

# Realising the Right to Primary Education for Refugee and Asylum-Seeking Children in Cameroon: Appraising the Legal Framework, Compliance and Challenges

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## Abstract

In international and regional human rights law, the right to education is arguably one of the most important rights since it is a social, economic, and cultural right and has a direct bearing on the enjoyment of civil, political, social, economic and cultural rights. For vulnerable groups, emphasis has always been placed on the need to respect, protect, fulfil, and promote the right to education, given the crucial role it plays in promoting peace, stability, and socio-economic and personal development. Two critical issues arise when looking at the children of refugees and asylum seekers: firstly, their vulnerability as involuntary migrants who have fled their home countries and settled in another country. Secondly, as children, they remain vulnerable to different forms of exploitation. Against this background, and in view of the huge number of refugees and asylum seekers in Cameroon, this study examines some of the measures taken by Cameroon to give effect to her international obligations as a State Party to numerous human rights instruments (both international and regional) recognising the right to compulsory and free primary education for children. To do this, the study commences with an assessment of the international human rights framework and identifies the various obligations created by those instruments that serve as benchmarks for evaluating whether Cameroon has fulfilled her international and regional obligations. The study analyses the challenges encountered in this regard and offers some insights on what could be done to surmount those challenges.

**Keywords:** children; refugees and asylum seekers; right to primary education; right to education; international law; African regional law; Cameroon

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## Introduction

Numerous scholars in social sciences have written about the importance of education for development, whether personal, societal, or national.<sup>1</sup> In the context of international human rights, education plays a vital role in the realisation of many other civil, political, economic, social, and cultural rights.<sup>2</sup> In international human rights, the right to education is classified as a social right. However, it can be argued that it has a hybrid nature, meaning it is also an economic right since it plays an invaluable role in the realisation of economic rights.<sup>3</sup> With regard to children, the right to education is very important for a few reasons: firstly, it plays a vital role towards their intellectual, spiritual, moral, and physical development.<sup>4</sup> Secondly, it empowers children with the skills needed for them to reach their full potential in life.

In view of the foregoing, the right to primary education is guaranteed in numerous international and regional human rights instruments.<sup>5</sup> The perpetration of any kind of discrimination or imposition of any measures that may hamper the realisation of the right to education for children will have enormous adverse consequences on the children in question. This is also true for children who find themselves in challenging circumstances such as armed conflict, internal displacement due to political instability such as internally displaced persons (IDPs), human trafficking, and when they migrate involuntarily like asylum seekers and refugees.

Taking a qualitative research approach, this paper looks at the different measures taken by Cameroon to fulfil the right to primary education for refugees and asylum-seeking children. Since Cameroon is a State Party to numerous international and regional human

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- 1 Richard L Wobbekind, 'On the Importance of Education' (2012) 47 (2) *Business Economics* 90–96; Ajay Bhardwaj, 'Importance of Education in Human Life: A Holistic Approach' (2016) 2 (2) *International Journal of Science and Consciousness* 23–28; and Rand D Conger, Katherine J Conger and Monica J Martin, 'Socioeconomic Status, Family Processes, and Individual Development' (2010) 72 (3) *Journal of Marriage and Family* 685–704.
  - 2 Douglas Hodgson, 'The International Human Right to Education and Education Concerning Human Rights' (1996) 4 (3) *The International Journal of Children's Rights* 237–262.
  - 3 Kalantry Sital, Jocelyn E Getgen and Steven A Koh, 'Enhancing Enforcement of Economic, Social and Cultural Rights Using Indicators: A Focus on the Right to Education in the ICESCR' in Manisuli Ssenyonjo (ed), *Economic, Social and Cultural Rights* (Routledge 2017).
  - 4 Nathan Maddock, 'Educate the Child, Educate the Community' (2017) 32 (2) *The Australian Journal of Emergency Management* 17.
  - 5 These instruments include the following: the International Covenant on Economic, Social and Cultural Rights 1966 (hereafter ICESCR), Article 13(2)(a); the Universal Declaration of Human Rights 1948 (hereafter the UDHR), Article 26(1), which makes use of the phrases 'elementary and fundamental stages' and 'elementary education'; the Convention on the Rights of the Child 1989 (hereafter the CRC), Article 28(1)(A); the African Charter on Human and Peoples' Rights 1981 (hereafter the Banjul Charter or the ACHPR), Article 17, which stipulates that everyone has the right to education, without mentioning specifically the right to primary education; and the African Charter on the Rights and Welfare of the Child 1990 (hereafter the ACRWC), Article 11(1) and (3)(a). In addition to the foregoing instruments are those relating to refugees and asylum-seekers: Convention Relating to the Status of Refugees 1951 (Refugees Convention), Article 22(1) and (2).

rights instruments in which the right to compulsory and free primary education is entrenched, the paper commences with a succinct narrative of the relevant international and regional instruments. This is followed by an outline of the different obligations imposed on Cameroon by those specific international and regional instruments. The third part looks at the various measures undertaken by Cameroon to fulfil her international and regional obligations in realising the right to compulsory and free primary education for every child in general and every refugee and asylum-seeking child in particular.

## The Right to Primary Education in International Law

The following discussion shows that the right to primary education is provided for in binding and non-binding international and African regional instruments.

### International Human Rights Instruments

The international legal framework on the right to primary education for refugees and asylum-seeking children comprises three instruments: the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR); the Refugee Convention; and the Convention on the Rights of the Child 1989 (CRC). At regional level, there are two key instruments: the African Charter on Human and Peoples' Rights 1981 (ACHPR) and the African Charter on the Rights and Welfare of the Child 1990 (ACRWC). These two regional instruments, as discussed below, reinforce the substantive contents of the foregoing international legal framework with regard to the right to primary education for everyone in general, and for refugees and asylum-seeking children in particular.

The ICESCR was developed from the Universal Declaration of Human Rights 1948 (UDHR) and is the first binding and most important United Nations (UN) instrument on social, economic, and cultural rights. By August 2022, it had over 170 States Parties and seventy signatories.<sup>6</sup> The ICESCR represents the biggest stride ever made by the global community to package a set of social, economic, and cultural rights. One of the rights it guarantees is the right to education, which is presented in three dimensions.<sup>7</sup> Article 13(1) of the ICESCR unequivocally guarantees everyone the right to education. It further elaborates on the goals of education. To achieve the content, aims, and aspirations of Article 13(1) of the ICESCR, Article 13(2) outlines a series of measures, one of which is making primary education compulsory and free to everyone.<sup>8</sup> Article 13(2)(b) and (c) of the ICESCR deals with secondary and higher education, respectively. Interestingly, and unlike the UDHR, Article 13(2)(d) of the ICESCR deals with 'fundamental education' geared towards 'persons who have not received or completed

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6 United Nations, 'International Covenant on Economic, Social and Cultural Rights' (3 January 1976, No 14531) <[https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=\\_en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en)> accessed 22 April 2024.

7 See Article 13 of the ICESCR.

8 See Article 13(2)(a) of the ICESCR.

the whole period of their primary education.’<sup>9</sup> While the ICESCR enshrines primary education, it also provides fundamental education as a remedial measure for individuals who have not received or completed primary education. This means a learner who was not able to acquire or complete primary education will be eligible for fundamental education to remedy that gap in their life. Article 14 of the ICESCR adds to primary education by obligating States Parties to ‘work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.’

The Refugee Convention, as amended by the Protocol Relating to the Status of Refugees, governs the protection and entitlements of refugees and asylum seekers in Article 22(1), which stipulates that refugees shall be granted the same treatment as nationals with respect to elementary education. This means that they shall obtain free and compulsory primary or elementary education that is given to children of their host countries. The Protocol Relating to the Status of Refugees extends the guarantees on the right to elementary education in the Refugee Convention across the globe without any geographical and time-limits to those with refugee status.

The CRC specifically addresses the rights of children to education in Article 28 as follows:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all ...

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 28(1) of the CRC, like the ICESCR, makes education a right for every child. Article 28(1) states that ‘States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall,’ among other things, make ‘primary education compulsory and available free to all’.<sup>10</sup> This provision removes the justification that it is difficult or impossible to provide free and compulsory primary education to every child because of insufficient economic resources. Hence, this provision is similar to Article 2(2) of the ICESCR.<sup>11</sup> Article 28(1)(e) is relevant to the right to education because it encourages States Parties to the Convention to take measures that they deem necessary ‘to encourage regular attendance at schools and the reduction of drop-out rates.’ Arguably, this clause means

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9 See Article 13(2)(d) of the ICESCR.

10 Article 28(1)(a) of the CRC.

11 The phrase ‘with a view to achieving this right progressively’ in the context of Article 2(1) of the ICESCR is discussed below.

that a state's responsibility is not limited to providing free and compulsory education to all children but extends to ensuring that all children benefit from mandatory and free primary education and regularly attend school.

### **International Soft Law Regime**

In addition to the binding international legal instruments on the right to education at the international level, there is a strong international soft law architecture that informs both the importance and direction of the right to education. The UDHR, the 1990 World Declaration on Education for All,<sup>12</sup> adopted in March 1990 at the World Conference for All held in Jomtien, Thailand, and the Dakar Framework for Action, Education for All: Meeting our Collective Commitments adopted by the World Education Forum in Dakar, Senegal in April 2000, do form part of the international soft law architecture on the right to education, broadly speaking, and elementary and fundamental education.

