

## **Concept Note for the Day of the African Child 2024: 'Education for all children in Africa: the time is now'**

**February 2024**

### **I. Background**

In 1991, the Assembly of Heads of State and Government of the OAU instituted the Day of the African Child (DAC) in memory of the 16th June 1976 student uprising in Soweto, South Africa. At that time, students marched in protest against the poor quality of education they received and demanded to be taught in their languages. The DAC serves to commemorate these children and the brave actions they took in defence of their rights. The DAC thus celebrates the children of Africa and calls for serious introspection and commitment towards addressing the numerous challenges children across the continent face.

Every year, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) selects a theme for the DAC, which is further adopted by the Executive Council of the African Union as the continental theme to be used by all Member States. The Celebration of the DAC is not a mere commemoration on the day of 16<sup>th</sup> June, but rather a long celebration where all actors undertake various actions and measures in relation to the theme. Accordingly, the ACERWC develops a concept note which explains the theme and provides guidance on the activities that can be undertaken in line with it. The DAC is an opportune moment to take stock of the progress made and reflect on the challenges that impede the essential realisation of the rights of children in the African region.

In 2024, the theme for the DAC is '**Education for all children in Africa: the time is now**'. This theme is in line with the theme of the African Union for the year 2024 that reads "Educate an African fit for the 21st Century: Building resilient education systems for increased access to inclusive, lifelong, quality, and relevant learning in Africa." That was adopted at the 36<sup>th</sup> Ordinary Session held in February 2023, the AU Assembly of Heads of States and Governments. The AU focused on Education for 2024, considering the various challenges its Member States are facing in providing education, particularly in the aftermath of Covid-19.<sup>1</sup> Moreover, the focus on education follows the assessment of the implementation of SDG4 and the AU Continental Education Strategy for Africa (CESA) which revealed that despite the various achievements, African States face an increasing number of out of school rates, lack of quality education, and higher teacher to student ratio.<sup>2</sup> It is in this context that African leaders decided to commit 2024 to education with a view to enhancing efforts and providing education for all in Africa.

The Committee took note of the theme of the year for 2024 and decided that adopting a theme in relation to education would complement the theme of the AU and bring the issue of children's right to education to higher levels to the fore. This is an opportunity to galvanize efforts at all levels for the right to education of the children of Africa and

---

<sup>1</sup> Concept Note on Education as the AU theme of the Year for 2024, page 4 available at [https://au.int/sites/default/files/documents/43425-doc-CONCEPT\\_NOTE\\_with\\_Roadmap\\_AU\\_Theme\\_Eng\\_VF.pdf](https://au.int/sites/default/files/documents/43425-doc-CONCEPT_NOTE_with_Roadmap_AU_Theme_Eng_VF.pdf)

<sup>2</sup> As above.

to undertake meaningful measures that can positively impact the lived realities of children and their access to education. Moreover, the Committee noted that 2024 would be ten years since the Committee commemorated the DAC on “**A child-friendly and compulsory education for all children in Africa**” in 2014. Some of the key recommendations provided for Member States in the celebration of the DAC in 2014 include<sup>3</sup>:

- Legislative framework to ensure free and compulsory primary education and ensure the realisation of early childhood and secondary education
- Collect data on children out of school, identify the reasons for exclusion, and specify measures to ensure all children are in school including marginalised children.
- Develop indicators on quality education and undertake quality assessment
- Identify specific measures for the provision of education for children in vulnerable situations, such as children in economically disadvantaged situations, children in conflict situations, and children of incarcerated caregivers, among others.
- Adapt an inclusive education.

The Committee, therefore, notes the importance of assessing the strides undertaken to fulfil the right to education since 2014 and identifying emerging challenges that require further Actions. Thus, the 2024 theme on education provides the opportunity to do that. The first phase implementation assessment of Agenda 2040, Africa’s Agenda for its Children, also informs the selection of the theme for 2024. The assessment of Aspiration 6 of Agenda 2040, an aspiration for ‘every child to benefit fully from quality education’ reveals that coverage for early childhood education remains very low; free and compulsory education faces challenges of direct and indirect cost for education; and girls are disproportionately affected in accessing and completing education. Moreover, the assessment highlights the challenges in the quality of education and budgetary allocation for education as African nations have not met their international and regional commitments such as the Dakar budgetary targets.<sup>4</sup>

The concept note outlines the rationale for the selection of this specific theme and the main elements of the theme. The concept note also provides insight into the various activities to be undertaken in the celebration of the DAC at the continental level and recommendations that Member States should consider at the domestic level.

