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UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: +251-11-5517700 Fax: +251-11-5517844
website: www.africa-union.org

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EX.CL/387 (XII)

**DRAFT AFRICAN UNION POLICY ON
ACCESS TO POST PRIMARY EDUCATION FOR VICTIMS OF
FORCED DISPLACEMENT IN AFRICA**

**AS AMENDED BY THE MINISTERIAL CONFERENCE ON REFUGEES, RETURNEES AND
DISPLACED PERSONS IN AFRICA, HELD IN OUAGADOUGOU, BURKINA FASO
FROM 29 MAY TO 2 JUNE 2006**

Theme: Protecting and Assisting Victims of Forced Displacement in Africa

1. BACKGROUND AND HISTORICAL CONTEXT:

Education is a fundamental need that affects growth, development and welfare of children and youths. About 7 million out of 35 million displaced persons are youth. Studies has shown that the average duration of major refugee situations protracted or not has increased from 9 years in 1993 to 17 years in 2003. For children and youths affected by armed conflicts, establishing learning opportunities as soon as possible is necessary to avoid them being doubly victimized. It is one of the most important means of restoring a sense of order and normalcy in the lives of children and youths, their families and their communities, and it can contribute to overcoming the psychological trauma imposed by the abnormal situation and the displacement away from home. Education is therefore both an end and a tool for protection. It can prepare displaced children, youth and refugees to face challenges, solve problems and shape their future.

The Executive Council adopted Decision EX.CL/Dec.240 (VIII) in Khartoum Sudan in January 2006, requesting the Commission of the African Union to formulate a policy that will facilitate access of refugees and other victims of forced displacement in Africa to education, including at the post-primary level. This was recognition of the fact that all children and youths should have equal access to education and of the deplorable conditions of children victims of forced displacement with a woeful 3 % of eligible children and youths having access to post primary education. It was also a response to the absence of a continental approach to addressing the post primary educational needs of refugees, IDPs and young people. Evidence from leading service providers in education indicate clearly that Member States of the African Union have different policies with regard to provision of access to education.

International goals such as the Millennium Development Goals have given an increasing number of children access to primary education where as educational needs of youths especially at the post primary level remain grossly unmet. Over the last decade, there has been recognition that while access to universal primary education is a laudable objective, It is not enough if we are to respond effectively to the needs of children and youths in the area of education. In fact the lack of post primary and tertiary education opportunity has acted as a dis-incentive for the enrolment in education facilities at lower level. Across the continent children in refugee and IDP camps are provided with primary education but this has not met their basic protection and social needs. Children and youths remain vulnerable to various protection risks such as forced military recruitment, sexual exploitation among other forms of sexual and gender based violence and forced labour as a direct result of the lack of access to alternative forms of education after primary education. This has been witnessed in a number of situations in major situations of forced displacement. In addition, there has also been evidence that in situations where children are provided with access to post primary educational opportunities there is a marked reduction of their exposure to some of the protection risks enunciated above.

In innumerable assessment missions of the AU Permanent Representative Committee's Sub-Committee on Refugees, Returnees and Internally Displaced Persons over the last decade the Commission has been concerned by the general lack of policies and mechanisms to enhance access to post primary education in many countries in Africa. Indeed there are a number of international partners that have undertaken programmes to ensure access to post primary education but the levels of assistance and numbers of children and youths benefiting from such programmes are very limited.

The majority of African children and youths in many countries who find themselves forcibly displaced are without access to post primary education. Hence the Executive Council's commitment to respond boldly to this challenge in concert with our historical partners in dealing with forced displacement in Africa. In such assessment missions it has also become very clear to the African Union that there is a shortage of resources and most importantly a gap in policy. It has also been observed that in some countries while policies encourage access to post primary education for victims of forced displacement, the practice at the local level does not adhere to such central policy strictures.

The Executive Council decision EX.CL/Dec.240 (VIII) is a call for African solutions to the problem of children and adolescents victims of forced displacement in Africa. It is also a call on AU Member States, peoples, civil society and our international partners to respond with creative and innovative strategies to ensure ever increased access to post primary education.

2. LEGAL FRAMEWORK AND OTHER POLICY CONSIDERATIONS:

The African Union policy on access to post primary education for victims of forced displacement is informed by the regional instruments concluded under the auspices of the African Union, in particular the 1969 OAU Convention governing the specific aspects of refugee problems in Africa; the 1981 African Charter on Human and Peoples' Rights, and its protocol on Women's Rights and the African Charter on the Rights and Welfare of the Child. The regional legal framework is complemented by relevant international instruments including the International Bill of Human Rights; the 1989 Convention on the Rights of the Child and its two Optional Protocols and the 1996 Hague Convention on the Protection of Children.