The adoption of the ICESCR by the UN General Assembly on 10 December 1948 infused human rights into international discourse, leading to enormous strides for their protection.<sup>13</sup> Although the UDHR is soft law, it sets standards by which governments should treat their people.<sup>14</sup> It was the first international instrument to recognise a corpus of human rights, including civil, political, economic, social, and cultural rights.<sup>15</sup> The wording of the UDHR touches on issues of universal entitlement, that is, the rights it enshrines are available to every human being without distinction.<sup>16</sup> It also contains a non-discrimination clause which prohibits all forms of discrimination based on any of the listed grounds.<sup>17</sup> Article 26 of the UDHR recognises the right to education, which it says should be available to everyone. Article 26(1) stipulates that education shall be free and compulsory at elementary and fundamental stages.

Article 26 of the UDHR guarantees everyone the right to education in a comprehensive manner. Article 26(1) stipulates that elementary education shall be compulsory. From

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12 World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs, 1990 (hereafter World Declaration on Education).

13 Ş İlgü Özler, 'The Universal Declaration of Human Rights at Seventy: Progress and Challenges' (2018) 32 (4) *Ethics & International Affairs* 395–406; Mashood A Baderin and Manisuli Ssenyonjo, 'Development of International Human Rights Law before and after the UDHR' in Mashood A Baderin and Manisuli Ssenyonjo (eds), *Development of International Human Rights Law before and after the UDHR* (Ashgate Publishing 2010) 1–30; Elsa Stamatopoulou, 'The Importance of the Universal Declaration of Human Rights in the Past and Future of the United Nations' *Human Rights, Efforts* (1998) 5 *ILSA Journal of International and Comparative Law* 281–290.

14 See the Preamble to the UDHR.

15 Articles 1 to 29 of the UDHR contain civil, political, economic, social, and cultural rights.

16 See Articles 1 to 29 of the UDHR.

17 Article 2 of the UDHR. See, for example, the following works: Stephanie Farior, 'Color in the Non-Discrimination Provisions of the Universal Declaration of Human Rights and the Two Covenants' (2015) 14 *Washington University Global Studies Law Review* 751–778; Abdulrahim P Vijapur, 'The Principle of Non-Discrimination in International Human Rights Law: The Meaning and Scope of the Concept' (1993) 49 (3) *India Quarterly: A Journal of International Affairs* 69–84, 69.

the wording of Article 26 of the UDHR, a few remarks can be made. Firstly, in comparison with other international instruments, it is generic in content and lacks specifics: the UDHR declares that everyone has the right to education, but it falls short in providing any further details on the kind of education, the individual's ability to receive education, and at what level. Secondly, is that Article 26(1) of the UDHR asserts that education at the 'elementary and fundamental stages shall be free,' but it does not define what is meant by elementary and fundamental stages. It proceeds to stipulate that elementary education shall be compulsory. Post-1948, numerous international and regional human rights instruments have been developed which constitute the international and regional legal framework on the right to education for everyone, and for refugees and asylum-seeking children in particular. The provisions in those instruments have brought much clarity to the vagueness in Article 26(1) of the UDHR.

Article 26(2) of the UDHR stipulates the aims of education, while Article 26(3) addresses the issue of parental approval on the kind of education appropriate for their children. Setting aside the foregoing shortcomings, it is important to mention that the UDHR was key in laying the foundation of international human rights in general and the right to education in particular. The UDHR is soft law, meaning that its provisions are not legally binding. However, most international law instruments draw their inspiration from the UDHR, which is the bedrock of the International Bill of Rights in that it sets the context for the other two instruments (that is, the International Covenant on Civil and Political Rights and the ICESCR).<sup>18</sup> In addition, the UDHR is a persuasive authority and parts of it constitute customary international law.<sup>19</sup> Therefore, the right to education does not only feature in the ICESCR as a social right but is further elaborated with more specific details than in the UDHR.<sup>20</sup>

Also worth exploring under the international soft law regime are some key aspects of the 1990 World Declaration. Firstly, the Preamble to the Declaration re-emphasises the importance of education. Article III of this Declaration addresses the issue of achieving universal access and promoting equity in education. Article V of the Declaration deals with broadening the means and scope of basic education.

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18 Francesco Francioni, 'An International Bill of Rights: Why It Matters, How Can It Be Used' (1997) 32 *Texas International Law Journal* 471–482; Beth Simmons, 'Civil Rights in International Law: Compliance with Aspects of the "International Bill of Rights"' (2009) 16 (2) *Indiana Journal of Global Legal Studies* 437–481; Zehra F Kabasakal Arat, 'Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights' (2006) 28 (2) *Human Rights Quarterly* 416–437.

19 The practice of free and compulsory primary education and ensuring non-discrimination in accessing free and compulsory primary education have attained almost universal recognition by states to the point that it now resides as customary international law. Per Article 38(b) of the Statute of the International Court of Justice, customary international law is a binding source of international law. This means that such a practice that has attained the status of customary international law is binding on Cameroon.

20 Sital, Getgen and Koh (n 3).

In April 2000, the World Education Forum adopted the Dakar Framework for Action, Education for All: Meeting Our Collective Commitments in Senegal.<sup>21</sup> Among the numerous strategies for realising education for all without distinction, the Dakar Framework outlines the need to adopt a policy that provides for free and compulsory primary education for all persons without distinction.<sup>22</sup> The normative framework is informed by those non-binding international instruments which complement and guide the interpretation, understanding, and implementation of the legal instruments relating to the right to primary education. The right to free and compulsory primary education, which must be available to all persons without discrimination, is entrenched in international law. As such, States Parties to the different instruments discussed above must develop policies and provide resources aimed at the realisation of this right.

### **The Right to Primary Education in African Regional Instruments**

The Banjul Charter is the main regional instrument that entrenches the human rights of all Africans without distinction as to age, race, religion, gender, or any other social status.<sup>23</sup> Article 17 of the Banjul Charter states that ‘every individual shall have the right to education.’ Unlike other international instruments, the Banjul Charter does not classify the right to education into categories.<sup>24</sup> Consequently, it does not prescribe making education free and compulsory.

However, Article 11(1) of the ACRWC stipulates that every child ‘shall have the right to an education.’ Article 11(2)(a) to (h) outlines the goals of education, while Article 11(3) outlines a series of measures prescribed for the purpose of achieving the full realisation of the right to education. Among those measures is the provision of free and compulsory basic education to all children,<sup>25</sup> encouraging attendance at schools, and the reduction of drop-out rates.<sup>26</sup> Article 5 of the OAU Refugee Convention enshrines the principle of non-discrimination, which is important in the context of the right to primary education.

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21 The Dakar Framework for Action, Education for All: Meeting Our Collective Commitments 2000 (hereafter the Dakar Framework).

22 Paragraph 9 of the Dakar Framework.

23 Article 2 of the Banjul Charter.

24 See Article 17(1) of the Banjul Charter. The African Commission on Human and Peoples’ Rights, Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights 2010 (hereafter African Commission Principles and Guidelines) sub-categorises the right to education into six, one of which is the right to primary education. See para 70 of the African Commission Principles and Guidelines. This document requires primary education to be compulsory and free to all.

25 Article 11(3)(a) of the ACRWC.

26 Article 11(3)(d) of the ACRWC.

## Reception of International Law in Cameroon

International law is law in Cameroon. Its reception in Cameroon is governed by the Cameroon Constitution.<sup>27</sup> Article 45 of the Cameroon Constitution states that ‘all duly ratified international agreements shall become law in Cameroon.’ In addition, all duly ratified international agreements enjoy a superior status over national law. Cameroon is a State Party to the foregoing instruments, as she acceded to the ICESCR on 27 June 1984, signed the CRC on 25 September 1990, and ratified it on 11 January 1993. The Banjul Charter was ratified on 18 September 1989. She signed the ACRWC on 16 September 1992 and ratified it on 5 September 1997. Cameroon acceded to the Refugee Convention on 23 October 1961. Article 45 of the Cameroon Constitution makes the provisions of these instruments automatically applicable as law in Cameroon. Therefore, Cameroon has a duty to realise the right to primary education for children of refugees and asylum seekers: that also means Cameroon, as a State Party to the foregoing instruments, must fulfil all the necessary obligations that are incidental to their ratification, including adherence to and utilisation of the international soft law regime in ensuring the protection, respect, and promotion of the right to education.

## Nature of the Obligations of States Parties on the Right to Education

The right to education is a well-established right in international and African regional human rights law. It is sub-categorised into primary, fundamental, secondary, and tertiary education. The ICESCR makes primary education compulsory and free, as discussed above.<sup>28</sup> Fundamental education is aimed at remedying gaps in primary education for persons who are unable to pursue or complete primary education.<sup>29</sup> Specific international and regional instruments dealing with children as a vulnerable group also recognise the right to education.<sup>30</sup> Other instruments take similar approaches that urge States Parties to take measures to ensure that primary education is free and compulsory. They also require States Parties to encourage the participation of learners in attending school and to reduce the drop-out rates.<sup>31</sup> The discussion below focuses on key elements of the right to primary education, its normative content, and the general and specific legal duties imposed on States Parties to realise this right under international law.

## Normative Contents and Key Elements of the Right to Primary Education

International instruments that recognise the right to education<sup>32</sup> and the Committee on Economic, Social and Cultural Rights’ General Comment 13 on the right to education

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27 Law No 96-06 of 18 January 1996 to Amend the Constitution of 2 June 1972.

28 Article 13(2)(a) of the ICESCR.

29 Article 13(2)(d) of the ICESCR.

30 See, for example, Article 28 of the CRC and Article 11 of the ACRWC.

31 Article 28(1)(e) of the CRC and Article 11(3)(d) of the ACRWC.

32 Article 13 of the ICESCR.



in general, and the right to primary education, in particular, show that States Parties bear some normative obligations from these instruments.<sup>33</sup> These are discussed below.

