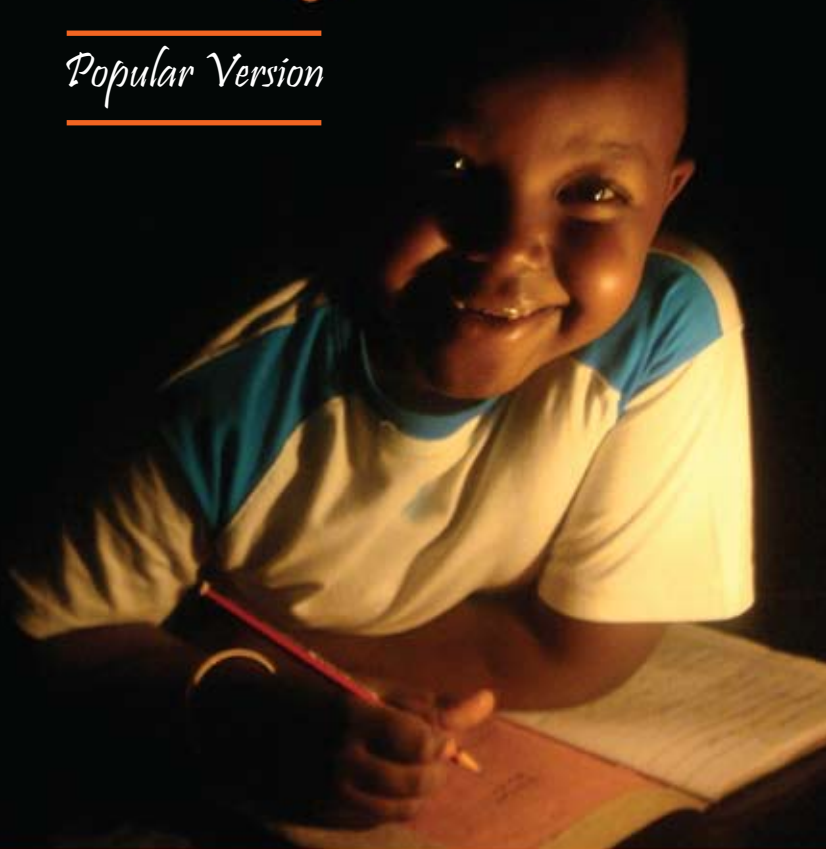




*Right to
Primary Education*

Popular Version



Produced by Makijamii

The Right to Primary Education



Produced by Hakijamii Trust



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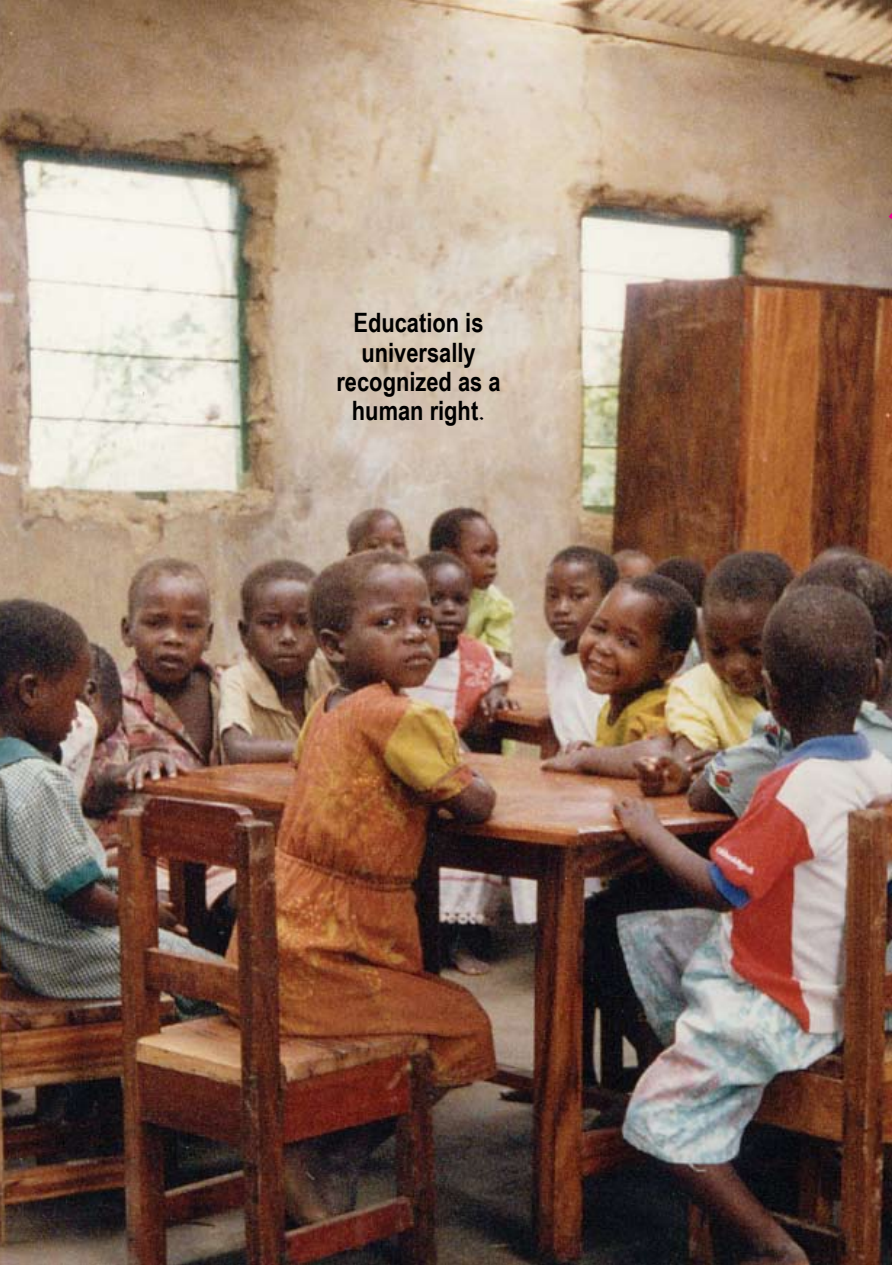
Preface

The true basis of human rights is rooted in the day-to-day concrete struggles. In order to domesticate human rights the people, especially those who are marginalized and excluded from power, must adopt these attributes as their own. International and other human rights' instruments are but merely tools for asserting these demands. They are not the proof of human rights because these rights reside in the people. Most human rights' advocates always forget this reality and instead assume that the legal instruments that are the actual source of human rights. Nothing can be farther from the truth. The correct position is that these instruments are merely evidence and products of peoples' struggles.

Effective human rights advocacy must put the people at the centre. However, for the people to articulate these rights they must be organized. They must acquire the necessary knowledge and skills that would enable them effectively challenge power and change it. This booklet provides some of the basic knowledge necessary to advocate for the right to education. The intention is to strengthen (not build) the capacity of the democratic grass root organizations to, more assertively, claim this right. It is a result of a sixth month engagement with community groups in informal settlements in Nairobi who, without even the knowledge of the international instruments, are the real force in the struggle for human rights. It is to them that this booklet is dedicated.

We also wish to, most sincerely, thank Concern Worldwide who have consistently invested in the promotion of the right to free primary education in the peoples' settlements. It is through their support that this publication became a reality.



A group of young children, likely in a classroom or playroom, are gathered around a wooden table. They are looking towards the camera with various expressions, some smiling. The room has a rustic appearance with a corrugated metal roof and a wall with two windows. The children are wearing simple, colorful clothing.

