

The Abidjan Principles: Process, Nature and Scope



The Abidjan Principles: Process, Nature and Scope



Overview

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 Ivory Coast and were developed by a group of global education and human rights [experts](#), following a three-year [consultative process](#) with decision-makers, communities and practitioners. 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.



Process

The Abidjan Principles were developed through a uniquely open, transparent, and broadly consultative process that captured a variety of perspectives to ensure the text was reflective of different local realities.

The drafting of the Abidjan Principles was led by a team of nine [drafting committee](#) members. The role of the drafting committee was to lead the drafting process, building on the comments from the consultations, in coordination with other experts, to facilitate the elaboration of the Abidjan Principles. The Committee was chaired by Professor Ann Skelton, the UNESCO Chair for Education Law in Africa and a member of the United Nations Committee on the Rights of the Child. The other members of the Drafting Committee were Professor Aoife Nolan, Dr Jacqueline Mowbray, Jayna Kothari, Dr Magdalena Sepulveda Carmona, Dr Maria Smirnova, Roman Zinigrad, Professor Sandra Fredman and Sandra Epal Ratjen.

The drafting committee was assisted by a secretariat, a team comprising of individuals from [Amnesty International](#), the [Equal Education Law Centre](#), the [Global Initiative for Economic, Social, and Cultural Rights](#), the [Initiative for Social and Economic Rights](#), and the [Right to Education Initiative](#).

Once the text was complete, the draft text was presented at the Adoption Conference for adoption by [signatories](#). These experts not only participated in the drafting at the final meeting, but also contributed to the Abidjan Principles through background research, reviews, and comments. The experts came from universities and organisations located in all regions of the world and include current and former members of international human rights treaty bodies, including regional human rights bodies, members of the judiciary, and former and current Special Rapporteurs of the United Nations Human Rights Council. Biographies of the signatories of the Abidjan Principles can be found [here](#).



Consultations

From 2015 to 2018, a series of participatory regional, community, thematic and online consultations were convened with various stakeholders, including policymakers, private sector, civil society, and communities. Summary reports from each consultation is available [here](#).

There were six regional consultations held in Bangkok (Asia-Pacific region, 2016), Nairobi (Eastern Africa region, 2016), Paris (Europe and North America region, 2017), Johannesburg (Southern Africa region, 2017), Dakar (Francophone consultation, 2017) and Geneva (North America and Europe region, 2018).

Community consultations were also held in India, Kenya, Nepal, and The Philippines, collecting feedback from communities. The consultations looked at successive draft texts of the Abidjan Principles in relation to regional and local contexts. This was an integral component of the process, to ensure the Abidjan Principles can effectively respond to the realities of different countries, and ensure they are based on identified positive practices.