### *Compulsory<sup>34</sup> and Free Primary Education*

States Parties to both the ICESCR and the CRC must provide compulsory and free primary education for all children within their territories.<sup>35</sup> The requirement for compulsory primary education underscores the fact that parents, guardians, learners, and the state cannot choose whether children should have access to primary education.<sup>36</sup> Making primary education compulsory for all children reinforces the prohibition of gender discrimination, as required by Article 2 and Article 3 of the ICESCR. Also, the education offered to children must be adequate, relevant, and promote the realisation of other rights to which they are entitled.<sup>37</sup>

The requirement for making primary education free is unequivocal and intended to ensure that primary education is available without any charges to children and their parents or guardians.<sup>38</sup> As such, fees or levies imposed by schools, local authorities, or the government would constitute disincentives to the enjoyment of the right to primary education and may also compromise its realisation. Such policies or acts contravene the right to primary education. The levying of all direct and indirect fees is prohibited because such fees may have an adverse effect on the realisation of the right to primary education.<sup>39</sup> Hence, States Parties must develop plans of action that detail how they will make primary education free for everyone in their territories.<sup>40</sup>

### *Detailed Plan of Action and Developmental Strategy for Primary Schools*

Within two years of ratifying the ICESCR, States Parties must adopt plans of action on which they intend to make primary education compulsory and free. Such plans of action must cover all aspects of the right to primary education and be sufficiently detailed to ensure the comprehensive realisation of the right.<sup>41</sup> States Parties may not invoke the absence and inadequacy of resources as a ground for the non-fulfilment of their obligation to make primary education free and compulsory.<sup>42</sup> The plan of action of a State Party that lacks the resources to realise the right to free and compulsory primary education must indicate that it intends to procure international assistance and

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33 These are discussed below.

34 Committee on Economic, Social and Cultural Rights (CESCR), 'General Comment 11' para 6.

35 Article 13(2)(a) of the ICESCR and Article 28(1)(a) of the CRC.

36 CESCR (n 34) para 6.

37 *ibid* para 6.

38 *ibid* para 7.

39 *ibid* para 7.

40 *ibid* para 7.

41 *ibid* para 8.

42 *ibid* para 8.

cooperation to obtain the resources needed to make primary education free and compulsory.<sup>43</sup>

*The Obligation to Achieve Progressive Realisation of the Right to Primary Education*

The obligation to achieve progressive realisation of the right to primary education means that the plan of action adopted by each State Party must be aimed at securing the progressive implementation of the right to compulsory and free primary education.<sup>44</sup> Article 14 of the ICESCR stipulates that the target date for such must be ‘within a reasonable number of years’ and that the time frame must be ‘fixed in the plan.’<sup>45</sup> This means that the plan must specifically outline a series of targeted implementation dates for each stage of the progressive implementation of the plan.<sup>46</sup> While the plan details the progressive implementation of substantive obligations, normative obligations, such as the prohibition of any kind of discrimination, must be implemented fully and immediately.<sup>47</sup>

*The Obligation to Ensure the Availability, Accessibility, Acceptability, and Adaptability of Primary Education*

States Parties to the ICESCR must ensure that the right to primary education meets four essential aspects, namely, availability, accessibility, acceptability, and adaptability. Availability means that the number of primary schools in each state should be sufficient in quantity.<sup>48</sup> This requires States Parties to establish primary schools, provide the necessary infrastructure for them to be functional, and allocate human resources such as trained teachers. These entail the construction of new primary schools and the rehabilitation of old ones. Such infrastructure should possess specific minimal sanitary facilities such as toilets, water, and electricity. The schools must possess learning facilities such as libraries and computers and other information technology facilities. Making education available also requires States Parties to recruit and remunerate competent teachers to provide instruction to children.<sup>49</sup>

Accessibility touches on three different but overlapping dimensions, which are non-discrimination, physical accessibility, and economic accessibility. This means that

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43 *ibid* para 8.

44 *ibid* para 10.

45 *ibid* para 10.

46 *ibid* para 10.

47 *ibid* para 10. The notion of ‘progressiveness’ as used in Article 11 is different from the one contemplated in Article 2(1) or insofar as other aspects of the Article are concerned. It is a very limited progressiveness, seeing that Article 13(2)(a) states that primary education ‘shall be’ compulsory and available free to all.

48 CESCR, ‘General Comment 13’ para 6(a). See also Faranaaz Veriava and Kate Paterson, ‘The Right to Education’ in Jackie Dugard and others (eds), *Research Handbook on Economic, Social and Cultural Rights as Human Rights* (Edward Elgar Publishing 2020) 113.

49 See Committee on Economic, Social and Cultural Rights (n 48), para 6(a) where the Committee describes the notion of ‘availability’; *ibid*.

States Parties must ensure that primary education is accessible to everyone without discrimination. Also, primary education should be physically accessible, meaning that schools must be within safe physical reach. Furthermore, primary education must be economically accessible, which means that it must be affordable.<sup>50</sup> This obliges States Parties to determine the appropriate content, curricula, and pedagogy for their primary schools.<sup>51</sup> States Parties must ensure that the contents of the curricula in primary schools are flexible and reflect the various demographics. The curricula must be modified from time to time to align with changes in society.<sup>52</sup>

### *Material Conditions of Teachers*

States Parties to the ICESCR must take steps to improve the material conditions of teachers in primary schools. Material conditions include locally competitive remuneration, the provision of didactic materials, safe working conditions, and protection of the right of teachers to organise and bargain collectively.<sup>53</sup>

### *Non-Discrimination*

The instruments discussed above require States Parties to realise primary education without discrimination. The non-discrimination clause is stipulated in Article 2(2) of the ICESCR, which requires States Parties to ‘undertake to guarantee that the rights enunciated’ in the ICESCR will be available to everyone without any discrimination on any of the listed grounds. Article 2(2) of the ICESCR prohibits any discrimination against anyone, including children, based on their nationality. The non-discriminatory clause means that refugee and asylum-seeking children, irrespective of their nationality or social status, qualify to enjoy all the rights to primary education stipulated in the ICESCR.<sup>54</sup>

## **General and Specific Legal Obligations**

### *Immediate Obligations*

The ICESCR mentions the ‘progressive realisation’ of rights contained therein. This includes the right to primary education. Despite constraints, some States Parties experience problems due to limited resources. The ICESCR imposes some obligations which are immediately realisable. For example, it requires States Parties to guarantee the right to primary education without any kind of discrimination.<sup>55</sup> States Parties are also obliged ‘to take steps’ towards the full realisation of the right to primary education.

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50 *ibid* para 6(b) where the Committee describes the notion of ‘accessibility’.

51 *ibid* para 6(c) where the Committee describes the notion of ‘acceptability’.

52 *ibid* para 6(d) where the Committee considers the concept of ‘adaptability’.

53 *ibid* para 27.

54 Article 13(2) of the ICESCR.

55 Article 2(2) of the ICESCR.

The steps taken shall be ‘deliberate, concrete and targeted’ towards the realisation of the right to primary education.<sup>56</sup>

### *Progressive Realisation*

Progressive realisation of the right to primary education means that States Parties shall continually move expeditiously and effectively as possible towards the complete realisation of the right to primary education.<sup>57</sup> It also means that they must take measurable steps within specific timeframes towards the realisation of the right to primary education.

### *The Obligation to Respect, Protect, and Fulfil*

The obligation to respect means that States Parties must avoid any measure that hinders or prevents the complete enjoyment of the right to primary education. The obligation to protect means that States Parties are required to take measures aimed at preventing private actors from interfering with the enjoyment of the right to primary education. The obligation to fulfil entails that States Parties must take positive measures to enable and assist both individuals and communities in enjoying the right to primary education.<sup>58</sup>

### *Curricula and Minimum Educational Standards*

States Parties are also obliged to ensure that curricula for primary schools are directed to the objectives mentioned in Article 13(1) of the ICESCR.<sup>59</sup> States Parties are further required to establish and maintain effective and transparent systems in monitoring the direction of primary education towards the objectives stated in Article 13(1) of the ICESCR.<sup>60</sup>

### *Fellowship System*

States Parties to the ICESCR must establish educational fellowship systems to assist disadvantaged and vulnerable groups of learners. This requires States Parties to develop and run educational systems that reinforce the principal responsibility of providing primary education directly to children in all circumstances.<sup>61</sup> It also includes the provision of support to learners who come from disadvantaged groups to abate the drop-out rates.

### *International Cooperation and Assistance*

Article 2(1) of the ICESCR obliges States Parties to take steps on their own and in partnership with international assistance and cooperation mechanisms to achieve the

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56 CESCR (n 48) para 43.

57 *ibid* para 44.

58 *ibid* paras 46–47.

59 *ibid* para 49.

60 *ibid* para 49.

61 *ibid* para 53.

progressive realisation of all socio-economic and cultural rights.<sup>62</sup> This means that international assistance and cooperation should be sought with the goal of achieving a realisation of the right to primary education. Within states, local actors within civil society should assist States Parties in offering education to learners. The States Parties must approach international (non)governmental organisations for assistance towards enhancing the realisation of the right to primary education.