## II. Rationale for DAC 2024

---

<sup>3</sup> Concept Note for the Day of the African Child 2014 ‘A child friendly and compulsory education for all children in Africa’, page 16-18

<sup>4</sup> ACERWC, Assessment of the First Phase of Implementation of Agenda 2040 (2016-2020), page 90-102, available at <https://www.acerwc.africa/sites/default/files/2022-10/Agenda2040-Assessment%20of%20the%20first%20phase%20of%20implementation%202016-2020.pdf>

The theme of the DAC 2024 has two major components: '**education for all**' and '**the time is now**'. The aspect of '**education for all**' is key because the African Charter on the Rights and Welfare of the Child under Article 11(1) states that 'Every child shall have the right to an education'. Education is the right of all children in Africa equally despite their location, race, parental status, disability, gender, and any other status. The landmark global initiative on 'Education for All' was launched in 1990 by UNESCO to enhance access to education. Following such and many other initiatives, African Governments have been and are undertaking various measures to realize the right to education of children which has resulted in an increase in the number of children in schools across the continent. Steps have also been taken to provide free primary education and bridge the gender gap in primary education enrolment. Over half of Member States have adopted inclusive education policies in principle.<sup>5</sup> However, the concept of education for all is not the reality of many African children. The continent has not achieved its targets of universal education, and statistics from UNESCO reveal that 20% of children between 6 and 11, 30% of children between 12 and 14, and 60% of children between 15 and 17 years are out of school in Africa. This shows that even if school enrolment has increased, there is a high rate of dropouts from schools.<sup>6</sup> Some of the main factors that affect enrolment and retention in most African countries include child poverty, gender-based discrimination and violence, conflict and crisis, disability, and displacement.<sup>7</sup> Teenage pregnancy and lack of access to sanitary pads are among the main reasons for the dropout of girls from schools, which in turn perpetuates and increases gender parity in higher grades.<sup>8</sup> The high prevalence of sexual exploitation and abuse of children in Africa and the lack of services for survivors is another factor that forces children to leave schools. Children's right to education is also greatly affected by conflict due to the closure of schools, attacks on schools, and recruitment of children in the armed forces. Emergencies such as pandemics and natural disasters, climate change, and migration in the continent have resulted in a relapse of some of the gains that had been achieved in realising the right to education.

In addition, the physical and economic inaccessibility of education, poor quality of education, and inadequate funding to the education sector remain challenges in the realisation of children's rights to education. Hence, some groups of children are more adversely affected than others in terms of access to education, and these include girls, children with disabilities, children on the move, children in conflict situations, children in conflict with the law, children in street situations, children without identity documents, marginalized children, and children living in remote areas among others.

---

<sup>5</sup> UNESCO & AU, Continental Report on Education in Africa: Placing equity at the heart of policy, 2023, page 30-38, available at <https://unesdoc.unesco.org/ark:/48223/pf0000384479>

<sup>6</sup> As above.

<sup>7</sup> As above.

<sup>8</sup> As above; ACERWC, Assessment of the First Phase of Implementation of Agenda 2040 (2016-2020), page 95, available at <https://www.acerwc.africa/sites/default/files/2022-10/Agenda2040-Assessment%20of%20the%20first%20phase%20of%20implementation%202016-2020.pdf>

Moreover, exclusion might result from how educational institutions operate. High violence in schools, including corporal punishment, lack of hygiene facilities, including clean water in schools, hidden costs attached to primary education even when education is free, and discrimination against pregnant and married girls are forms of exclusion that emanate from education regulations and the operation of schools.