The African Union policy on access to post primary education for victims for forced displacement in Africa is rights based and is informed by works done in situations of armed conflict, humanitarian emergencies, forced displacement, as well as in post conflict and reconstruction situations by various humanitarian actors. In this regard the work of the Action for the Rights of Children Network (ARC), the Inter-agency Network on Education in Emergencies (INEE) and the Refugee Education Trust (RET) among others contributed to the scope and content of the African union policy.

The importance of establishing cross-sectoral working groups, which can access a variety of partners with educational and business expertise/interests, is paramount in assisting not only refugees and victims of forced displacements in Africa but all Africans.

Lessons learned from the various educational strategies implemented by different AU member states informed all of the pros and cons they identified in a particular situation.

3. **OBJECTIVES:**

The overall objective of the African Union policy is to enhance access to quality and affordable post primary education for children and youths in Africa.

The African Union policy on access to post primary education contains the following key elements but not limited to:

1. Elaboration and formulation of standards, context, principles and mechanisms required to ensure access to post primary education for vulnerable youth and adolescents including victims of forced displacement in Africa.
2. Encouragement of African experts, scholars and practitioners to be actively involved in the articulation of relevant policies at the national, regional and continental level on enhancing access to post primary education for vulnerable youths and adolescents including victims of forced displacement.
3. Provision of non-discriminatory access to post primary education for youths and adolescents including victims of forced displacement.
4. Ensure adequate number of trained and qualified male and female teachers for post primary schools, including the provision of support and remuneration.
5. Encouragement of Member States to consider adopting a comprehensive continent wide response to the post primary education needs of the specific group of vulnerable youths and adolescents including victims of forced displacement in Africa.
6. Highlight the particular attention that needs to be focused on age and gender based considerations in ensuring access to post primary education particularly in situations of forced displacement.
7. Promotion of girls' participation in post-primary education by addressing the socio-economic, cultural and psycho-social obstacles.
8. Recommendation of specific policies to enable resource mobilization to support a sustainable continent wide system on access to post primary education
9. Proposal of a strategy for mainstreaming access to post primary education at national, regional and continental level, specifying the role of Member States, regional economic communities and the African Union in ensuring it.

4. **DEFINITIONS:**

For the purpose of achieving the objectives stated above, this policy paper defines concepts as follows:

Education - is a life long process where individuals continue to learn: they learn how to cope with their immediate environment; how to cope with life's challenges; how to equip themselves to understand the world around them; and how to access more knowledge, skills and information which may provide them with a means of earning a living. In other words education is a process of learning how to learn and learning in order to participate meaningfully and relatively to the changing environment.

Education in emergency situation - is a way to provide education to uprooted youth and adolescents during displacement brought about by conflicts and the post conflict early reconstruction phase.

Formal education – is an education system with hierarchic structures, a chronological progression through levels or grades with a set beginning and end; usually takes place in a specialized institution and involves some kind of assessment leading to a qualification;

Non-formal education – is a flexible approach to education using alternative modes of delivery outside the formal system; the content offered may be identical to that available in school or college, or it may be very different, as in the case of literacy programmes and popular education initiatives which do not lead to qualifications.

Informal education – is all that is learned from everyday experience and the transfer of knowledge, skills and attitudes through traditional culture, families, communities and the media

Lifelong learning – is the process of encouraging children to opt for continued learning. That is to learn how to continuously seek to learn more.

A child - as defined by the African Charter on human and people's rights

Youth - all persons from about the ages of 13 to about 25. It is a stage of social development between childhood and adulthood. However, each education programme should define youth according to the cultural context in which it operates.

The target group – is vulnerable youth and adolescents, particularly those who have become displaced and vulnerable because of conflicts (refugees and IDPs as well as youth associated with armed forces)

Access – is making education available on the basis of equal opportunity" irrespective of the vulnerability including to both girls and boys, disabled and non-disabled children to children affected by armed conflicts as well as children affected by HIV/AIDS.

Post-primary education - includes secondary education, vocational or skills training, specialized courses and tertiary education, and explore what these entail in the context of Africa.