### *Minimum Core Obligations*

States Parties to the ICESCR must perform minimum core obligations.<sup>63</sup> With regard to the right to primary education, these include the obligation to ensure the right of access to public educational institutions and programmes on a non-discriminatory basis; the obligation to ensure that primary education conforms to the objectives stated in Article 13(1) of the ICESCR; the obligation to provide primary education for everyone in accordance with Article 13(2) of the ICESCR; the obligation to adopt and implement national educational strategies which include provision for other levels of education; and the obligation to ensure a free choice of education without interference from state and non-state actors.<sup>64</sup>

### *Educational Choices for Learners*

Article 13(3) of the ICESCR obliges States Parties thereto to refrain from interfering with the liberty of parents and guardians to choose schools that are different from the ones they offer, provided such educational institutions meet prescribed minimum standards. The purpose of this is to ensure that children receive religious and moral education that conforms to the convictions of their parents or legal guardians.<sup>65</sup>

This obligation is further reinforced by Article 13(4) of the ICESCR, which requires States Parties to grant individuals and bodies the freedom to ‘establish and direct educational institutions’ provided such institutions adhere to the principles stipulated in Article 13(1) of the ICESCR and meet the prescribed minimum standards regarding educational institutions.<sup>66</sup>

### Obligations under African Regional Law

The African Charter on Human and Peoples’ Rights recognises numerous economic, social, and cultural rights, including the right to education. In 2010, the African Commission adopted the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights

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62 CESCR (n 48) para 56.

63 See also the CESCR, ‘General Comment 3’ where the CESCR confirmed that States Parties have some minimum core obligation to ensure the satisfaction of, at least, minimum essential levels of all rights in the ICESCR.

64 CESCR (n 48) para 57.

65 *ibid* para 28.

66 *ibid* paras 29–30.

(African Commission Principles and Guidelines) in which it details the obligations of States Parties with regard to social, economic, and cultural rights. Since the right to education is one of the socio-economic rights in the Banjul Charter, the African Commission Principles and Guidelines broadly apply to it. In addition, the Banjul Charter and African Commission Principles and Guidelines impose specific legal obligations with regard to the right to primary education. The substance of these obligations resembles the ICESCR, making it unnecessary to repeat the explanations of some of the obligations. However, there are a few obligations in the African Commission Principles and Guidelines that do not feature in the ICESCR and are slightly different.

### Nature of Obligations

Article 1 of the Banjul Charter obligates States Parties to ‘recognise’ the rights, duties, and freedoms in the Charter and to ‘adopt legislative or other measures to give effect to them.’ Examples of these measures include providing for the protection and realisation of economic, social, and cultural rights through constitutional rights and institutions; legislation, policy, and budgetary measures; educational and public awareness measures; and administrative action.<sup>67</sup> States Parties must guarantee availability, adequacy, affordability, and acceptability with respect to economic, social, and cultural rights.

Guaranteeing availability means that States Parties should ensure that the necessary goods and services needed to enjoy the right to free and compulsory primary education are practically available to individuals who need them to be able to enjoy the right. They must establish and equip schools, recruit and train teachers, and provide teaching materials, among other factors.<sup>68</sup> Adequacy means that goods and services must be sufficient to meet all the requirements of the right to primary education. In the context of the right to primary education, schools must be in sufficient numbers for learners to enrol, and they should not be understaffed or under-resourced as this would make it difficult for learners to obtain quality education in conducive environments.<sup>69</sup>

Accessibility refers to physical and economic affordability, which entails that goods and services required for the enjoyment of the rights should be made available to everyone, including members of vulnerable and disadvantaged groups, such as children of refugees and asylum seekers. Physical accessibility to primary school means that the schools must be within reachable physical distance and not too far from where the learners reside. Economic accessibility means that learners should be able to afford the direct and indirect costs of attending primary school.<sup>70</sup> Acceptability means that the

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67 African Commission Principles and Guidelines para 2.

68 *ibid* para 3(a).

69 *ibid* para 3(b).

70 *ibid* para 3(c).

provision of primary education should be made in a way that respects societal and cultural norms.<sup>71</sup>

### **Obligations to Respect, Protect, Promote, and Fulfil**

Economic, social, and cultural rights, such as the right to free and compulsory primary education in the Banjul Charter, impose negative and positive obligations on States Parties, which include the duty to respect, protect, promote, and fulfil those rights. The obligation to respect entails that States Parties shall refrain from directly and indirectly interfering with the enjoyment of the right to primary education. It means that individuals shall have the freedom to use all resources at their disposal to meet their needs. It also means that all organs of state shall not engage in any conduct that violates the right to primary education.<sup>72</sup>

The obligation to protect requires states to take positive measures aimed at ensuring that no person, group, or juristic person engages in any conduct that violates the right to primary education. It also envisages the implementation of relevant national legislation and programmes aimed at providing remedies for such violations.<sup>73</sup>

The obligation to promote means that States Parties must take measures to enhance people's awareness of the right to education and provide accessible information relating to the programmes and institutions that have been developed and established to realise the right to education.<sup>74</sup>

With regard to the right to primary education, the obligation to fulfil requires States Parties to take positive steps to advance the realisation of the right to primary education. This positive obligation requires each State Party to make necessary internal arrangements towards the actual realisation of the right to primary education. It also includes the adoption of different measures by each State Party to enable and assist both individuals and communities in gaining access to the right to education on their own. It also means that vulnerable and marginalised groups such as children of refugees and asylum seekers should be prioritised in all programmes relating to primary education.<sup>75</sup>

### **Provision of Resources and Progressive Realisation**

The African Charter on Human and Peoples' Rights does not expressly mention the 'progressive realisation' of the right to primary education or any other right. However, it imposes an obligation on States Parties to progressively and constantly move towards the full realisation of the right to primary education. This should be done within the limits of available resources. Progressive implementation of the right to primary

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71 *ibid* para 3(d).

72 *ibid* para 6.

73 *ibid* para 7.

74 *ibid* para 8.

75 *ibid* paras 10–12.

education means that States Parties must develop reasonable and measurable plans of action, including achievable benchmarks and timeframes, for the enjoyment of the right to primary education.<sup>76</sup>

### **Immediate Obligations regarding the Implementation of the Right to Primary Education**

Some obligations take immediate effect upon ratification of the African Charter on Human and Peoples' Rights. These include the prohibition of retrogressive steps and the prevention of any discrimination in the enjoyment of the right to primary education.<sup>77</sup>

### **The Obligation to Take Steps**

States Parties have an immediate obligation to take steps towards the realisation of the right to primary education in accordance with reasonable and measurable plans of action. The various measures adopted by States Parties should be deliberate, concrete, and targeted towards the realisation of the right to primary education.<sup>78</sup>

### **Specific Obligations on the Right to Primary Education**

The Principles and Guidelines provide a wide range of core obligations relating to the right to education generally and the right to primary education specifically. These include ensuring that children enjoy the right to free and compulsory primary education,<sup>79</sup> implementing policies aimed at eliminating or reducing the costs of attending primary school,<sup>80</sup> developing systems that make primary education physically and economically accessible for all children,<sup>81</sup> and ensuring that educational programmes are of high quality and are appropriate to the needs of society. With regard to vulnerable groups, additional obligations include ensuring that all children enjoy equal access to and progress in the educational system, addressing the socio-economic and cultural barriers that may impede girl children from enjoying the right to primary

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76 *ibid* paras 13–14.

77 *ibid* para 16.

78 *ibid* para 18.

79 This means that no child should be denied the right to free and compulsory primary education because of school fees or related costs of education. To achieve this, states are required to 'progressively increase the amount of national resources allocated to education': African Commission Principles and Guidelines para 71(a).

80 This includes the provision of stipends, free or subsidised uniforms, free textbooks, free or subsidised transportation, and free school meals: African Commission Principles and Guidelines para 71(b).

81 This involves the building of schools and the provision of education materials, the ensuring of continued education for teachers and instructors: African Commission Principles and Guidelines para 71(c).



education,<sup>82</sup> and ensuring the safety of school children by taking appropriate measures to protect them.<sup>83</sup>

## Refugee and Asylum-Seeking Children in Cameroon

Data on the number of refugees and asylum seekers in Cameroon in 2023 and 2024 was not available at the time of completing this research. Data from credible international bodies indicates that in 2020 there were about 436,406 refugees and asylum seekers in Cameroon.<sup>84</sup> In 2022, the United Nations High Commissioner for Refugees (UNHCR) revealed that the number of refugees only in Cameroon reached 508,000.<sup>85</sup> of this number, approximately 351,904 come from the Central African Republic, followed by Nigeria with about 136,036. Other nationalities made up the remaining figure. About 59,000 are aged between zero and four years, while 114,000 are between five and eleven years old.<sup>86</sup> Estimates suggest that about 70,000 are aged between twelve and seventeen years old. In 2022, there were 8,865 asylum seekers in Cameroon.<sup>87</sup> They originate principally from Nigeria and the Central African Republic. Most asylum seekers are found in the Adamawa, Centre, East, Far North, and Littoral regions.

It is important to investigate the population of refugees and asylum seekers in Cameroon to determine how many children of refugees and asylum seekers qualify for free and compulsory primary education. Even though the government distinguishes between nationals and foreigners, it is important to fragment the data for specific reasons. The first reason is that as a host country, the government should know how many refugees and asylum seekers are hosted in the country; the number of children; their ages and gender; and who qualifies for free and compulsory primary education. The second reason, based on the first reason, is that it helps the government establish trends in access to primary education, identify if there are any gaps or challenges, and design interventions aimed at surmounting them. Thirdly, it helps in assessing the extent to which Cameroon fulfils her international obligations owed to these classes of persons, arising from the ratified international instruments that deal with them.<sup>88</sup> Fourthly, the allocation of adequate resources and infrastructural development in the areas that host refugees and asylum seekers can only be done if such details are considered. Therefore, it is imperative to look at the demographics relating to refugees and asylum seekers in

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82 African Commission Principles and Guidelines para 71(p).