Furthermore, harmful practices prevalent in Africa, such as child marriage, FGM, child labour, child begging, and others, affect children's enjoyment of the right to education. The impact of lack of sexual reproductive and health services on the full enjoyment of the right to education is vividly observed in Africa. The lack of policies and strategies that respond to emerging situations and the lack of emergency preparedness, especially in the education sector, exacerbate the negative impact of emerging issues on the right to education. Poverty and unemployment of parents and caregivers are also factors that deprive African children of their right to education.

Early Childhood Education (Pre-primary education) is an area that has not been taken up by most African Countries because public pre-primary education is at a very low rate and is mainly provided by the private sector.<sup>9</sup> Early childhood education is also crucial for vulnerable children such as those without parental care.

The exclusion of such a large group of children from education negates the concept of 'education for all'; therefore, the Committee notes that the right to education for all needs to be amplified now more than ever.

The second aspect of the theme for DAC 2024 is '**the time is now**' which mainly has to do with the role and impact of education for the development of children as well as addressing various emerging challenges. Education is not only a substantive right, it also facilitates the realization of other rights of children and the elimination of discrimination against children.<sup>10</sup>

The population of African children is estimated to reach 1 billion in 2055, making the continent with the largest number of children.<sup>11</sup> This denotes how investing on children is critical and determinant for achieving Africa's development agenda. Poverty, unemployment, and peace and security can be achieved through investing in education. The impact of lack of education on children is holistic as it affects children's right to development, excludes them from future work opportunities, resulting in an intergenerational cycle of poverty, and exposes them to further violence, abuse and exploitation. An essential tool to fight violence and discrimination is education: this is

---

<sup>9</sup> As above, page 90.

<sup>10</sup> CESCR, General Comment No. 13 on the right to education, UN Doc. E/C.12/1999/10, 8 December 1999; CEDAW, General Recommendation no. 36 on the right of girls and women to education, UN Doc. CEDAW/C/GC/36, 27 November 2017.

<sup>11</sup> United Nations, Department of Economic and Social Affairs, Population Division, World Population Prospects: The 2017 Revision, United Nations, New York, 2017, available at [https://population.un.org/wpp/publications/files/wpp2017\\_keyfindings.pdf](https://population.un.org/wpp/publications/files/wpp2017_keyfindings.pdf)

due to the fact that children out of school are more exposed to abuse and exploitation such as child marriage and child labour<sup>12</sup> compared to those in school and also education is a powerful instrument to change societal attitudes toward violence. Education plays a pivotal role to create a society that gives due regard to human rights, rule of law, and tolerance. When Africa invests in education in the right direction, it can prevent the proliferation of conflict and build capacity towards peace building. Emerging challenges of terrorism and radicalization mainly target children out of school, hence, by ensuring access to education and incorporating knowledge about the role of law in education, African nations will be better placed to prevent terrorism and radicalization.<sup>13</sup> Moreover, to ensure that Africa's interests are protected at the global level both politically and economically, it becomes inevitable to focus on education for all now. Education is becoming a global common good due to increase in mobility and knowledge transfer, and if Africa wants to remain in the front, it must increase its investment in education.

Considering the gains made so far especially in terms of education laws and policies and noting the remaining challenges in the realization of education, the Committee considers that 2024 is yet another opportunity to take the issue of education forward with Member States and all stakeholders.

### **III. Objectives of DAC 2024**

The general objective is to take stock of the progress achieved and identify challenges with regard to the realization of the right to education in Africa. The specific objectives of DAC 2024 include:

- To encourage Member States to do a national assessment of the legislative, administrative, budgetary, and judicial measures undertaken to realize the right to education, including early childhood education.
- To encourage Member States to undertake legislative reforms of their laws and policies on education
- To encourage Member States to increase their investment in education
- To encourage Member States to strengthen their institutions of education by galvanizing both technical and political push.
- To mobilize partnerships among stakeholders to ensure equitable and inclusive education for all
- To provide policy guidance and create platforms to share capacity and experience among stakeholders on the implementation of the right to education

---

<sup>12</sup> Save the Children, Policy Brief, Working Together to End Child Marriage, 2018, available at [https://resourcecentre.savethechildren.net/pdf/working\\_together\\_to\\_end\\_child\\_marriage.pdf/](https://resourcecentre.savethechildren.net/pdf/working_together_to_end_child_marriage.pdf/)