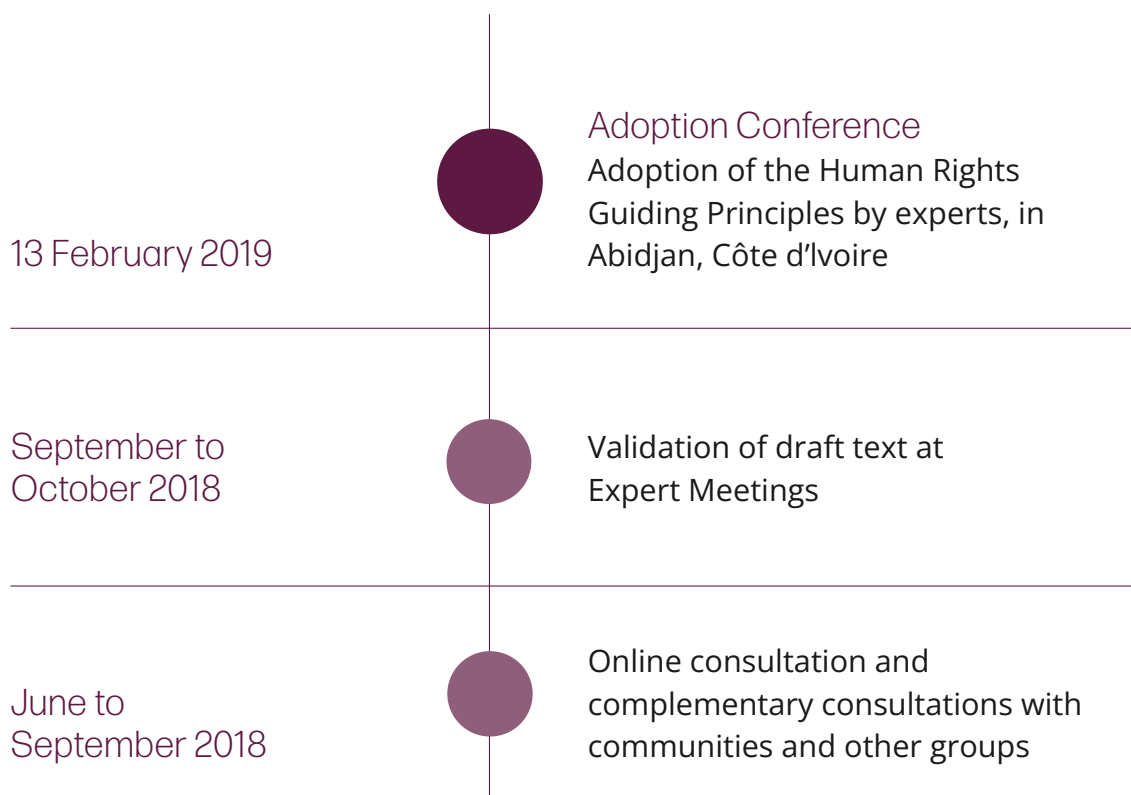


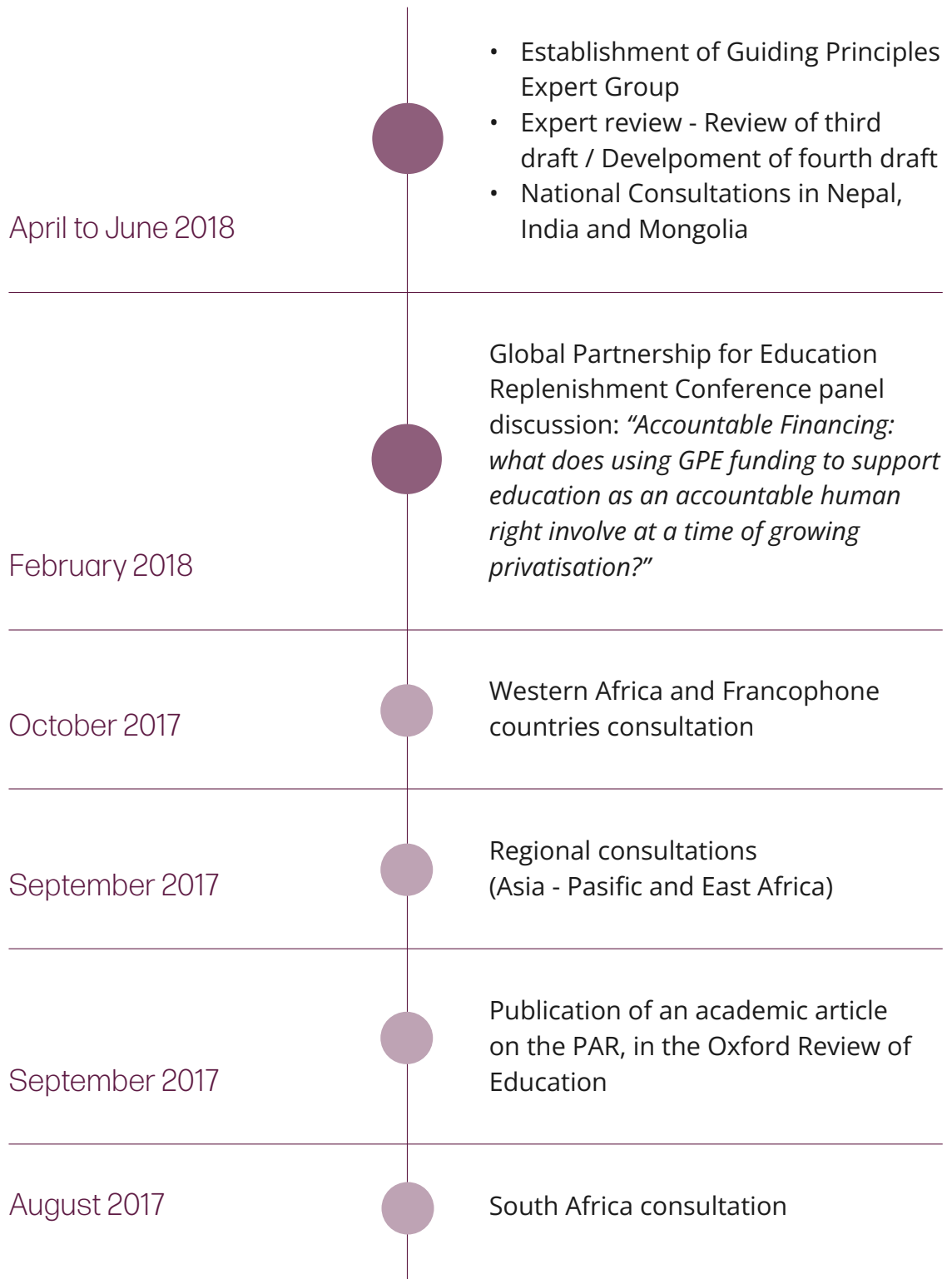
Thematic consultations held in San Paulo, Brazil and Atlanta, USA, focused on feedback in relation to issues of implementation, including addressing inequality and the potential for strategic litigation. The consultation phase concluded with an online global consultation, which captured approximately 143 responses, from different stakeholders, including private sector. The feedback from all consultations were collected by the Secretariat and provided to the drafting committee, who revised and incorporated inputs in accordance with existing international human rights law and standards.