**Education is
universally
recognized as a
human right.**





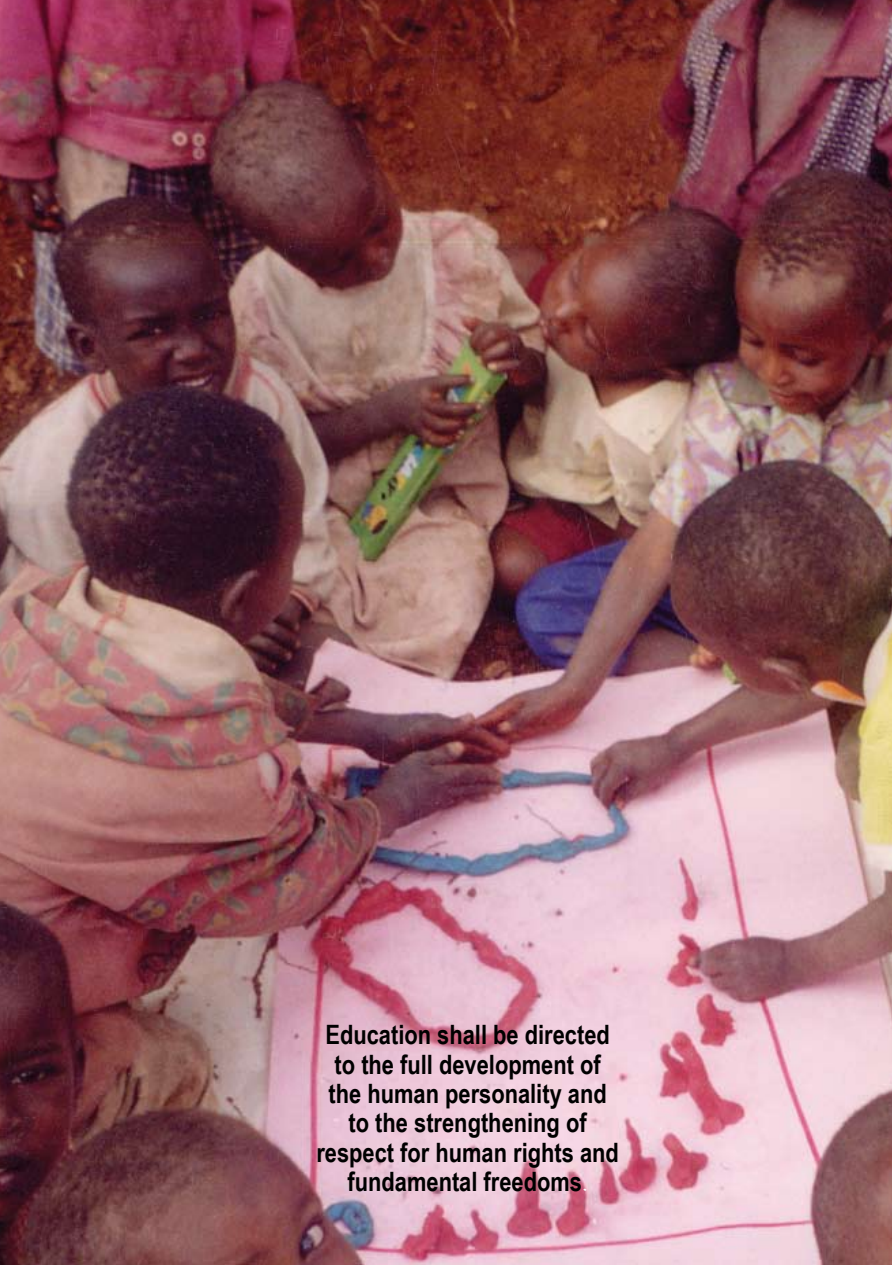
Free Primary Education as a Right

Introduction

Education is a human right. A right, simply put, is an entitlement whose denial and/absence directly makes it impossible for a human being to lead a dignified life. In many cases, a right imposes an obligation on somebody or entity. The state bears the primary responsibility to respect, protect, promote and fulfill these rights. The state has two major obligations; obligation of conduct (enacting appropriate laws, adopting policies, plans and strategies to promote human rights) and the obligation of result (ensuring the implementation of the laws, policies, plans and strategies and allocating adequate resources to achieve concrete results). It must do both and the primary target must be the deprived, the marginalized and the less powerful.