<sup>13</sup> UN, Plan of Action to Prevent Violent Extremism, available at [https://www.un.org/sites/www.un.org.counterterrorism/files/plan\\_action.pdf](https://www.un.org/sites/www.un.org.counterterrorism/files/plan_action.pdf) ; UNESCO, Preventing Violent Extremism, available at <https://www.unesco.org/en/preventing-violent-extremism#:~:text=Education%20is%20a%20powerful%20tool,addressing%20hateful%20and%20violent%20narratives.>

- To provide an opportunity for Member States and other stakeholders to undertake tracking of the implementation of the various international, regional, and national commitments on the realization of education with a view to identify measures for future planning

#### **IV. The Elements and Concepts of the Right to Education**

The realisation of the right to education for all requires an enhanced understanding of the right itself and the various obligations imposed in the realisation of the right. This section of the concept note highlights how the right to education is provided for and protected under international and regional instruments, what elements are incorporated in the right to education, the aims of education, and the scope and nature of obligations attached to the right to education to ensure its protection and fulfilment.

##### **i. International and Regional Instruments on the Right of education**

Education is a human right that has long been accepted under international law since the adoption of the Universal Declaration on Human Rights in 1948. Other human rights instruments such as the International Covenant on Economic Social and Cultural Rights, Convention on the Elimination of Discrimination Against Women, Convention on the Rights of Persons with Disabilities, as well as the UNESCO Convention on Discrimination in Education also contain provisions on the right to education.

More specifically, children's rights to education are profoundly based on child-specific instruments, namely, the African Charter on the Rights and Welfare of the Child (Charter/ACRWC) and the Convention on the Rights of the Child. Article 11 of the African Charter spells out every child's right to education, identifies the aims of education, provides for the obligation of States towards providing education for all, and underlines the specific support that should be provided to selected groups of children.

In addition to treaties, other norms and standards have been developed to enhance the implementation of the right to education and provide guidance on the measures that need to be undertaken to realize the right to education. Aspiration 6 of Agenda 2040 and Aspiration 1 Goal 2 of Agenda 2063 also set aspirations to provide quality education for all children. Moreover, other soft laws set normative standards on the right to education, including General Comment No. 1 on the Aims of Education developed by the Committee on the Rights of the Child, General Comment No. 13 on the Right to Education and General Comment No. 16 on The Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights developed by the Committee on Economic Social and Cultural Rights, and other General Comments developed by other treaty bodies. The Sustainable Development Goal 4 (SDG4), along with its 7 targets and 3 means of implementation, also sets goals for States to ensure inclusive and equitable quality education and learning opportunities for all. In

2016, Africa also developed a Continental Education Strategy (CESA) for 10 years, which has strategies for enhancing access to and quality of education.<sup>14</sup>

Considering the existing normative standards on education and the important aspect of the right to education included under Article 11 of the Charter, the Committee decided to develop a General Comment on the Right to Education, which will be adopted in 2024. The General Comment aims to provide clarity on the elements of the rights to education as enshrined under Article 11 of the Charter, including the clarification of technical terminologies; expound the nature of State Party obligations that arise from Article 11 on the right to education; and provide guidance on the main legislative, institutional, and other measures that Member States should take to ensure the right to education of children, among others. The commemoration of DAC on education and the development of the General Comment on education go hand in hand as Member States would benefit from the guidance provided in the General Comment in their efforts to ensure the right to education.

## **ii. Aims of education**

The aims of education have been spelt out in the Charter as well as other international treaties and norms to ensure that education is geared in the right direction to achieve its goal. Article 11(2) provides that education should focus on:

- ‘(a) the promotion and development of the child’s personality, talents and mental and physical abilities to their fullest potential;
- (b) fostering respect for human rights and fundamental freedoms with particular reference to those set out in the provisions of various African instruments on human and peoples’ rights and international human rights declarations and conventions;
- (c) the preservation and strengthening of positive African morals, traditional values and cultures;
- (d) the preparation of the child for a responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;
- (e) the preservation of national independence and territorial integrity;
- (f) the promotion and achievements of African Unity and Solidarity;
- (g) the development of respect for the environment and natural resources;
- (h) the promotion of the child’s understanding of primary health care.’