Research

In addition to the public consultations, the Abidjan Principles were informed by specific inputs from 1) conceptual and empirical research from a human rights perspective, and 2) expert inputs from a constituency of experts from various backgrounds.







Ten background papers were commissioned to ensure the quality and analysis of research underpinning the principles truly reflected existing obligations and based on formal sources of international law. The background papers examine the following thematic areas:

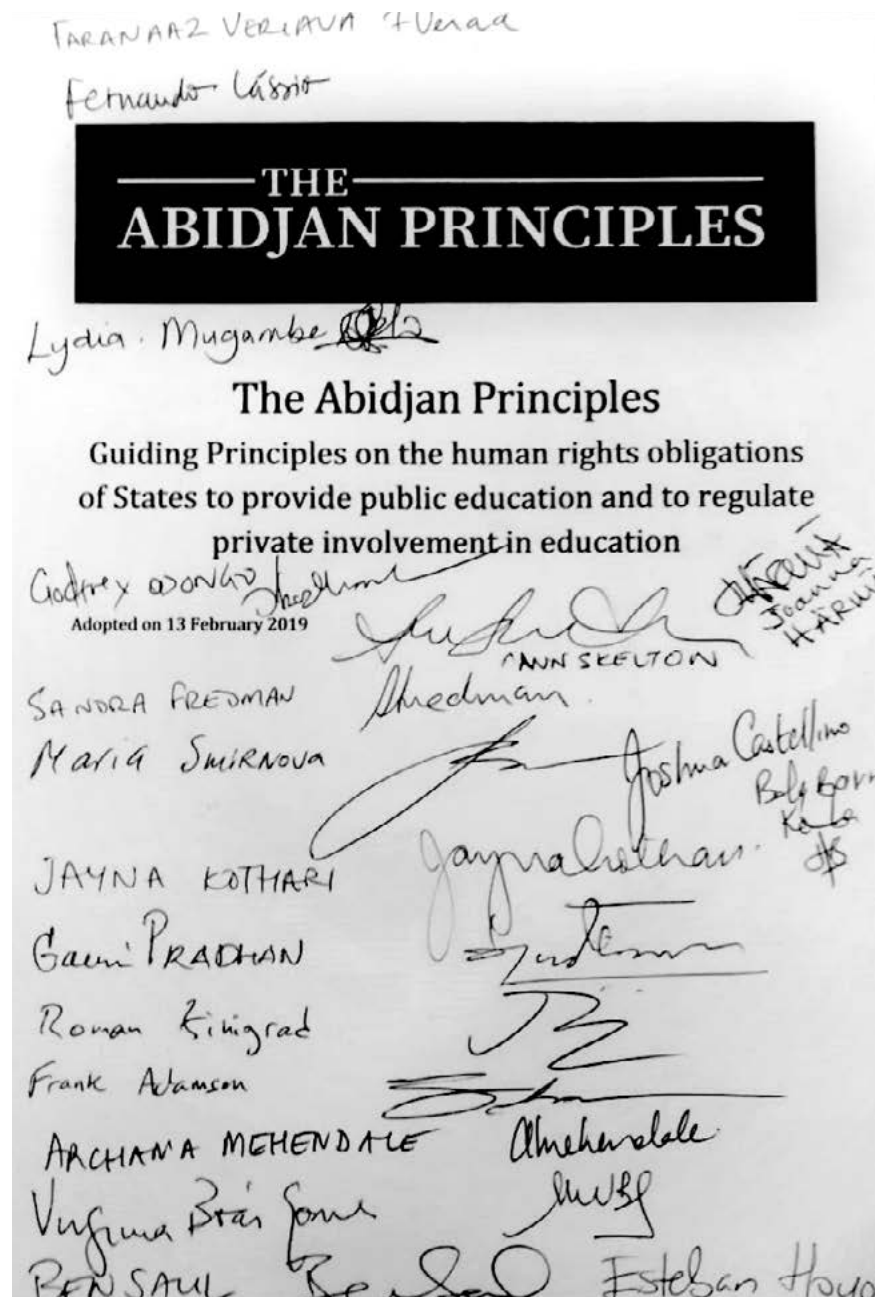
1. Developing human rights guiding principles on State obligations regarding private education (Sylvain Aubry, Mireille de Koning, and Frank Adamson)
2. Human rights guiding principles: a forward-looking retrospective (Magdalena Sepúlveda Carmona)
3. Is there a right to public education? (Jacqueline Mowbray)
4. Parental rights in education under international law: nature and scope (Roman Zinigrad)
5. State funding of private education: the role of human rights (Sandra Fredman)
6. Evidence on school choice and the human right to education (Joanna Härmä)
7. How and why policy design matters: understanding the diverging effects of public–private partnerships in education (Antoni Verger, Mauro C. Moschetti, and Clara Fontdevila)
8. The growth of private actors in education in East Africa (Linda Oduor-Noah)
9. The evolution and forms of education privatisation within francophone countries (Marie-France Lange)
10. Strengthening the implementation of the Abidjan Principles (Frank Adamson, Delphine Dorsi, and Magdalena Sepúlveda Carmona)