5. KEY CONCEPTS:

The following key concepts are the basis for the AU policy, as enunciated in the African Charter on the Rights and Welfare of the Child; the UN Convention on the Rights of the Children; INEE, ARC Resource Packs among others:

- a) Change and conflicts affect youth at a vulnerable stage of their psychosocial development, which explains why education must be classified as part of a comprehensive sustainable emergency response. As such, education acts to protect and promote the physical, psycho-social well being and human development of children, but in fact, education continues to be seen as a development issue and a luxury in humanitarian response. Education should therefore be used as part of the basic standard humanitarian responses right from the start of the crisis and not be left for when the situation will normalize as the situation of displacement is in itself an abnormal challenging situation
- b) Education does not necessarily involve a regular progression, which requires a set of beginning, middle and end. The reality for many youths and adolescents is that it may include a combination of different approaches at different stages of their lives. Efforts to understand how children have been educated in the past, and what their immediate educational needs are, will facilitate a more effective education for those children.
- c) In setting up education systems in a refugee or similar context, decisions as to which curriculum to adopt, which language to use and how to deal with the subsequent political consequences are all complex issues, which have to be resolved at a very early stage.
- d) Effective emergency education responses should strongly rely on displaced communities and families as key players in making decisions about their children's future. Literacy and Numeracy training for parents should be incorporated as an integral support to post primary education
- e) Flexible systems of education (e.g. shift systems, condensed cycles) may increase the numbers of youth and adolescents who are able to attend school.
- f) Vocational, skill training, guidance and counseling could be offered as an alternative to the academic stream in post primary schools.
- g) The fundamental difference of emergency education and education in emergency and how the two may be useful for victims of forced displacement should be considered

- h) Identify challenges and benefits of various types of educational delivery; such as: open learning, distance education, boarding facilities and the use of theater, radio, television and print to maximize the number of participating learners across Africa.
- i) Planning of educational systems and opportunities are effective when the issue of return and re-integration of teachers and students is considered and built in at every stage.

6. **GUIDING PRINCIPLES:**

The African Union policy on access to post primary education for victims of forced displacements in Africa is guided by the following principles:

- a) **The principal of Pan-Africanism** - such a Policy should conform with the established African normative outlook and meet the needs of forced displaced persons on the Continent in line with the values and principles that have informed OAU/AU legislative practice in this area, in particular emphasizing solidarity and burden sharing in addressing the post primary educational needs of victims of forced displacement.
- b) **The principle of basic education** – All children should have a universal access to primary education. But when it comes to post-primary education, there is policy ambiguity and prevarication, – hence the gradualist (incremental) approach advocated in the Convention on the Rights of the Child.
- c) **The principle of human development** – promote life long learning for human development
- d) **The principle of life skills** – promotion of life skills like peace education, HIV Aids awareness, guidance and counseling among others in the fragile vulnerable displacement situations as a means of working against displacement consequences and as a tool to positive living.
- e) **The principle of integration** - In many cases, secondary provision for local people is often very poor and lobbying for support for a separate facility for refugees and IDPs may not be the appropriate strategy. It is often better to aim for the integration of refugee and IDP secondary students into any existing national schools and to support the development of the national secondary school system. Likewise, education facilities for victims of forced displacement should be made available to the local community.
- f) **The Principle of inter-sectorality** – the importance of coordination among different ministries, sectors and services is highlighted in order to provide a holistic approach to education and well-being of the child
- g) **The principle of Equivalence** – is also important especially in situations where the education systems may vary, normally arising in situations of return

- h) **The principle of study grants** – may be very useful in ensuring access to education facilities especially if contributed towards community structures and institutions of post primary education.
- i) **The principle of return** - Post-primary education for refugees and IDPs needs to be closely tied to education trends in the home country or in the country of internal displacement, in order to enhance their capacity to reintegrate once the causes of the original displacement have been addressed.
- j) **The Principle of Equality** – Post primary education opportunities should be made equally available to the displaced and the host community to avoid resentment and promote good relations
- k) **The principle of quality education** – quality education cannot exist without qualified male and female teachers. The extreme lack of adequate post primary educational facilities and thus teachers in Africa requires the following:
 - i) Teacher Training (TT) programs must be multi level and multi faceted to accommodate trainees ranging from those who have not completed primary school through to college and university graduates.
 - ii) TT programmes need to be broad and include new teaching methodologies in the holistic treatment of students, their unique cultural, social, political, psycho-social and economic circumstances.
 - iii) TT programs which respond to the unique needs of female trainees, often-lactating mothers with enormous household and family responsibilities.
- l) **The principle of mainstreaming** – National Curriculum could include refugee and IDP related issues with respect to conflict and peace studies, negotiation skill etc. so as to ensure knowledge and understanding on matters related to displacement even before they occur.
- m) **The principle of sustainable post conflict reconstruction and development** - Some of the humanitarian assistance programmes, such as those addressing education and nutrition among others, preserve human assets for recovery and have a developmental nature. Such programmes present a platform for longer-term post-conflict reconstruction and development programmes. Educated and trained youth will be better equipped to be active actors for the reconstruction of their war torn countries of origin.
- n) **The principle of durable solutions** - It is important in the context of durable solutions to promote continued access to study opportunities for those refugee students who have reached the upper levels of the schooling pyramid, as well as the larger numbers in the lower grades. This is to ensure that there will be a cadre of middle level opinion leaders, administrators, and technicians to promote the future social and economic development of the community.