The UN Convention on the Rights of the Child has a dedicated provision in Article 29, about the aims of education, which include holistic development, respect for human rights, and enhanced sense of identity, socialization, and interaction with others as well as the environment. The International Covenant on Economic, Social, and

---

<sup>14</sup> AU Continental Education Strategy for Africa (CESA), 2016, available at <https://ecosocc.au.int/sites/default/files/files/2021-09/continental-strategy-education-africa-english.pdf>



Cultural Rights, under Article 13(1), also lays down the aims of education, which contain similar intentions.

Member States have to consider these aspects of education in developing curriculums and training their teachers to ensure the full realization of education. The inclusion of the aims of education in treaties entails that children's rights to education include their right to get the appropriate content from education.<sup>15</sup> 'The education to which every child has a right is one designed to provide the child with life skills, to strengthen the child's capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values.'<sup>16</sup> Furthermore, the aims of education require ensuring that the process in which education is provided respects the rights and welfare of children.<sup>17</sup>

Taking into consideration the aims of education, children's education should include contents that aligns with their evolving capacity. Human rights education should be integrated into the education system whereby children are educated about their rights as enshrined in international instruments. Moreover, education in Africa should include aspects of peace and tolerance, sexual reproductive rights and skills development considering the various challenges the Continent and its children face.

### **iii. State obligations and the right to education**

The implementation of the right to education involves ensuring the availability, accessibility, acceptability, and adaptability of education.<sup>18</sup> The availability of education entails those educational programs and institutions exist and are operational.<sup>19</sup> The accessibility of education requires that the education programs and institutions are provided without any discrimination both physically and economically. Physical accessibility includes the accessibility of education facilities by all children without any hindrance including children living in remote areas, children with disabilities, and pregnant girls and mothers, among others. Moreover, economic accessibility entails that education should be free and compulsory at the primary level and progressively free at the secondary level. Acceptable education contains substance that is relevant, culturally sensitive and quality.<sup>20</sup> The element of adaptability requires that education remains flexible so that it can respond to emerging needs and changes in society.<sup>21</sup>

---

<sup>15</sup> UNCRC, General Comment No 1 on the aim of education, CRC/GC/2001/1, 17 April 2001, para 3

<sup>16</sup> UNCRC, General Comment No 1 on the aim of education, CRC/GC/2001/1, 17 April 2001, para 2

<sup>17</sup> UNCRC, General Comment No 1 on the aim of education, CRC/GC/2001/1, 17 April 2001, para 8

<sup>18</sup> CESCR, General Comment No. 13 on the right to education, UN Doc. E/C.12/1999/10, 8 December 1999.

<sup>19</sup> As above, para 6

<sup>20</sup> As above

<sup>21</sup> As above

The implementation of the right to education has to take into account the 4 general principles of the Charter, namely non-discrimination, participation, the right to life and survival of the child, and the best interest of the child. These 4 general principles should guide any measures undertaken to ensure the availability, accessibility, acceptability, and adaptability of education. The general principles should also serve as a reference point to the legislative and other measures undertaken by States towards the realization of the right to education. The process and provision of education should not be discriminatory by law or practice, it should foster the best interest of the child, it should involve children as the core stakeholders, and it should respect and fulfil the right to life, survival, and development of the child.

Pursuant to Article 11(3) of the Charter, States are required to take all the necessary measures to fully realize the right to education. The obligation of States in the implementation of the right to education with all its components as provided under Article 1 and 11 of the Charter includes undertaking legislative measures, administrative measures, and judicial measures.<sup>22</sup>

### *Legislative obligation*

One of the key implementation milestones to realize the right to education is the development of laws, policies, regulations, and strategies on education. Moreover, States should undertake measures to ratify and domesticate international and regional child rights instruments as well as treaties providing for the right to education, including the Charter. Such efforts should be accompanied by continuous and regular reviews of laws and policies to ensure their harmonization with international standards. The legislation on education in every country varies based on the context and lived realities of children in the respective countries. However, there are pertinent aspects and principles that should be enshrined in education laws and policies in any context. Some of these include:

