

Sr. Kishore Singh:

The privatization and the situation of the right to education in Chile

In the context of the crisis and decline of public education in Chile, we would like to show Chile as an experimental case where, for more than thirty years, an overwhelming advance and intrusion of the neoliberal model in the educational sphere has been developed. We hope these lines will help to reflect about the privatization processes in education that are currently being developed. We are available to deliver to you the information needed to better understand the situation of education in Chile and we are enclosing a letter denouncing the infringement of the right to education by the State of Chile, due to the closure of four public schools located in the city of Santiago, their communities resist.

Introduction. Origins of the Model: Neoliberalism and Education

The implementation of the neoliberal model in the Chilean education started in the early 1980s. The Pinochet's civil-military dictatorship, deeply influenced by Milton Friedman's postulates, used repression and violence to establish a market economy model which encouraged the predominance of the business sector and diminished the role of the State in the protection and warranty of civil, economic, political, social and cultural rights. Chile has resulted to be a real laboratory for using neoliberal principles, specifically on education. Some of these elements are described in the following pages¹:

1) At Legal Level:

A phenomenon known as an international legal anomaly is constituted. Among Southern Cone countries, Chile is the only one which does not ensure an appropriate protection of the right to education in its constitution. As a result of this situation, the education has been understood and treated as a consumption good acquired in the educational market, as the ex President of Chile, Sebastian Piñera, pointed out. According to the report elaborated by Lawyers Network for Students' Rights Defense, 5.000 high school students were expelled in 2011². In other words, the right to education of these underage boys and girls who protested against the educational business and market was violated.

¹It is important to state that other fields could be mentioned. However, the following are those on which Foro Chileno por el Derecho a la Educación has decided to construct knowledge, support and strengthen the networks which report and make proposals in order to overcome problems.

²Vejar, Patricio (2012): *Criminalización de la movilización estudiantil en Chile el año 2011*. ACHNU-Foro por el Derecho a la Educación. Chile. Also available at: http://educacionparatodos.cl/wp/?attachment_id=1377

2) At Funding Level:

Due to the reforms started in the 1980s, the State was stripped of its preferential function in education - funding. These reforms expected to and have made progress in the universalization of the private sector's participation in providing pre-elementary, elementary, and secondary education as well as higher education, by fulfilling only 2 requirements to the holders (sostenedores): having completed higher education and complying the minimal requirements of infrastructure. The private sector exercised the right to freedom of education, guaranteed by law, which empowers them to open, maintain and close educational institutions as they wish. Currently, Chile is the only country in the world where public and subsidized private schools are funded in the same way. In this system, the State provides a basic grant (voucher) to both public schools and subsidized private schools based on their enrollment.

This amount of money (\$US 120 per month on average) was set arbitrarily, with no consideration of the meaning and requirements for a comprehensive education. This grant or 'voucher' is received by an educational holder (natural or legal person) who has no restrictions in the use of this money, as the holder owns the school.³ Complementarily, in 1993 a legal revision allowed holders to charge parents additional fees to the money provided by the State. This law is known as 'Shared Funding Law'.

On the other hand, higher education went from being free of charge and provided by public institutions to an education funded by the students and/or their families, and it also includes the increasing presence of private institutions, which nowadays are majority in number and coverage. Public universities had to start their self-funding and these days this goes up to (they use) about 80 per cent of their budget. The newsletter number 8 of the Information System on Educational Trends in Latin America (SITEAL/UNESCO) establish that Chile is the first country whose higher education is completely private, when considering its funding. However, not only is it the first one, but it is also the only one in the continent. The consequences of the current Chilean educational funding system have been disastrous because of the following reasons:

First: by allowing the shared funding, some schools and their students' families 'accept' the charge and payment of fees for education thus naturalizing this process, encouraging segregated education of children and young people.

³For a better understanding of this phenomenon, please see the Forum's document 'Financiamiento educativo y ejercicio del derecho a la educación en Chile' (2011). Also available at: <http://www.achnu.cl/2011/07/07/foro-educacion-de-calidad-para-todos-el-anuncio-del-gobierno-no-aborda-los-problemas-mas-graves-del-sistema-educativo/>

Second: by forcing schools' competition for students' enrollment, private subsidized institutions select children and choose those who are 'more promising'.