- o) **The principle of self-reliance** - Vocational training including apprenticeship programmes are of particular importance to vulnerable youths and adolescents including in refugee and IDP situations as they enable participants to earn a living, gain self-reliance and promote sustainable independence.
- p) **The principle of gender mainstreaming** - All educational programs should respond to gender issues through consultations with refugee and IDP women's groups in order to understand and design programmes to reflect the cultural and socio-economic situation of girls and women. An all girls classroom is thought by some to better serve girls as co-educational classrooms may inhibit girls' education. Vocational programmes, which combine practical with life skills, tend to promote confidence and self esteem in girls and women. This useful approach can play a central role in the rehabilitation and re-integration of child soldiers and combatants into society.
- q) **The principle of non-discrimination in access to post primary education** - Some youths and adolescents are more likely to be excluded from the process of education than others. One of the most important barriers to education is gender. Another important barrier is disability. Addressing social attitudes is fundamental to working towards equal educational opportunities for all children and adolescents have an absolute right to education. This right applies without any discrimination whether youths and adolescents are at home, displaced, refugees, or asylum seekers, or regardless of their former status as child soldiers or demobilized combatants or single child heads of households.

7. **STRATEGIES FOR EFFECTIVE IMPLEMENTATION OF THE POLICY**

The need for an African Union Policy on access to post primary education for victims of forced displacement in Africa is based on a situation analysis of forced displacement in Africa and the review of access that this group of people has to education in general and post primary education in particular. It is noted that this is a level where there is a gap due to lack of necessary funding compared to the primary level, since it is not categorized as a basic need. The Ouagadougou Ministerial Conference proposed the process and methodology of achieving these objectives in line with AU internal processes and requirements of the Policy Organs (Permanent Representatives Committee; Executive Council and the Summit of Heads of State and Government).

There is a need for Member States and the African Union Commission to consider a number of innovative solutions to addressing the gap in access and provision of post-primary education in situations of forced displacement in Africa. A number of tentative strategies that could be considered include but are not limited to:

- 1.a **A fund raising strategy** should be developed to ensure appropriate resources for the implementation of this policy.
- b. **Establishment of an African Fund for Post Primary Education** – this would be funded from mandatory contributions from AU Member States and open to voluntary contributions from African and other private sector actors. It would be targeting

assistance to AU Member States that are willing and demonstrate capacity to absorb victims of forced displacement in their post primary educational facilities.

It would also make provision for providing support directly to refugee or IDP communities where they are permitted to run community schools that integrate local vulnerable youths and adolescents to enable them to bridge the gap between primary and post primary education. Such a Fund would have a structure that would be governed by AU Member States through the PRC Sub-Committee on Refugees, Returnees and IDPs. This could be modeled on the practice under the Special Refugee Contingency Fund where following assessments jointly conducted with the Commission and with input from key partners recommendations are made to disburse support to eligible Member States or refugee situations.

- c. **Advocacy** with Member States to consider levying a percentage on all tickets purchased.
2. **Continent wide policy to ensure non-discriminatory access to post primary education** – come up with a decision of the Executive Council in the form of a regulation that would be binding on all Member States to ensure that victims of forced displacement are provided with access on par with similarly situated nationals. This would be modeled on the example of some regional economic communities where nationals from Member States of the REC in question pay fees at the same level as nationals of the Member State where they are accessing tertiary educational facilities. Also consider establishing a coordination mechanism with Regional Economic Communities to address issues of access to post primary education in consultation with Member States and relevant partners and build upon the lessons learnt at the regional level in informing AU policy and practice.
3. **Strengthen the capacity of the Division for Humanitarian Affairs, Refugees and Displaced Persons** to conduct assessments, programme, research, manage and monitor the implementation of such a policy and harmonize the different existing policies on education for victims of forced displacement. This would involve the setting up of an appropriate structure within the Division to deal with issues related to education. Lessons could be drawn from the experience of the former OAU Bureau for the Educational Placement of African Refugees and also consider the practice of other organizations such as the Refugee Education Trust – in terms of establishing appropriate structure but taking into account differences in terms of the scope and mandate of the respective institutions.
4. **Establish a coordinating network** of actors and practitioners in the field of post primary education and provide a forum for sharing experiences, lessons learnt, challenges and identify best practices.
5. **Advocate for Member States** to consider providing at least one free place in the different courses at the post primary and tertiary level to victims of forced displacement in Africa.