83 *ibid* para 71(q).

84 Macrotrends, 'Cameroon Refugee Statistics 1970–2024' (2022) <<https://www.macrotrends.net/countries/CMR/cameroon/refugee-statistics>>

85 United Nations High Commissioner for Refugees (UNHCR), 'Cameroon: Locations of UNHCR Persons of Concern' (2022) <<https://reporting.unhcr.org/document/3333>>

86 UNHCR, 'Cameroon - Statistics - April 2021'.

87 UNHCR (n 85).

88 These instruments include the ICESCR, the Banjul Charter, CRC, and the ACRWC.

Cameroon and the specific details relating to children and their access to free and compulsory primary education.

Refugees and asylum seekers reside across the national territory except for three regions that have no record of any refugee or asylum-seeker, namely, the North-West, South, and West regions.<sup>89</sup> The East Region has the highest incidence of refugees.<sup>90</sup> There are 209,000 documented refugees in that region, followed by the Far North Region, which has 130,900 refugees. The Adamawa Region hosts 90,800 refugees, while the North Region has 47,000 refugees. The Centre Region has 17,100 refugees, and 12,200 refugees are in the Littoral Region. About 618 refugees are in the South-West Region.<sup>91</sup>

It is also important to look at the age and gender composition of refugees because they affect the right to primary education. About 16 per cent of child refugees are children aged between zero and four years, equally divided between females and males. Children between five and eleven years constitute 29 per cent, of which 14 per cent are females, and 15 per cent are males. Children between twelve and seventeen years make up 18 per cent of child refugees and are evenly divided between females and males.<sup>92</sup> With respect to primary education, the applicable age group is five to eleven years old. This brings the total number to about 147,000 children who are supposed to have free and compulsory primary education.<sup>93</sup>

Unfortunately, the September 2022 bulletin reports that about 72 per cent of refugee children are ‘out of school’. In this context, ‘school’ is broadly used to encompass all levels of schooling from pre-primary, primary, and secondary schooling.<sup>94</sup> Other than seeing it from a holistic perspective, it is important to exercise caution in splitting the data to get an exact figure of the number of primary school children who have access to free and compulsory primary education and those who do not. The bulletin provides additional data that sub-categorises the enrolment into different school stages (primary, secondary, and tertiary).<sup>95</sup> Looking at this data presented in comparison with Cameroonian nationals, less than 50 per cent of refugees enrol in primary schools.<sup>96</sup> Hence, out of the estimated 147,000 children who qualify for free and compulsory primary education, only 47 per cent enrol, bringing their number to 70,000 child refugees who make use of free and compulsory primary education in Cameroon. About 80,000 children do not enrol for free and compulsory primary education.<sup>97</sup> In

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89 United Nations High Commissioner for Refugees (UNHCR), ‘Cameroon: Main Persons of Concern’ (2022) <<https://reporting.unhcr.org/document/3321>>

90 *ibid.*

91 *ibid.*

92 United Nations High Commissioner for Refugees (UNHCR), ‘Cameroon Education Dashboard–2021–2022 School Year’ (2022) <<https://data.unhcr.org/en/documents/details/95959>>

93 *ibid.*

94 *ibid.*

95 *ibid.*

96 *ibid.*

97 *ibid.*

comparison with Cameroonian nationals, an enrolment rate of 106 per cent is recorded: meaning that there is a far-exceeding expectation when it comes to Cameroonian nationals.<sup>98</sup>

### **The Right to Primary Education for Children of Refugees and Asylum Seekers in Cameroon**

Refugees are a very vulnerable group in any country where they find themselves. The UN adopted the Refugee Convention to address their plight at the global level. Regionally, Africa adopted the OAU 1969 Refugee Convention. To right to education is one of the numerous social and economic rights recognised in international and African regional human rights law,<sup>99</sup> and one of the most important rights for refugees and asylum seekers in view of the tremendous benefits to be acquired and enjoyed upon pursuing and completing education.

As discussed above, Cameroon is a State Party to international and African regional human rights instruments that guarantee the right to primary education. Some of these instruments categorise the right to education into primary, secondary, and tertiary education.<sup>100</sup> The Committee on Economic, Social and Cultural Rights<sup>101</sup> interprets the relevant provisions of the right to education and details their normative and substantive content.<sup>102</sup> It is important to note that to enhance compliance with the duties emanating from the right to education, the Committee on Economic, Social and Cultural Rights (CESCR) adopted General Comment 13, which details the content of the right to education, the obligations of States Parties to the ICESCR,<sup>103</sup> and the steps to be taken to realise the right.<sup>104</sup>

The Preamble to the Cameroon Constitution stipulates that primary education for all children shall be free and compulsory. In addition, it aligns with the normative framework of the UDHR and the Banjul Charter in that it contains all the norms that include the prohibition of discrimination and guarantees equality for everyone. Article 9

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98 *ibid.*

99 See Fons Coomans, 'Exploring the Normative Content of the Right to Education as a Human Right: Recent Approaches' (2004) 50 *Persona & Derecho* 61–100. See also Klaus Dieter Beiter, *The Protection of the Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights* (Brill 2005).

100 See, for example, Article 13(2)(a)–(d) of the ICESCR and Article 28(1)(a)–(d) of the CRC.

101 The CESCR is a UN eighteen-member committee, elected by the Economic and Social Council (ECOSOC) and mandated to oversee the implementation of the provisions of the ICESCR. The members are elected to a four-year term in accordance with ECOSOC Resolution 1985/17 of 28 May 1985. In 2008, the mandate of the Committee on Economic, Social and Cultural Rights was extended to the receipt and treatment of communications following the adoption of the Optional Protocol to the ICESCR (2008), adopted by the UN General Assembly Resolution Number A/RES/63/117 of 10 December 2008.

102 See CESCR (n 48) adopted by the CESCR at the 21st Session, E/C.12/1999/10, 8 December 1999.

103 The different obligations curled from the CESCR (n 48) are discussed below.

104 See CESCR (n 48) paras 1–46.

of the Law Relating to the Status of Refugees in Cameroon stipulates that refugees in Cameroon have a right to education.<sup>105</sup> However, it does not expressly say whether primary education shall be free and compulsory for children of refugees and asylum seekers.

In the context of the high numbers of refugees and in light of Cameroon's international and African regional human rights duties, this study seeks to explore and analyse the measures put in place by the government of Cameroon to realise the right to primary education for refugee and asylum-seeking children.

## Measures Implemented to Meet International Obligations

Cameroon has adopted many measures to respect, promote, protect, and fulfil the right to primary education. These measures are discussed below.

### Legislative Arrangements

The discussion above shows that all countries that signed and ratified the ICESCR, the Refugee Convention, the Protocol to the Refugee Convention, the CRC, the Banjul Charter, and the ACRWC must undertake measures, including legislative measures, to give effect to the rights across their national territories. The same applies to the right to primary education. This is a core obligation which ensures that the right is entrenched in the national legislative framework for domestic application and that, where necessary, adjudication mechanisms are provided. As discussed below, in Cameroon, the government has adopted laws and policies to concretise the right to primary education for all. The paragraphs that follow discuss these instruments, showing the extent to which they cater for the children of refugees and asylum seekers.

#### *The Cameroon Constitution*

With regard to the normative and core obligations, the Preamble to the Cameroon Constitution affirms the principle of non-discrimination. The right to compulsory primary education and the obligation of the state to 'guarantee the child's right to education' is stipulated in the Cameroon Constitution in the following words: '[p]rimary education shall be compulsory. The organization and supervision of education at all levels shall be the bounded duty of the State.'<sup>106</sup>

Hence, the Cameroon Constitution aligns itself with international and African regional human rights instruments that recognise the right of the child to primary education and the duty to make primary education compulsory for every child. The Cameroon Constitution makes it mandatory for every child in Cameroon to have primary education. This constitutional provision does not subject the realisation of the right to

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105 Law No 2005/006 of 27 July 2005 Relating to the Status of Refugees in Cameroon.

106 Preamble to the Cameroon Constitution.

education to any factor, such as available resources, or limit its enjoyment to only Cameroonian nationals. From a constitutional point of view, all children of refugees and asylum seekers in Cameroon are entitled by law to have primary education. This is in line with the principle of non-discrimination in the realisation of the right to basic education that is guaranteed in international and African regional human rights law. In addition, the Cameroonian state positions itself as the guarantor of the right to primary education, as shown in the Preamble to the Cameroon Constitution. This means that it is the duty of Cameroon to ensure that the right of every child to primary education is respected, promoted, protected, and fulfilled. This obligation must be fulfilled against international and regional benchmarks.

Despite the above positive duties, the Cameroon Constitution is reticent about whether compulsory primary education must be freely available. The conspicuous failure to deal with the aspect of whether compulsory primary education shall be free poses a problem as to whether this constitutional mandate considers socio-economic realities that may inhibit the realisation of the right, such as poverty.<sup>107</sup> If the state does not provide primary education for free, persons living in poverty and experiencing multiple social and cultural barriers may not be able to ensure that their children enjoy this right. Therefore, it appears that the constitutional position adopted by Cameroon on the right to primary education is not aligned with the norms and contents of international and African regional human rights law relating to the child's right to free and compulsory primary education.<sup>108</sup>

*Law No 98-4 of 14 April 1998—Relating to Guidelines for Education in Cameroon*

The constitutional right to primary education is further given effect in Law No 98-4 of 14 April 1998, which provides the general legal framework for education in Cameroon.<sup>109</sup> This law makes it clear that education shall be a top priority for the nation<sup>110</sup> and shall be provided by the state.<sup>111</sup> In addition to the state, private sector partners shall assist in providing education.<sup>112</sup> The general purpose of education at all levels and the intended objectives of education are outlined in this law.<sup>113</sup>

Section 6 of Law No 98-4 of 14 April 1998 guarantees every child's right to education, while section 9 makes primary education compulsory. The non-discriminatory clause in the application of the law generally, and to refugees and asylum seekers specifically, is crucial and is contained in section 7, which guarantees equal opportunities for education

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107 David Bilchitz, 'Socio-Economic Rights, Economic Crisis, and Legal Doctrine' (2014) 12 (3) *International Journal of Constitutional Law* 710–713.

