

The Abidjan Principles: Content Overview



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Background

The Abidjan Principles on the human rights obligations of States to provide public education and to regulate private involvement in education (Abidjan Principles) were adopted on 12-13th February 2019 in Côte d'Ivoire and were developed by a group of global education and human rights experts, following a three-year broadly participatory consultation and drafting process including decision-makers, communities and practitioners in law, human rights and education. This landmark text unpacks existing human rights law in the context of the growth of private involvement in education.

The Abidjan Principles have quickly gained recognition and momentum, swiftly becoming one of the reference instruments on the right to education. It has emerged as an essential tool for States striving to comply with their human rights obligations, and for stakeholders who wish to hold States accountable.

Overview

The Abidjan Principles consist of 97 [Guiding Principles](#), grouped into 10 Overarching Principles. The Overarching Principles provide an overview and summary of the Guiding Principles.

The Guiding Principles cover the following main themes:

- General provisions on the right to education (Overarching Principle 1);
- States' obligation to provide quality public education (Overarching Principle 2);
- States' obligations to regulate private involvement in education (Overarching Principles 3 and 4);
- Financing education and public-private partnerships (PPPs) (Overarching Principle 5);
- The role of donors and international actors (Overarching Principle 6 and mainstreamed throughout the text); and,
- Monitoring, accountability and remedies (Overarching Principles 7 to 9).



1. General Provisions on the Right to Education

The Abidjan Principles restate the nature and extent of the right to education (Guiding Principles 8 and 9), and the State obligation to respect, protect and fulfil the right to quality education, to the maximum of available resources, for everyone. This must be done without discrimination to any individual or group (Overarching Principle 1). The obligation on States to ensure everyone enjoys the right to education still applies even where private actors are involved in education, and in situations of emergency and armed conflict.

Under the Abidjan Principles, education must be guaranteed as a public service, including by imposing public service obligations on private instructional education institutions (Guiding Principle 19). This implies that private actors in providing or financing education must be held to the same human rights standards as the State when it comes to providing education.

The Abidjan Principles extensively provide for the right to equality and non-discrimination in education, including calling on States to take steps to eliminate and prevent all forms of discrimination and provide reasonable accommodation for learners' different capabilities (Guiding Principles 23 – 28).



2. The Right to Public Education

The Abidjan Principles affirm a state obligation to provide free, quality, public education for everyone (Guiding Principle 29). They define public schools as those which:

- Are recognised as public by the State;
- Are controlled or managed by the State or genuine representatives of the population they serve; and,
- Are not at the service of any commercial or other exploitative interests that undermines learners' right to education.

The definition allows for a broad understanding of public schools, whether organised through the State at the national or sub-national levels, or in other ways, such as community schools.

Educational institutions which do not meet these three conditions are considered private (Guiding Principle 3a). This applies to private instructional educational institutions that directly deliver education services, private institutions that play a non-instructional educational role in the delivery of education services (such as supply of textbooks), and both commercial and non-commercial actors.

Public education must be of the *highest attainable quality*, and States must continuously raise the standards for public education (Guiding Principle 29 and 30) to progressively realise the right to education with maximum available resources. Public education must be inclusive (Guiding Principle 31), accountable, participatory and transparent (Guiding Principle 32). States are also obligated to effectively realise other rights that ensure full enjoyment of the right to education such as the right to social security, food, housing, health, water, and sanitation (Guiding Principle 33).

This theme also addresses financing and governance of public education. This includes prioritising quality public education in the allocation of resources (Guiding Principle 34) and taking measures to correct ineffective governance, including corruption and lack of accountability (Guiding Principle 42).



3. Regulation of Private Actors in Education

The Abidjan Principles acknowledge that States must respect the liberty of parents or guardians to choose which educational institutions they prefer their children to attend, whether public or private, provided that the institution meets educational standards set out by the State (Overarching Principle 3, Guiding Principle 47).

However, this parental liberty can be limited by the State through law to ensure that private educational institutions do not replace public education, but rather supplement it, to prevent any adverse systemic impact on the right to education, and to provide children with the opportunity to participate and express their views regarding parental choice (Guiding Principle 48).

Private actors have a responsibility to respect human rights, including the right to education, by ensuring that their activities do not cause or contribute to any negative impact on the right to education, and where a negative impact occurs, that the private actors mitigate and make amends for it (Guiding Principle 49).