Human rights are universal, indivisible and interdependent. They are not given nor should they be taken away by anybody. They should apply to all without any discrimination. In reality, however, those who wield more power and who unfairly benefit from the existing system more often deny these rights to the vast majority of people. That is why, throughout history those denied those rights have always fought for them. It is a struggle between the violators and the victims. The privileged will fight to preserve what they have while the deprived and excluded will continue fighting for what they have are denied.





Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms





Tools for Right to Education Advocacy International Instruments

The Universal Declaration of Human Rights (UDHR)

The United Nations General Assembly adopted the Universal Declaration on Human Rights on 10 December 1948 through Resolution 217 A (III).

Article 26 of the UDHR proclaims, “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

The Universal Declaration of Human Rights is the foundation of the universal human rights system. The other human rights instruments have followed the spirit that was set in the UDHR. It proclaimed that:

- Primary education shall be made free and compulsory to all children
- Parents have a responsibility of ensuring that their children are taken to school
- Parents have a duty to guide their children in a manner that will make education most beneficial to them.
- All governments must provide all necessary facilities and equipment that will ensure the progressive realization of education for all within its territory.



International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic Social and Cultural Rights was adopted and opened for signature, ratification and accession by the United Nations General Assembly via Resolution 2200A (XXI) of 16th December 1966. The Covenant entered into force on 3rd January 1976.

Article 13 recognizes the right of everyone to education. It proclaims that education shall be directed to the full development of the human personality and the sense of its dignity and enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups. Primary education shall be compulsory and available free to all while secondary education shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

Governments were given two years within which to adopt a detailed plan of action for the progressive implementation of compulsory free education for all.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) to which Kenya is a party has elaborated the right to education in greater detail while following the spirit that was set out in the Universal Declaration of Human Rights (UDHR). The provisions of the ICESCR mean that:

- The right to education shall be exercised with the aim of promoting the dignity and respect of fundamental rights and freedoms of the person
- The right to education shall be exercised in order to promote greater

harmony and cohesion among all people in the world in order to achieve peace

- Primary education shall be free, available, accessible and compulsory
- Secondary education shall be available, affordable and shall, subject to the resources available, be free
- Vocational and technical training shall be affordable, available and free, subject to the availability of resources
- College and university education shall be available, accessible and affordable with steps being taken towards making higher education free.
- Adult education programmes shall be supported by the government for those who have not been able to access primary education
- The government shall ensure that the overall welfare of teachers is well taken care of so as to realize the right to education
- Parents have the right to choose schools for their children so long as those schools abide by the set government education standards
- Parents also have a right and duty to give their children moral and religious guidance

The United Nations Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly. Resolution 44/25 of 20th November 1989 entry into force on the 2nd September 1990.

Article 28 recognizes the right of the child to education and calls upon states:

- To make primary education compulsory and available free;
- To encourage the development of different forms of secondary education, including general and vocational education and make them available and accessible to every child;
- To take appropriate measures such as the introduction of free



- education and offering financial assistance in case of need;
- To make higher education accessible to all on the basis of capacity by every appropriate means;
 - To make educational and vocational information and guidance available and accessible to all children;
 - To take measures to encourage regular attendance at schools and the reduction of drop-out rates;
 - To take steps to ensure that school discipline is administered in a manner consistent with the child's human dignity;
 - To promote and encourage international cooperation in matters relating to education in order to contribute to the elimination of ignorance and illiteracy throughout the world and facilitate access to scientific and technical knowledge and modern teaching methods.

Article 29 provides that the education of the child shall be directed:

- To the development of the child's personality, talents and mental and physical abilities to their fullest potential;
- To the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- To the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- To the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- To the development of respect for the natural environment.