These papers have been collated as chapters in a publication titled, [“Realizing the Abidjan Principles on the Right to Education: Human Rights, Public Education, and the Role of Private Actors in Education”](#).



Adoption

The Abidjan Principles were adopted during a conference in Abidjan, Ivory Coast, by a group of experts on 13 February 2019. The Adoption Conference consisted of two days of detailed discussion on each principle, to ensure the wording of the text reflects existing legal standards and addresses contextual needs. This was followed by one day of discussion on implementation strategies.



The Drafting Committee, plus a further 20 human rights and education experts were present for the adoption conference, along with civil society observers. Observers were welcomed to share reflections and ask questions at the end of meeting but did not take part in the drafting process.

The final agreement on the text was presented by the Chair of the Drafting Committee, Prof Anne Skelton, to the Minister of Education of Ivory Coast, Hon

Kandia Camara, in the presence of the UN Special Rapporteur on the right to education, Dr Boly Barry.

The official English text of the Abidjan Principles was released 20 March 2019 in Nairobi, Kenya. The text is available in French, Spanish, Portuguese, Arabic and Russian. These and future language versions will be available [here](#).

By August 2020, 57 global experts on education and human rights had signed these principles, and dozens of civil society organisations have endorsed them.



Nature and scope of the document

The content of the Abidjan Principles was developed from international human rights legal standards and jurisprudence, with inputs from stakeholders from various backgrounds — human rights lawyers, education specialists and practitioners, and affected communities — and geographic regions. The consultation process also sought to capture a diversity of perspectives, including those from private sector. During the development and drafting of the text, attention was given to ensure the diversity and independence of the expertise of the drafters and signatories. This includes diversity in gender, geography, as well as in their areas of expertise.

The Abidjan Principles unpack legal obligations, to clarify the scope and content of human rights obligations regarding the full scope of the right to education, including the provision of public education, the regulation of private actors in education and the various financing arrangements for education. The Abidjan Principles originate from and reference a variety of legal hard and soft-law sources: legally binding provisions of international law, judicial decisions and case-law from international and regional courts (e.g. the European Court of Human Rights, the African Court on Human and Peoples' Rights, the Inter-American Court on Human Rights), general recommendations and other soft-law documents of international and regional human rights bodies (e.g. General Comments issued by the UN Committee on Economic, Social and Cultural Rights; reports of the UN Special Rapporteur on the right to education, etc.), and teachings and opinions of the most highly qualified experts in the field. The Abidjan Principles rely on all these sources when unpacking the complex legal architecture of the right to education in the context of private provision. The justifications and reasonings behind the Principles can further be found in the background papers commissioned to inform the development process of the Principles (now published in a [book](#)) and will be reflected in the commentary

articles on the Principles published by the Oxford Human Rights Hub (OxHRH) in a special issue during 2023.

With the content of the Abidjan Principles based on existing and widely accepted legally binding obligations established in international human rights law and standards, such as treaties, they apply to States regardless of any further adoption or endorsement. As reflected by their rapid recognition and use by all main regional human rights bodies in charge of economic, social and cultural rights, and by the United Nations, there is no doubt that the Abidjan Principles have become soft-law.

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.

Learn more at:

🌐 www.abidjanprinciples.org and visit

🌐 <https://www.gi-escr.org/abidjan-principles>

Get regular updates about the Abidjan Principles and follow the hashtag #AbidjanPrinciples on Twitter

Contact: info@abidjanprinciples.org