Importantly, the Abidjan Principles call on States to develop and restore access to quality public education in instances where the private provision of education is because of inadequate access to and availability of public schools.

States are called upon to take all effective measures, including through regulations, to ensure the realisation of the right to education where private actors are involved in the provision of education (Overarching Principle 4). States must set minimum standards which are aligned with human rights law, which private actors must meet, to be able to operate schools or other services connected to education. While the Abidjan Principles do not set out the specific standards, they provide dimensions that minimum standards should address (Guiding Principle 55).

Additionally, the Abidjan Principles call on States to ensure the standards are effectively enforced through encouraging compliance and enforcing penalties (Guiding Principle 60). Where a private institution consistently fails to comply with the set standard, the State is permitted to close the institution, ensuring that it follows the right process in doing so, particularly giving the institution adequate notice and making sure that learning is not interrupted for the learners who were attending the institution that is being closed.



4. Financing Education and Public-Private Partnerships

States have an obligation to prioritise the financing of public education (Overarching Principle 2 and Guiding Principle 34). The resources to support the development of quality public education can be sourced, to the 'maximum available' (Guiding Principle 15), through for instance fair and progressive taxation, elimination of illicit financial flows and corruption; proper debt management and restructuring; and international assistance and cooperation (Guiding Principle 16).

Overarching Principle 5 emphasises that States must prioritise funding towards the provision of public education; there is no obligation to fund private institutions. States may fund private institutions but only those that comply with applicable human rights law and standards and strictly observe all substantive, procedural, and operational requirements (Guiding Principle 64).

More so, the Abidjan Principles provide substantive (Guiding Principle 65), procedural (Guiding Principle 66) and operational requirements (Guiding Principles 67-69) that private institutions must meet to receive public funding. Substantive conditions include the requirement to receive the public funds for a specified period, that the funding to private school does not affect or delay provision of free, quality public education without discrimination.

Procedural requirements include the need to have adequate regulations in place, and capacity to monitor and enforce the regulations before any funding is considered and allocated. The process for allocating the funds should also be transparent and participatory (Guiding Principle 66).

Operational requirements include the need to carry out human rights impact assessments before, during and after any public funding is given to a private institution, and to ensure the findings of the assessment are made public and are used to re-evaluate the funding arrangement, including to inform decisions on whether to change, terminate or continue giving the private entity public funds (Guiding Principle 69).

The Abidjan Principles are clear on institutions that cannot receive any funding from the State. These include institutions that violate the rights to equality and non-discrimination, are commercial, do not meet minimum standards or those that charges fees that significantly undermine access to education (Guiding Principle 73).



5. The Role of Donors and International Actors

The Abidjan Principles provide that international assistance and cooperation from donor institutions and donor countries must support free, quality, public education systems, and refrain from supporting private schools in a way that is inconsistent with human rights (Overarching Principle 6, Guiding Principles 75 ad 76).

International donors also have a responsibility to ensure that any assistance they provide abroad does not negatively impact the right to education (Guiding Principle 77). They should aim to strengthen the regulation of private actors involved in education in accordance with the States' human rights obligations and refrain from supporting, directly or indirectly, private educational institutions in a manner that is inconsistent with human rights (Guiding Principles 63 and 79).

Further, States must ensure that their participation and the decisions taken in international organisation, including global funds and international financial institutions, are consistent with their human rights obligations (Guiding Principle 22). Similarly, where a State has influence over or can regulate the actions of a private actor operating abroad, the State should take all effective measures to ensure the operations of the private actor do not negatively impact the right to education (Guiding Principles 61 and 62).



6. Accountability, Monitoring and Remedies

The Abidjan Principles require States to establish adequate mechanisms to ensure they (the States themselves) are accountable for their obligations to respect, protect, and fulfil the right to education, including when private actors are involved in education (Overarching Principle 7).

States must also regularly monitor compliance of both public and private schools to ensure they comply with the right to education, and ensure all public policies and practices comply with human rights principles (Overarching Principle 8). In the event there is a violation or abuse of the right to education by the State or a private actor, States must ensure the affected parties are able to access adequate remedies (Overarching Principle 9).

The content in this brief is not the official text and should not be used for legal reference.

This brief is part of a series of briefs that cover the scope, nature and development process of the Abidjan Principles, and actions to implement the Abidjan Principles that can be found [here](#).

Further resources, including training materials, consultation reports, background papers and videos on the Abidjan Principles can be found [here](#).

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