108 See, for example, the following provisions: Article 13(2)(a) of the ICESCR; Article 28(1)(a) of the CRC; and Article 11(3)(a) of the ACRWC.

109 Section 1(1) of Law No 98-4 of 14 April 1998.

110 *ibid*, s 2(1).

111 *ibid*, s 2(2).

112 *ibid*, s 2(3).

113 *ibid*, s 4 and 5(1)–(9), respectively.

to all without discrimination on the bases of gender, philosophical, political, or religious opinion, as well as socio-cultural, linguistic, or geographical origin. This further confirms that, in line with the Cameroon Constitution, children of refugees and asylum seekers are entitled to compulsory primary education in Cameroon without any distinction against them based on their status or geographical origin. Despite this legislative commitment, it should be reiterated that the clear failure to indicate whether compulsory primary education shall be free remains a key challenge. There is a need to amend Law No 98-4 of 14 April 1998 to expressly ensure that primary education is free in line with obligations imposed by the ICESCR, the CRC, the Banjul Charter, and the ACRWC, as discussed above.

*Finance Law No 2000/08 of 30 June 2000*

The Cameroon Constitution and Law No 98-4 of 14 April 1998 are valuable in not only recognising the child's right to education but also making primary education compulsory. Unfortunately, these two national instruments do not address the issue of whether such primary education should be free, meaning that no costs such as fees or levies should be prescribed by public primary schools. In effect, it would also mean that socio-economic challenges such as poverty could be a great inhibitor to the realisation of compulsory primary education. This uncertainty was fixed in Finance Law No 2000/08 of 2000, which made primary education in public primary schools free. Therefore, the legislative framework recognises the child's right to compulsory primary education without distinction of any kind. Finance Law No 2000/08 of 30 June 2000 rectified the conspicuous omission of whether such compulsory primary education shall be free. The enactment of the Finance Law in 2000 effectively abolished the payment of school fees in public primary schools. This means that the children of refugees and asylum seekers have the same right to free primary education as their Cameroonian counterparts.

The concept of compulsory and free primary education was discussed above. The abolition of school fees for primary schools is intended, among other things, to increase economic accessibility so that learners can enrol in primary schools. However, some levies are imposed in various schools, depending on their needs. One of the levies is the parent-teacher association levy. This levy is compulsory for every learner and is intended to cater for specific challenges, such as inadequate infrastructure and an insufficient number of teachers, among others. Failure to pay such mandatory levies attracts consequences such as non-admission into classes, non-participation in extracurricular activities, and exclusion from examinations. The imposition of levies is a cost to primary education. It is also a disincentive to children and their parents and guardians. Therefore, the state must work on eliminating all indirect costs, such as mandatory levies, because they have adverse effects on the realisation of the right to primary education. The state can do this by allocating sufficient budgetary resources over time to cater for the concerns of schools that charge levies. The enactment of Finance Law No 2000/8 in 2000 abolished school fees for primary schools, but it is a partial solution to making primary education free in Cameroon. The state's failure to

take positive and progressive steps towards the complete eradication of all indirect fees and levies imposed by some primary schools has a counterproductive effect because learners are ultimately unable to attend classes, participate in learning activities, and are excluded from examinations. The direct adverse effects of this include an increase in drop-out rates and the non-enrolment of children in primary schools.

*Law No 2005/006 of 27 July 2005—Relating to the Status of Refugees in Cameroon*

The only national legislation that addresses the status and rights of refugees was enacted on 27 July 2005, in the form of Law No 2005/006 Relating to the Status of Refugees in Cameroon. Among other things, it spells out the rights of refugees and asylum seekers, including their children. It lists numerous civil, political, economic, social, and cultural rights. Article 9 accords ‘to all refugees regularly installed in Cameroon and within the limits of the rights granted to nationals.’<sup>114</sup> The right to education is included. With reference to ‘rights granted to nationals’, this means that compulsory and free primary education available to Cameroonian nationals is also available to refugees and asylum seekers. Furthermore, refugees and asylum seekers are entitled to non-discrimination. This aligns the law with the non-discrimination provisions contained in the ICESCR, the Banjul Charter, the CRC, and the ACRWC. Lastly, the law grants refugees and asylum seekers the right to education but does not stipulate the level at which they shall receive it.<sup>115</sup> In view of the fact that different laws make public primary education free and compulsory, the children of refugees and asylum seekers enjoy free and compulsory primary education in public primary schools in Cameroon.

Despite the strong legislative framework for free and compulsory primary education, including for children of refugees and asylum seekers, it is a challenge to get all children of primary school age to go to primary schools in Cameroon. The UNHCR’s September 2022 bulletin shows that over 50 per cent of children of refugees and asylum seekers do not enrol in primary school. The question is, why is this the case? Making education free means that no fees are prescribed for enrolment into school. Poor enrolment in public primary schools which offer free primary education means that there are other factors hindering access to education. As in many other countries, socio-economic and cultural factors play a crucial role in the realisation of human rights in general and the right to free and compulsory primary education in particular.<sup>116</sup> The situation is not

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114 The phrase ‘regularly installed’ in the context of the applicability of this law means that such a person would have presented his or herself for registration by the competent local authorities, and his or her records captured by the local authorities.

115 Article 9 of Law No 2005/006 of 27 July 2005 relating to the status of refugees in Cameroon.

116 John C Mubangizi and Betty C Mubangizi, ‘Poverty, Human Rights Law and Socio-Economic Realities in South Africa’ (2005) 22 (2) *Development Southern Africa* 277–278. See also Nkoyiai Anastasia and Amanuel A Teklemariam, ‘Socio-Cultural and Economic Factors Affecting Primary Education of Maasai Girls in Loitokitok District, Kenya’ (2011) 35 (4) *Western Journal of Black Studies* 268–280; and Haroon Sajjad and others, ‘Socio-Economic Determinants of Primary School Dropout: Evidence from South East Delhi, India’ (2012) 30 (3) *European Journal of Social Sciences* 391–399, 395–396.

different with the children of refugees and asylum seekers in Cameroon. Even though national legislation makes primary education free and compulsory,<sup>117</sup> there is a complex interplay of social, economic, and cultural factors that inhibit the realisation of this right.<sup>118</sup>

One of the crucial factors that make it difficult to realise the right to free and compulsory primary education is poverty.<sup>119</sup> Like other learners, the children of refugees and asylum seekers are expected to incur some incidental costs.<sup>120</sup> The absence of a price tag for learners does not mean that no cost is involved in going to school. Parents still have to purchase school uniforms for their children. They need schoolbooks and other stationery. They need to be fed during school time. Learners also need money to take part in extramural activities.<sup>121</sup> Some have to pay for transport to school. Most parents do not have the financial means to sustain these expenses. It then becomes difficult for them to provide the necessary finances for their children to take the opportunity to attend free public primary schools.

Refugees and asylum seekers fled from their countries unprepared and without any finances. They are bound to start new lives in their host countries, which do not offer any lucrative economic activities, meaning they struggle to live. They also do not get any financial assistance from the host nations and are left on their own to struggle to provide for themselves. Confronted with limited choices, most refugee and asylum-seeker parents take the hard route, which entails sacrificing the education of their kids for menial jobs such as engaging in petty trade, commerce in the markets, providing cheap labour on farms, and allowing their daughters to marry at young ages.<sup>122</sup>

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117 See, for example, the Preamble to the Cameroonian Constitution, section 9 of Law No 98-4 of 14 April 1998 and the Finance Law No 2000/08 of 30 June 2000 Finance Law of the Republic of Cameroon for the 2000/2001 Financial Year.

118 For a discussion of the different factors, see the following: Mubangizi and Mubangizi (n 116), 277–278; Anastasia and Teklemariam (n 116), 268; Sajjad and others (n 116) 395–396; and S Chandrasekhar and Abhiroop Mukhopadhyay, ‘Primary Education as a Fundamental Right: Cost Implications’ (2006) 41 (35) *Economic and Political Weekly* 3797–3804.

119 Theresa Capra, ‘Poverty and Its Impact on Education: Today and Tomorrow’ (2009) *Thought & Action* 75–81.

120 See, for example, the Preamble to the Cameroonian Constitution (n 119) and the Finance Law No 2000/08 of 30 June 2000 (n 117).

121 Chandrasekhar and Mukhopadhyay (n 118), 3797.

122 Judith-Ann Walker, ‘Early Marriage in Africa—Trends, Harmful Effects and Interventions’ (2012) 16 (2) *African Journal of Reproductive Health* 231–235; Newman Wadesango, Symphorosa Rembe and Owence Chabaya, ‘Violation of Women’s Rights by Harmful Traditional Practices’ (2011) 13 (2) *The Anthropologist* 121; Marcos Delprato, Kwame Akyeampong and Máiréad Dunne, ‘Intergenerational Education Effects of Early Marriage in Sub-Saharan Africa’ (2017) 91 *World Development* 173–176; Lucy Cosmas and Devotha John Marwa, ‘The Impacts of Cultural Practices on Children’s Access to Formal Education in Tanzania: A Case of Sukuma Community in Meatu District, Tanzania’ (2022) *International Journal of Educational Reform* 1–6.