- There should be legislative provisions towards free and compulsory primary education which should also incorporate mechanisms of execution of the compulsory aspect of primary education. Moreover, education laws should clearly indicate that no collateral payments such as donations, contributions, material fees, or levies should be collected for primary education.<sup>23</sup>
- The provision of secondary education available for all should be backed by law. Moreover, laws and policies should provide for mechanisms in which secondary education can be progressively free including fee waivers on certain conditions among others.
- A legislative framework should also be available for the provision of public early childhood education and the regulation of private schools.

---

<sup>22</sup> ACRWC Article 1, and ACERWC General Comment No 5 on General Measures of Implementation and Systems Strengthening

<sup>23</sup> ACERWC General Comment No 1 page 28

- Education legislation should explicitly outlaw the use of corporal punishment in schools<sup>24</sup> and provide mechanisms in which perpetrators can be held accountable.
- Legislative framework to regulate the registration and operation of private education should be provided. Such legislation should also contain the standards that private schools should meet and the procedure for de-registration in case of irregularities.<sup>25</sup>
- Legislative measures should be undertaken to ban any barriers to accessing education, such as the requirement of producing burdensome documentation, and pregnancy testing, among others.
- Inclusive education should be legally instituted through legislation to ensure enforcement.
- Special measures required to ensure the full participation of girls, marginalized children, and economically disadvantaged children should be spelt out in the form of legislation. Specific mention of the measures that should be undertaken to ensure that pregnant girls and mothers stay in and return to school should also be included in education laws and policies.<sup>26</sup>
- Expressed provisions need to be provided to ensure access to education to all children in the territory of a given country, including to children of asylum seekers, refugees, and internally displaced parents, all migrants regardless of their registration status, and children in street situations.
- Legislative measures need to address the challenges of children in contact with the law by establishing systems to ensure access to education.
- The principle of non-discrimination in access to education should be explicitly provided for in laws and regulations on education.

### *Institutional and administrative measures*

The implementation and realization of the right to education requires various institutional and administrative measures to be undertaken by Member States. In the framework of the right to education, the institutional measures require States to establish an institution that is tasked to coordinate the implementation of the right to education. Moreover, it also translates to the establishment of educational facilities which adhere to the aims and principles of education discussed above. More specifically, institutional, and administrative measures include:

- Establishing an institution or a Ministry that deals with education and ensures that the institution has the necessary resources to undertake its mandate. Ensure that such institution coordinates with other sectors to provide education for all children.
- Provide training and continuous capacity-building programs for those working in the field of education.

---

<sup>24</sup> As above; ACRWC, Article 11(5)

<sup>25</sup> ACERWC General Comment No 1 page 29

<sup>26</sup> ACERWC General Comment No 1 page 28, ACRWC, Article 11(6)

- Continuously build child-friendly and disability friendly school facilities in all areas in a way that children in all parts of the country can access them with proximity.
- Renovate existing school buildings to ensure accessibility by children with disabilities.
- Ensure that schools have the necessary hygiene, sanitation and other facilities, such as water, latrines, and playgrounds.
- Identify reasons for dropping out of schools and undertake measures to address the challenges including the introduction of school feeding programs, prevention of teenage pregnancy through sexual reproductive health rights education, ensuring that schools are free from violence and sexual abuse, providing sanitary pads for girls, among others.
- Undertake continuous training of teachers to enhance the quality of education as well as awareness about child rights protection and promotion in schools.
- Establish resilient education systems that can respond to the challenges of children in situations of conflict and emergencies.
- Undertaken measures to on-board children out of school through the provision of extra support and complementary sessions as well as the provision of education in flexible and alternative hours.
- Integrate digital education tools in the education system.

