Guidelines on Basic Requirements and Minimum Standards for Schools for example regarding infrastructure, purposefully used unqualified teachers in order to reduce costs, in violation of Ugandan laws, and were running a for-profit business without the agreement and proper oversight of the authorities."

It is a domestic obligation in Kenya and Uganda, as well as an obligation under international human rights law, for governments to set and enforce minimum educational standards for all schools. Both [Kenya and Uganda](#) have recently been called on their obligations to regulate private schools by UN human rights monitoring bodies and the African Commission, and a [July 2016 Human Rights Council Resolution](#) equally called for adequate regulation in the face of the growth of commercial actors in education.

Sylvain Aubry, of the Global Initiative for Economic, Social and Cultural Rights ([GI-ESCR](#)) commented: "Multiple human rights monitoring bodies and the UN Human Rights Council have raised serious concerns regarding the fast-paced and unregulated growth of private education providers, in particular commercial ones. States have human rights obligations to adequately regulate private actors through national law, as the Government of Uganda has done in this case. Education providers, especially international companies with a lot of resources must respect national standards and laws."

In this context, the organisations signing this statement are very concerned that BIA's shareholders, among them high profile investors such as Mark Zuckerberg, Omidyar,

Novastar, the World Bank Group, the British development agency and the U.S. Government's development finance institution could be failing on their [due diligence](#) obligations and responsibilities, which might have legal implications. Human rights practice, domestic legislation in several countries and various companies' codes of practice require shareholders to strive to prevent any violation of the law by the company they invest in, and the UK has already been [told twice](#) by human rights bodies to refrain from funding commercial schools, which would include BIA. The organisations signing this statement call on BIA investors to ensure that BIA immediately complies with the law wherever it operates and that it remedies parents, children or other stakeholders where it has failed to do so, including by reimbursing parents who may have to leave BIA schools due to the company's failure to meet the law.

Tanvir Muntasim, from [ActionAid International](#), reacted: "The developments in Uganda should act as a cautionary tale for countries planning to allow commercial schools without appropriate regulation or oversight in place and for investors planning on investing in school chains which are premised on low-standards in order to maximise profit".

The organisations supporting this statement are ready to work with the Governments of Uganda, Kenya, and other interested authorities to support the development of a quality public education system in which all schools comply with human rights norms and standards.

END

Key Documents

- Court judgement: <http://bit.ly/2ftsYly>
- Ministry of Education response: <http://bit.ly/2fEm54Z>
- Information statement on ongoing cases involving Bridge International Academies in Kenya and Uganda: <http://bit.ly/2eFckEp>
- Human rights bodies statements related to States' obligations with regards to Bridge International Academies: <http://bit.ly/2fXvM11>
- Education International report (sept 2016) *Schooling the Poor profitably: the innovations and deprivations of Bridge International Academies in Uganda*: <http://bit.ly/2cSQidq>
- August 2016 statement by civil society on the closure of BIA in Uganda: <http://bit.ly/2fTQM8Q>
- May 2015 statement signed by 120 organisations related to the World Bank's support to BIA: <http://bit.ly/statementWBprivatisation>
- UN statement on UK's support to commercial schools including BIA: <http://bit.ly/privatETOs>
- July 2016 UN Resolution urging States to regulate education providers and support public education: <http://bit.ly/PRHRC2016eng>

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Signatories

- ActionAid International
- ActionAid Uganda
- African Network Coalition on Education for All (ANCEFA)
- Amnesty International
- East African Centre for Human Rights (EACHRights)
- Equal Education Law Centre
- Ghana National Education Campaign Coalition (GNECC)
- Global Campaign for Education (GCE)
- Global Initiative for Economic, Social and Cultural Rights
- Global Justice Now
- Initiative for Economic and Social Rights (ISER)
- International Federation of Centers for Training in Active Education Methods (Ficeméa)
- Public Services International
- Right to Education Project
- The Program on Human Rights and the Global Economy (PHRGE) at Northeastern University

Note for editors: Background on Bridge International Academies

Bridge International Academies Ltd (BIA) is an American based company registered in Delaware. Operating for-profit the company runs a commercial, private chain of nursery and primary schools. With over 400 institutions and 100,000 children enrolled in BIA schools, it is the largest chain of commercial private schools worldwide.

BIA has received funding from several large corporations, investors and development partners including the Omidyar Network founded by the billionaire creator of eBay, Pearson (the world's largest educational business), Novastar Ventures, Kholsa Ventures, philanthropist Bill Gates, Facebook founder's Zuckerberg Education Ventures, the International Finance Corporation (a branch of the World Bank Group), the UK's Commonwealth Development Corporation (with funds from the Department for International Development - DFID) and the Overseas Private Investment Corporation.

BIA opened its first school in Mukuru kwa Njenga slum in Kenya in 2009, by 2015 the company had 405 schools in Kenya. The company expanded further with 2 schools opened in Nigeria in 2015 and 63 schools opened in Uganda by 2016, and has made plans to open schools in India. Most recently BIA has entered a pilot public-private partnership with the government of Liberia. Through the program "Partnership Schools for Liberia" the government has outsourced 92 of its public pre-primary and primary school. BIA is running 23 primary schools in the pilot. BIA seeks to grow further with the aim of reaching 10 million students by 2025.