The data provided above shows that most refugees come from neighbouring countries like Nigeria and the Central African Republic. These refugees and asylum seekers have grown up in communities where harmful social, political, and cultural practices take place. Moving to Cameroon does not mean that such harmful practices will end. In fact, they continue to practise them while in Cameroon. Some of those harmful practices adversely affect their children's right to primary education and include child marriage and child labour.<sup>123</sup> Most of the refugees and asylum seekers have grown up with the incorrect understanding that girl children do not require any form of formal education and that opportunities for girl children to get free and compulsory primary education are meaningless. Hence, girl children are groomed for marriage, farm work, and small-size commerce in their communities.<sup>124</sup> Instead of going to school, such children engage in menial jobs and are recruited and paid clandestinely. These practices are already imbued in them. Fleeing their countries to Cameroon does not mean they abandon such practices. Rather, those cultural values and practices are reinforced in their new settlement and, as a result, they separate themselves from nationals who have different sets of beliefs. The girl children of refugees and asylum seekers add to the data on early child marriages in Cameroon. Lastly, primary education in Cameroon is offered in only the two official languages (English and French). It is probable that the challenge in offering primary education to refugees and asylum seekers may affect their access to education, even though such an issue has so far not been reported.

### **Allocation and Provision of Resources**

As seen under international and regional human rights laws, another core obligation borne by States Parties to international and regional instruments dealing with the right to primary education is the provision of resources for the realisation of that right. Article 2(1) of the ICESCR requires States Parties to 'take steps ... to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights' in the ICESCR. The following subsections investigate the resources allocated to primary education to further the realisation of the right to primary education in Cameroon. The discussion touches on budgetary allocation to the Ministry of Basic Education; the creation of new schools in different communities to deal with physical accessibility; the provision of infrastructure such as buildings, classrooms, sanitary facilities, electrification, and libraries; the recruitment and training of competent teachers to teach; international cooperation and assistance; the provision of support to learners; and the revision of school curricula to reflect learners' diversity and changes in society.

#### *Budgetary Allocation*

Financial resources are continually placed at the disposal of the Ministry of Basic Education to assist it with the requisite operations to fulfil the realisation of the right to

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123 *ibid.*

124 *ibid.*

primary education for everyone. The budgetary allocation for the Ministry of Basic Education rose from 22,331,065,000 Central African CFA franc (FCFA) in 2019 to 235,315,000,000 FCFA in 2020.<sup>125</sup> Evidence from the Ministry of Justice reveals that there is a steady increase in the budgetary allocation for the Ministry of Basic Education to ensure that it is equipped with the financial resources to make education accessible to everyone, including the children of refugees and asylum seekers.

The question arises whether the allocated budget is sufficient for the Ministry to cater for both nursery and primary education in Cameroon. In the context of compulsory and free primary education that meets international benchmarks, one would question a few things regarding education in Cameroon. The first is the level of physical accessibility in terms of the proximity of primary schools to learners, the adequacy of infrastructural support provided by the state, the staffing of those primary schools, and the competitive nature of the remuneration packages offered to teachers in primary schools. All these factors interrelate with the right to primary education as well as the quality of education offered to learners in primary schools. The mere fact that specific schools impose levies to deal with some challenges means that the support from the state is inadequate. From the perspective of progressive realisation, the state should reconsider budgetary allocations to the Ministry of Basic Education so that all those important aspects are resolved within specific time frames in the short and long term.

### *Infrastructure*

In line with her international obligations, Cameroon is making infrastructure for primary education available. The state bears the primary responsibility of establishing and constructing public schools in Cameroon,<sup>126</sup> including primary schools. Every year, it builds new schools and provides the necessary infrastructure for operationalising such schools. In 2020, over 920 new classrooms, thirty-two latrines, and eight fences were constructed. Also, twenty-one public primary schools were rehabilitated. In 2020, over 6,500 desks were added to the existing number of desks for learners, while eighty desktop computers were acquired for headteachers. In 2019, 1,703 classrooms were built using at least 50 per cent of the funds from the state. In 2019, twenty-four fences and eighty latrines were built by the state. In 2019, eighty-eight schools were established. In addition, 21,834 benches were purchased for use by learners. As discussed above, the efforts of the government to provide infrastructure are complemented by foreign partners.

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125 MINJUST, *Report of the Ministry of Justice on Human Rights in Cameroon in 2020* (2022) 105 para 313 <<http://www.minjustice.gov.cm/index.php/en/91-index-categories-en/missions/human-rights/305-human-rights-report>>

126 See Section 12 of Law No 98-4 of 14 April 1998 which states as follows: Education shall be financed by: budgetary allocations from the State; contributions from education partners; budgetary appropriations from regional and local authorities; donations and legacies; and all other contributions provided for by law.

### *Recruitment of Teachers and Provision of Pedagogic Support*

The recruitment of teachers to meet the increasing demand for primary education is a priority for the government, which sets target numbers every year. Building on the progress made in previous years, the government launched the first operation to recruit 12,000 teachers over a period of four years with an annual target of 3,000.<sup>127</sup> In 2019, over 4,300 teachers were trained in the use of new curricula.<sup>128</sup> The government also implemented the writing system and pedagogy of national languages, creating a multilingual environment in public primary schools.<sup>129</sup>

Pedagogic support is provided regularly to teachers in the form of textbooks and other teaching aids. Revised curricula are made available to learners in either of the two official languages. Teachers are trained on the revised curriculum and the importance of adapting their contents to accommodate learners from diverse backgrounds such as Muslims, Christians, and non-nationals, including the children of refugees and asylum seekers.

### *Drafting and Implementation of New Curricula*

Through the support of the School-Building Support Project in Priority Education Areas (PASZEP), 138,406 copies of the new curricula (contents of school programme) were produced and distributed freely across Cameroon to public and private primary schools.<sup>130</sup> Unfortunately, no details are provided regarding the curricula and aspects such as the contents of the curricula, the frequency of revision and distribution of the curricula, and whether every learner and parent is provided with a copy.

### *Special Schools for Refugees and Asylum-Seeker Hotspots*

The government has taken a few steps to ease access to education for refugee children in Cameroon. In the application of the relevant laws, free education is offered to children of refugees and asylum seekers. Teaching and learning materials are distributed to schools and learners. There is awareness-raising and mobilisation of the parents for them to appreciate the importance of education. Training of teachers is also conducted.<sup>131</sup> The supply of teaching staff and equipped educational facilities have been ongoing.

In 2019, Cameroon identified areas that host the highest number of refugees and asylum seekers, such as the Far North, East, and Adamawa regions. In the East and Adamawa regions, twenty-two new schools were built exclusively for refugees. New curricula

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127 MINJUST, *Report of the Ministry of Justice on Human Rights in Cameroon in 2019* (2021) 91 para 235 <<http://www.minjustice.gov.cm/index.php/en/publications/reports/405-report-of-the-ministrybof-justice-on-human-rights-in-cameroon-in-2019>>

128 *ibid* 92 para 262

129 *ibid* 92 para 263.

130 *ibid* 92 para 261.

131 *ibid* 299 para 1037.

were produced and distributed freely to schools attended by refugees in both the French and English languages in those regions (4,100 for primary schools in Adamawa, 11,300 for primary schools in the Far North Region, and 4,500 for primary schools in the East Region).<sup>132</sup> In addition to infrastructure, schools were built in and out of the refugee camps or in temporary learning and child protection spaces. This was done because these structures received many children.<sup>133</sup> For example, in the 2019/2020 school year, the following data were recorded: in the Adamawa Region, 3,116 refugee pupils were hosted in six schools that were allocated fifty-three teachers. For the East Region, 8,255 refugee pupils in sixteen schools had fifty-seven teachers. The Far North Region documented 16,144 refugee pupils in six schools with an allocation of 138 teachers.<sup>134</sup>

### *Subsidising Private Primary Schools*

As discussed above, Article 13(3) of the ICESCR grants parents the liberty to choose the appropriate schools for their children.<sup>135</sup> Furthermore, the ICESCR requires States Parties to grant individuals and bodies the right to establish and direct educational institutions, provided they adhere to the principles stipulated in Article 13(1) of the ICESCR and meet the minimum standards.<sup>136</sup> Section 2(3) of Law No 98-4 of 14 April 1998 states that private sector partners shall assist in providing education. Even though free primary education is limited to public primary schools, the government recognises the support provided by private bodies in educating children.<sup>137</sup> Such private institutions shoulder the costs of establishing their infrastructure, recruiting teachers, and determining what kind of assistance to provide to their learners.

Private schools that offer primary education usually charge fees. Some parents prefer them for a variety of reasons. Most private primary schools are religious in nature, and are structured as Roman Catholic, Presbyterian, Baptist, Protestant, or Islamic.<sup>138</sup> In support of their activities, the government provides some financial assistance to subsidise their operating costs to lower the fees they charge. This also helps in improving economic and physical accessibility. The design of the curricula in these secular schools reflects religious and cultural contexts and communities, making the education acceptable and adaptable. In 2019, the sum of 4,454,170,000 FCFA was given as subsidies to secular primary schools in Cameroon.<sup>139</sup> The goal of this was to enable them to offer quality education to their learners through the recruitment of competent and qualified teachers and the provision of infrastructure such as classrooms, libraries,

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132 *ibid.*

133 *ibid* 300 para 1039.