### *Budgetary measures*

Implementing the rights contained under the Charter including the right to education requires a child sensitive budgeting and resource use mechanisms.<sup>27</sup> In various forums, Member States together with the Global Community have expressed their willingness to increase their investment and public cooperation to finance education.<sup>28</sup> Globally there is a commitment to allocate 4-6% of GDP and at least 15-20% of public expenditure to education with a view to implement the education goal of Sustainable Development Goals (SDGs).<sup>29</sup> In addition, Member States of the Global Partnership for Education have committed to spend at least 20% of their public expenditures on education. The UNESCO 2022 ECCE Tashkent Declaration also committed to a 10% of education budget to early childhood education. Considering these commitments, some of the budgetary measures required to be undertaken to ensure inclusive and equitable education include:

- Continuously increase the budget allocated for education through mobilizing domestic funds for education, and international cooperation.<sup>30</sup>

<sup>27</sup> ACERWC General Comment No 1, page 38

<sup>28</sup> United Nations. 2015. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development, para 78 available at [https://sustainabledevelopment.un.org/content/documents/2051AAAA\\_Outcome.pdf](https://sustainabledevelopment.un.org/content/documents/2051AAAA_Outcome.pdf)

<sup>29</sup> Education 2030: Incheon Declaration and Framework for Action for the implementation of SDG4, para 105, available at [https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf)

<sup>30</sup> As above, para 106

- Align budget increments for education with population growth of children as well as equitable distribution of resources to children in all parts.
- Ensure that there is effective management and accountability with regards to funds for education.
- Monitoring and reviewing the education budget to ensure efficient and result oriented expenditure.

### *Judiciary measures*

Education is a right of all children as outlined under Article 11(1) of the Charter. In line with the general obligation of States laid down under Article 1 of the Charter, all the substantive rights in the Charter are rights to which judicial recourse must be made available by States.<sup>31</sup> In other terms, the right to education is a justiciable right and remedies should be provided in the event of a violation. Key judicial measures with regard to the right to education include:

- Ensuring that the right to education is a justiciable right without any hinderance
- Provide a child-sensitive justice system in which children themselves or their representatives can seek judicial remedies for violations of the right to education.
- Provide free legal aid to children who would like to access the justice system for violation of their right to education.
- Conduct training and capacity building of judges and social workers on the right to education and its justiciable nature.

## **V. Activities to be undertaken by the ACERWC to commemorate DAC 2024**

The Committee incorporates the discussions about the theme of DAC 2024 in its various activities. During its 43<sup>rd</sup> Ordinary Session, the Committee plans to organise a panel discussion on the policy and programmatic interventions required to realise the right to education. The Panel discussion is a platform where Member States, NHRIs, RECs, UN Agencies, CSOs and children reflect their opinions as it will be organised during the Session. The Committee will also mainstream and give due regard to the issue of education in its engagement with Member States through State Reports and country visits to ensure that the theme is integrated in its activities. Moreover, the Committee, as a continental lead in the celebration of the DAC, will undertake several activities as listed below:

### *i. A continental celebration on 16 June 2024*

The Continental celebration of DAC 2024 will be held on 16<sup>th</sup> June 2024 in a location to be determined. The Continent celebration will bring together Member States, Children, Members of the ACERWC, African Union Commission, CSOs and other stakeholders interested in the theme for DAC 2024. During the Commemoration

---

<sup>31</sup> ACERWC General Comment No 1, page 19

children will participate actively, interact with policy makers and relevant actors, and share their views on their concerns about their right to education.

*ii. Symposium with children on 15 June 2024*

Preceding the continental celebration, a symposium with children will be organized to discuss the right to education in a child-friendly context. The symposium will be an opportunity to inform children about the right to education and how it translated into their lived realities. Moreover, children will freely express their views about the gaps and challenges they observe and experience in accessing quality education and what Governments, the Committee, and other stakeholders should do to improve their situations. The discussions during the symposium will form part of the DAC declaration that will be drafted by children and presented during the actual celebration on 16<sup>th</sup> June.

*iii. Policy brief/outcome declaration on the right to education*

One of the key outcomes of the continental celebration of the DAC 2024 is an outcome statement, which is a declaration of all the participants of the DAC celebration. The Outcome Declaration contains calls to the Committee, the African Union, Member States, NHRIs, CSOs and other relevant stakeholders. These outcome statements are reflections of children's views and the participants of the DAC including, Member States, and can be used as advocacy tools. The calls on the Declaration will also be used as a reference by Member States in their reports on the commemoration of DAC.

