

ACHPR/Res. 346 (LVIII) 2016: Resolution on the Right to Education in Africa

The African Commission on Human and Peoples' Rights, meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of the Gambia, from the 6 to 20 April 2016;

Considering that Article 17 of the African Charter on Human and Peoples' Rights guarantees the right to education and that States must ensure that everyone has access to education;

Considering that Article 12 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women also guarantees equal access and opportunity for education and training of women and girls and that States must ensure that this right is enjoyed without any discrimination;

Considering that Article 11 of the African Charter on the Rights and Welfare of the Child guarantees the right to education for all children in Africa;

Considering also that the right to education is also guaranteed under Article 13 the International Covenant on Economic, Social and Cultural Rights;

Recalling that the Nairobi and Tunis Guidelines recognize that access to quality education for all as well as vocational training and teaching is a prerequisite for the sustainable development of societies;

Recalling also that Goal 4 of the Sustainable Development Goals seeks to "ensure inclusive and quality education for all and promote lifelong learning"

Noting that commitments made by the States in the "Post-2015 Development Agenda" further confirm their obligation to ensure that the right to education is fulfilled;

Concerned that despite the existence of legal frameworks for the protection of the right to education many children, particularly girls, vulnerable children such as children with disabilities, refugee children, migrant children, street children, internally displaced children, girls who abandon school as a result of pregnancy, and children from marginalised communities have not been given equal opportunity;

Concerned about the existence of laws and policies, as well as deep-rooted harmful social and cultural practices such as early and forced marriages and preference for boys' education which continue to contribute to social, economic and political exclusion;

Concerned that the prevalence of internal conflicts, political crisis and instability in some African countries negatively impact on the realisation of the right to education in Africa, particularly for children;

Concerned also that adequate resources have not been made available by States in their budgets to realise the right to education, including the provision of equal access and opportunity;

The Commission:

- i. **Urges** States Parties to guarantee the full scope of the right to education, including:
 - The opportunity for all children to enjoy free and compulsory primary education without distinction by progressively providing adequate financial and other resources in their education budget;
 - The provision of pre-school, primary, secondary, tertiary, adult education and vocational training;
 - Ensuring equal opportunity and general accessibility, both physical and economic, for all persons to education without discrimination;
 - The provision of high quality and appropriate educational programmes that serve the needs of all sectors of society, and in particular girls, vulnerable children such as children with disabilities, refugee children, migrant children, street children, internally displaced children, pregnant children and children from marginalised communities ;
 - The provision of reasonable accommodation measures for children with disabilities and in particular girls with disabilities, to ensure inclusive quality education on an equal basis with other members of their communities consistent with the goal of full inclusion;
 - Ensuring that privatisation in education does not exacerbate discrimination against children, in having access to and quality in education, particularly girl children, vulnerable and marginalised children;
- ii. **Calls on** States Parties to fulfil their duties with respect to access to education, in particular to:
 - Address social and cultural practices that impede the girl children's equal enjoyment of the right to education;

- Ensure that children that drop out from school, in particular pregnant children, have the opportunity to complete their education;
- Prohibit and prevent all forms of discrimination in education against children with HIV/AIDS based on their real or perceived status;
- Provide the enabling environment for all persons to be educated, as well as ensure safety of schools for all children.
- Adopt all necessary and appropriate measures to the maximum of its available resources to promote, provide and facilitate access to education for all in Africa.

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016