Third: by making no differences between public and private schools in providing grants and, even more, making no distinctions between the socio-economic background where these schools are classified, the ultimate favored are those students who have more advantages due to their background conditions.

Finally, after Haiti, Chile has the most privatized system in the world. Regarding the students' segregation, this country, along with Thailand and Peru, is one with the highest segmentation⁴. Additionally, Chile is among the countries with the lowest public expenditure in education, in relation to the wealth percentage produced per year (4 per cent of its GDP). Moreover, only half of this public expenditure is for public institutions, the remaining is allocated to (private) subsidized schools. UNESCO recommends a public expenditure of 7 per cent. Even though Chile is actually spending this amount of money in education, almost half of this corresponds to the private expenditure of Chilean families.

3) At Educational Administrative Level:

The educational reform, driven at Pinochet's dictatorship and continued during 'democracy', shaped the holder's figure following the idea of State decentralization⁵, handing over the administration of public educational institutions to municipalities (345 in Chile), each one with different conditions, and financial capacities. Doing this, the State neglected the right to education, since although the administration of educational institutions was relocated at a local level, this was not followed by the proper budget and management structure, as schools were to compete in unequal conditions and clearly in disadvantage in comparison to the new 'private subsidized schools'. As a result, public schools (more than 800) have been progressively closing, whereas more than 2.900 private subsidized schools have been opened over the last 20 years⁶.

Additionally, institutions which until the reform were public, underwent some 'endo-privatization processes'. School principals have gone from being educational leaders to

⁴Valenzuela, J.P; Bellei; C. y De los Ríos. D. (2010). "Segregación escolar en Chile" (2010). En Martinic, S. & Elacqua, G. (eds) Fin de Ciclo: Cambios en la Gobernanza del Sistema Educativo. Santiago, Faculty of Education, Pontifical Catholic University of Chile and UNESCO Regional Bureau of Education for Latin America and the Caribbean.

⁵For a better analysis of this phenomenon-problem, please read "Las resoluciones de un congreso de estudiantes secundarios", year 2007, produced by members of the Secondary Student Movement: http://www.opech.cl/movisociales/propuestas/resoluciones_congreso_nacional_secundarios.pdf

⁶For a detailed revision of the gradual abandonment of public education, please see the figures provided by Fundación Sol available at <http://www.biobiochile.cl/2013/03/30/mas-de-800-escuelas-publicas-chilenas-desaparecieron-en-los-ultimos-20-anos.shtml>

managers who run human resources, reduce costs, maximize profits and design and implement marketing campaigns to make families to choose their institutions, whereas people prefer private schools which by selecting students or charging families, ensure a socialization space for their children, giving them distinction and an alleged social mobility. In order to survive, some public schools with more tradition and prestige have implemented the same discriminatory practices of private education, selecting their students and excluding those with poor academic performance, who are also those from lower income families.

Final Considerations

Once evaluated, using its own postulates and projects, this process turns to be a complete failure: the system as a whole has widespread poor results: lower-quality schools still exist, private schools do not achieve better results than public schools and parents cannot choose freely the school for their children as they are continually discriminated by students' selection mechanisms and fees charges.

From external criteria, such as the Human Rights Perspective, this model also resulted in a failure: socio-educational discrimination, exclusion and segregation. Not only does the Chilean educational system increase and reproduce inequities through education, but it also rises pre-existing ones.⁷

A strong social movement aims to overcome these situations by strengthening public education. The new government, which was formed three months ago, promised in the election campaign, rescue public education. At the time of writing, the government had proposed measures to regulate the education market and end discrimination mechanisms as student selection and payment of fees in compulsory education. However, while not delivering a proposal for strengthening public education, and schools defended by their communities remain closed, it is likely that this year other public schools are closed.

In this way the Chilean state does not fulfill its obligations to respect, protect and guarantee the right to education, not ensuring the availability of accessible, acceptable and adaptable education for all.

⁷For a better understanding of the contents of this article, please see the presentation "La Privatización de la Educación en Chile" available in power point format at www.educacionparatodos.cl