6. **Enhance teaching capacity** by exploring various opportunities, such as inviting educated African youth from the Diaspora to return to their country of origin or another African country to teach children, youth or parents during school holidays. Consequently, the establishment of an AU Volunteers organization would facilitate educational exchanges and promote an investment in African students.
7. **Tap into another resource of the growing number of African retired professional teachers** around the world who may opt to volunteer as short or long term teacher trainers in a variety of areas of expertise, including special education, guidance and counseling.
8. **Establish a database** of African teachers with their qualifications in support of creating a common African nomenclature as well as equivalencies, licensing and accreditation for effective human resources utilization and the smooth integration of refugees and victims of forced displacement and resident communities.
9. **Establish a strategy for assessment, monitoring and evaluation** capabilities as well as a mechanism for ensuring compliance to agreed-upon principles by AU Member States under the different legislative instruments and bodies including the African Charter on human and Peoples rights, the Committee on the Rights and Welfare of the Child and the Committee on Women.

8. ON ACCESS TO POST PRIMARY EDUCATION, THE MINISTERIAL CONFERENCE ON REFUGEES, RETURNEES AND DISPLACED PERSONS THAT TOOK PLACE IN OUAGADOUGOU IN JUNE 2006 RECOMMENDED THE FOLLOWING, WHICH FORM THE BASIS ON THE WAY FORWARD:

- a) That the challenge is not one of commitment but rather funding, thus the need to elaborate a creative and practical strategy for resource mobilization including the following possibilities;
 - The private sector,
 - A percentage from the taxes paid by the tax paying institutions,
 - Debt swap,
 - International Companies to earn points based on the level of financial assistance provided,
 - Commit 8% of the AU's humanitarian budget for scholarships for Education at the post primary level for victims of forced displacement in Africa.
- b) Establish a fund facility for scholarships for post-primary education, and ensure that such a facility is stable;
- c) Advocacy with Member States to get them to offer space for free education to at least one displaced person per course in the public institutions;

- d) That Member States to ensure equal opportunity for all children including victims of forced displacement and in particular girls to access post primary education in Africa;
- e) Members States could make a commitment to treat refugees as nationals, including standardization of school fees for refugees to that of nationals;
- f). The AU Commission should undertake country specific case studies especially those with victims of forced displacement, to find out what is in place and how it can be enhanced so as to facilitate access to post primary education;

1. Following consideration by the Ministers of Education during their COMEDAF III meeting that took place in South Africa in August 2007, the Ministers generally supported the draft policy and suggested the following to enhance the policy further:

- i) The need to provide support to countries coming out of conflicts and enhance education as a tool for reconstruction. To this end, it was suggested that the Commission undertakes a study to review countries in post conflict reconstruction with a view to share experiences that would inform those countries coming out of conflict more recently.
- ii) The need to focus on post primary education as a whole including access for victims of forced displacement and other children in difficult circumstances. To this end, it was suggested that the possibility of declaration of universal post primary education for all including in areas of emergencies be considered at the national level;
- iii) The need to have a holistic approach to post conflict reconstruction including political action, economic rehabilitation as well education rehabilitation including enhanced access to post primary education;
- iv) The fund be established and practical modalities of its establishment and operationalization be considered, including the possibility of mainstreaming within the special refugee contingency fund in order to avoid creation of too many funds and not to miss out on sourcing of possible earmarked funds for victims of forced displacement;

2. The Meeting adopted the Policy as a useful framework for the formulation of policies that cater for victims of forced displacement at the national level.

2008

Draft African union policy on access to post primary education for victims of forced displacement in Africa as amended by the ministerial conference on refugees, returnees and displaced persons in Africa, held in Ouagadougou, Burkina Faso from 29 may to 2 June 2006 theme: protecting and assisting victims of Forced Displacement in Africa

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