*iv. Launch of the Committee's General Comment on The Right to Education*

The Committee is developing a General Comment on the Right to Education provided under Article 11 of the Charter. The General Comment intends to interpret Article 11 by elaborating on the underlying principles in the implementation of the right to education, the nature and scope of the obligation of States, the components of rights enshrined under Article 11, and the role of stakeholders in the implementation of the provision among others. The Draft General Comment was discussed and considered by the Committee during its 42<sup>nd</sup> Ordinary Session. Once the General Comment is adopted, it will be published and disseminated. Considering that the focus of the year is on Education, it is a great momentum to launch the General Comment during the celebrations of the DAC for wider dissemination.

## **VI. Recommendations for Member States**

As part of the celebration of the DAC 2024, Member States are encouraged to undertake measures to ensure the realization of equitable and inclusive education beyond the celebration on 16<sup>th</sup> June. ACERWC recommends that Member States should consider undertaking the below measures and activities:

- To assess the status of education in their countries by collecting updated and disaggregated data on school enrolment, completion, out-of-school children and other key indicators relevant to their contexts.
- To undertake a legislative review to ensure that their laws and regulations on education are in line with the Charter and internationally accepted standards
- To take deliberate measures and increase the budget allocated for education to enhance access and quality of education
- To remove any direct or indirect costs in relation to primary education and reduce the costs in relation to secondary education with a view to make secondary education free
- To establish more public early childhood education facilities
- To build more schools which are child-friendly and accessible to children with disabilities in areas where there are fewer schools
- To identify vulnerabilities and other factors affecting the enrolment, passing, and completion rates and devise programs addressing the addressed factors such as gender-based violence, discrimination, and economic factors.
- To renovate schools to ensure that they are disability friendly and provide sanitation and hygiene facilities
- To ban corporal punishment in schools and ensure that schools are free from violence and promote positive discipling in schools
- To recruit more teachers and reduce the teacher-to-student ratio, especially in marginalized and remote areas, and build the capacity of teachers through continuous training
- To establish alternative learning for children who are out of school, in vulnerable situations, in the work force, or in street situations
- To undertake concrete steps to integrate refugee and displaced children into the regular education system
- To integrate human rights education, including sexual reproductive health rights in the education curriculum
- To increase cooperation with other stakeholders to improve the education sector

**ANNEX**

Monitoring Framework for Reporting on Commemoration of the Day of the African Child 2024: Template: “**Education for all children in Africa: the time is now**”.

This template is a reporting framework that the AU Member States and other stakeholders may use to report to the ACERWC on DAC 2024.

**Country/Organization:**

**Partners:**

**Measures and Activities undertaken:**

- Summary/Analysis of the theme as it applies to national, local or organisational context  
.....  
.....  
.....
- Legal, Policy, Administrative and other measures in place to inform free primary education and progressively free secondary education  
.....  
.....  
.....
- Measures undertaken to increase access to education by all children including children with disabilities  
.....  
.....  
.....
- Measures undertaken to enhance the quality of education and integration of human rights education in the curriculum  
.....  
.....  
.....
- Measures undertaken to increase the number of public early childhood facilities  
.....  
.....  
.....
- Factors that affect enrolment and completion rate and measures undertaken to address the factors  
.....



.....  
.....

- Key progress achieved at the country level with regard to enhancing budget allocation for education

.....  
.....  
.....

- Information about the regulation of private education in terms of ensuring non-discrimination, quality education, and protection of the rights of children from abuse

.....  
.....  
.....

**Report on Events Organised on or leading up to 16 June 2024**

<b>EVENT</b>	<b>DETAILS OF EVENT</b>	<b>NO. OF PARTICIPANTS/THOSE REACHED (CHILDREN)*</b>	<b>DETAILS OF IMPLEMENTING AGENCY</b>	<b>NATIONAL, REGIONAL OR DISTRICT LEVEL IMPACT</b>

\*Provide disaggregated data on age, sex, place of origin, etc.