134 *ibid* 300 para 1037.

135 CESCR (n 48) para 28.

136 Article 13(4) of the ICESCR. See also CESCR (n 48) paras 29–30.

137 See Section 2(3) of Law No 98-4 of 14 April 1998 on private sector partners assisting in the provision of education.

138 See the discussion above. See also CESCR (n 48) para 28.

139 MINJUST (n 127) 91 para 252.

and computer laboratories.<sup>140</sup> In 2020, the amount of subsidy given to private primary schools was 3,099,995,000 FCFA, a slight decrease from the previous year (2019).<sup>141</sup>

#### *Incentive Packages to Public Primary Schools*

In addition to funding public primary schools, the government granted them incentive packages. In 2019, incentive packages amounted to 5,087,077,000 FCFA. In 2020, the incentives given to public primary schools totalled 9,300,447,000 FCFA as operating funds. For primary schools in border areas, allowances were granted to teachers.<sup>142</sup>

#### *International Assistance and Cooperation*

As seen earlier, the ICESCR makes it clear that States Parties shall seek international cooperation and assistance with a view to realising the listed rights in the ICESCR.<sup>143</sup> International assistance and cooperation have been concluded by Cameroon and other states in order to contribute towards realising the right to primary education. A few examples are worth mentioning. A partnership of Cameroon, Japan, and the Islamic Development Bank built and rehabilitated eight schools.<sup>144</sup> In 2020, six schools were constructed following the Cameroon–Japan cooperation.<sup>145</sup> Prior to 2019, significant support had been provided to Cameroon by different states and intergovernmental organisations, which assisted in the construction and rehabilitation of hundreds of classrooms and fences, courtyards, computer laboratories, the purchase of desks, and the provision of didactic computers. The French government equipped over twenty schools with solar panels.

In previous years, intergovernmental financial institutions, like the Islamic Development Bank, considerably assisted Cameroon with much-needed infrastructure for primary education in the form of classroom rehabilitation; electrification of school buildings; provision of borehole water and sanitary facilities; construction of libraries and computer labs; and the provision of school kits to learners. The UNHCR has been pivotal in the provision of various forms of assistance to learners and their communities. For example, in 2020, schools in which children of refugees and asylum seekers were admitted received infrastructural assistance such as the construction and rehabilitation of classrooms, the provision of school supplies to learners, didactic materials, and financial support to teachers.<sup>146</sup> In Yaoundé, twenty-one refugee children with

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140 *ibid.*

141 MINJUST (n 125) 106 para 322.

142 *ibid.*

143 See Article 2(1) of the ICESCR.

144 MINJUST (n 127) 91 para 251.

145 MINJUST (n 125) 105 para 318.

146 *ibid* 293 para 1014.

disabilities and ten in Douala received financial assistance from the UNHCR to cater for their special education needs.<sup>147</sup>

The United Nations Children's Fund (UNICEF) has also been instrumental in providing some infrastructure to improve access to primary education in Cameroon. In the North and Far North regions, UNICEF constructed thirty blocks of two classrooms, thirty latrine blocks, sixty boreholes, 200 libraries in 200 public primary schools, and distributed didactic materials, including educational, recreational, and hygiene kits.<sup>148</sup>

## The Challenges

The actions taken by development partners are valuable in assisting the Cameroon government in fulfilling its objective of promoting access to education broadly and primary education specifically. Also important is the fact that in partnering with national and international actors for assistance to realise the right to primary education in Cameroon, a critical obligation enshrined in international and regional human rights instruments has been fulfilled.

A major constraint to the infrastructure provided to communities is insecurity and instability in some regions. In the past five years, Cameroon has been entangled in three complex crises. First, in the Far North Region, intermittent terrorist attacks by Boko Haram, a cross-border terrorist network with a base largely in Nigeria, have devastated numerous communities, shattered healthcare and educational facilities, and forced the displacement of many people.<sup>149</sup> Secondly, in the East Region, the recurrent political crises in the neighbouring Central African Republic have resulted in over 300,000 refugees and thousands of asylum seekers in Cameroon.<sup>150</sup> Thirdly, armed factions (government and secessionists) in the North-West and South-West regions of Cameroon have also targeted civilian structures such as hospitals, schools, and homes, triggering a state of insecurity in those areas through sporadic violence. This has had a huge impact on human settlement. Cameroon records at least one million IDPs which, as discussed below, has its own effect on the available infrastructure and resources dedicated to primary education.<sup>151</sup>

Cameroon is home to over 400,000 refugees and asylum seekers because of the violence and political developments that occur outside her national borders.<sup>152</sup> Among that

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147 *ibid.*

148 MINJUST, *Report by the Ministry of Justice on Human Rights in Cameroon in 2013* (2014) 117 para 243 <<http://www.minjustice.gov.cm/index.php/en/publications/reports/279-report-of-the-ministry-of-justice-on-human-rights-in-cameroon-in-2013>>

149 Walter Gam Nkwi, 'Cameroon, Too Much to Carry: The Perception and Ramifications of Boko Haram's Activities on Cameroon' (2013) 5 *Conflict Studies Quarterly* 67–87.

150 UNHCR (n 89).

151 UNHCR (n 89).

152 UNHCR (n 89).

number are children of primary school age, who are required to have free and compulsory primary education in their host country. This number ultimately influences the resources allocated to primary education institutions as far as the number of desks, teachers, and the distribution of study materials is concerned. For some refugees and asylum seekers who live in distant communities, the challenge includes ensuring that there is physical access to those primary schools. It means that more schools must be constructed and old ones rehabilitated to ensure that children receive education in dignified conditions.

The prevalent insecurity triggered by Boko Haram severely affects the realisation of the right to free and compulsory primary education. Learners in the North Region are unable to access schools because they have been vandalised by sporadic acts of violence and terrorism perpetrated by Boko Haram. Such infrastructural damage compromises physical accessibility, which is a fundamental pillar on the right to (primary) education. The insecure environment makes learners and teachers unwilling to jeopardise their lives by going to school to learn and teach, respectively. This becomes a serious challenge because of the grave danger involved and the severe ramifications it has on children's right to free and compulsory primary education.

The insecurity is not limited to the Far North Region. The Anglophone Cameroon crisis, which started in late 2016, has also created an unsafe and insecure environment for everyone. Images and soundbites of schools destroyed, learners subjected to inhumane treatment by secessionist and law enforcement personnel, teachers captured, and school administration officials abducted for ransom and, in some cases, subjected to brutal execution with live recordings, have militated against parents sending their children to school and teachers making themselves available to teach. Numerous schools have been closed indefinitely. In some cases, the infrastructure was set ablaze. The results of these atrocities include reduced facilities for learning, meaning that even if the crisis were to end today, the number of learners would exceed the available infrastructure to accommodate them for learning. Most teachers have abandoned their posts and sought more lucrative jobs in other sectors that do not require them to be physically present at sites of work.

Even though the data indicates that there are no refugees and asylum seekers in the North-West and South-West regions, the insecurity there has resulted in the displacement of thousands of people who have moved to different locations in the country. The insecurity and instability in those regions, marked by the destruction of infrastructure and an unconducive environment for learning, have resulted in too much pressure on the other regions as affected people are forced to move there for livelihood. The IDPs in the Northern and Eastern regions of Cameroon mean that school infrastructure is overburdened, teachers overworked, and classes overfilled. With no special primary schools for children of refugees and asylum seekers, the overcrowding in those schools means discomfort and insecurity in the learning environment, and ultimately, the performance of the learners in those schools is affected.

Added to the other challenges is the complex issue of corruption that is prevalent in both public and private sectors and at all levels in Cameroon. The perpetration of corruption by senior state officials compromises the realisation of the right to compulsory and free primary education in many ways: it deprives the institutions and learners of the resources needed. Those resources include infrastructure, recruitment of competent teachers, provision of didactic materials, and making available specific items needed by learners. The ICESCR urges developing countries, up to the maximum of their available resources, to progressively seek the full realisation of the rights therein.<sup>153</sup> One of those rights is the right to primary education. The theft of resources meant for the realisation of the right to education, as outlined above, adversely impacts on the realisation of the right to compulsory and free primary education in Cameroon.

## Conclusion

The hurdles discussed in this article are profound and severe. They are rooted in both political and socio-economic realities. As such, there is no quick fix or short-term resolution of them. They require deep and broad interventions that touch on politics, ideology, and economics. With regard to the low enrolment rates, there is a need for more intensive awareness campaigns conducted by both the government and civil society actors, targeting and engaging parents and traditional leaders in rural communities. Doing this will have a long-term impact on people and make them appreciate the importance of formal education, especially for the girl children.

Special additional resources are required for child refugees and asylum seekers. Having fled their countries of origin, their sources of livelihood have been shattered, making it difficult for them to meet their basic needs. The hidden expenses involved in educating children often become a huge challenge. Even though education in public primary schools is free, children need school uniforms, books, food, and shoes, among other things. Understanding the economic plight of the children of refugees and asylum seekers will enable Cameroon to appreciate the need to not only acknowledge their social and economic situations but to allocate special resources to cater for them. More educational resources will encourage enrolment and school attendance by all children.

The insecurity challenge requires a long-term solution. Finding a solution to both the Anglophone Cameroon crisis and the insecurity caused by Boko Haram in the northern parts of Cameroon will play significant and critical roles in stabilising the affected areas and offering learners a conducive environment for them to go to school without any fear.

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153 Article 2(1) of the ICESCR.



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