The Convention on the Rights of the child CRC is yet another critical human rights instrument as regards to the right to education. It expressly recognizes the right to education; however, the provisions apply only to the children.



Every child,
boy or girl,
has a right to
education





Regional Instruments

1. The African Charter on Human and People's Rights (ACHPR)

The African Charter on Human and People's Rights was adopted June 27, 1981 and entered into force on 21st October 1986

Article 17 provides that every individual shall have the right to education. The Charter is the primary regional instrument as regards human rights here in Africa.

2. The African Charter on Rights and Welfare of the Child

Article 11 declares that every child shall have the right to an education. It provides that the education of the child shall be directed:

- To the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential.
- To fostering respect for human rights and fundamental freedoms.
- To the preservation and strengthening of positive African morals, traditional values and cultures.
- To the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups.
- To the preservation of national independence and territorial integrity.



- To the promotion and achievements of African Unity and Solidarity.
- To the development of respect for the environment and natural resources.
- To the promotion of the child's understanding of primary health care.

The Charter makes special reference to pregnant children and provides that they should be given every opportunity to continue with their education based on their individual ability. This is significant as it is an explicit recognition of the vulnerability of this group of children. Human rights ultimately only make sense when they transform the conditions of the disadvantaged, excluded, marginalized and those in greatest need.

The international and regional instruments clearly lay down the substantive normative content of the right to education. They lay down the specific measures that state parties must take to ensure the progressive realization of the right. There can no longer be any doubt that the right to education is firmly entrenched both at the international and regional levels and governments have no excuse in failing to live up to their obligations. In particular, and at the very minimum, all governments must provide free compulsory primary education and lack of adequate resources cannot be an excuse for failure to achieve this. Vulnerable children like those who are pregnant, orphans, those with disability or who are HIV positive must be given special attention if equality and non-discrimination is to be upheld.

The contents of these instruments are useless to the child whose parents live in fear of forced eviction, whose parents are owed several months' arrears in wages, whose parents have no access to land and who are daily deprived of basic health care and basic water and sanitation. What such children require are concrete measures that will advance their conditions. What they want are the results not just policies or laws or good intentions.





Every child shall be entitled to education the provision of which shall be the responsibility of the Government and the parents.





National Level

The National Constitution

The current Constitution does not provide for the right to free compulsory education. The fundamental rights section in the Constitution refers to education but it falls far short of clearly making any provision that recognizes education as a right. It is however important to note that the 2005 Draft Constitution had expressly provided for the free primary education. Article 62 had provided:

- Every person has the right to education.
- The state shall institute a program to implement the right to every child to free and compulsory pre-primary and primary education and in so doing shall pay particular attention to children with special needs.
- The state shall take measures to make secondary and post-secondary education progressively available and accessible.
- Every person has the right to establish and maintain, at that person's own expense, independent educational institution that comply with the requirements of this Constitution and meet the standards laid down in legislation.

The Draft was rejected but it is hoped that the new review process will not only be successfully completed but that the provision on the right to free and compulsory primary education retained.



Children's Act 2001

There are fourteen laws that relate to education in the country but it is only the Children Act (2001) that has any relevance to education as a human right.

Section 7 provides that:

Every child shall be entitled to education the provision of which shall be the responsibility of the Government and the parents.

Every child shall be entitled to free basic education which shall be compulsory in accordance with Article 28 of the United Nations Convention on the Rights of the Child.

After the December 2002 General Elections, the new government partly operationalized the Children Act 2001 by abolishing school fees for primary school children. The enrolment of primary school children increased dramatically with 1.2 extra children in 2003; by 2004, the number had climbed to 7.2 million! But the abolition of school fees alone left a number of other kinds of fees, levies and user charges untouched.

These include:

- Textbook and writing materials.
- Registration fee.
- Tuition fee.
- Development levy.
- Activity fee.
- Caution money.
- School trips.
- Examination fee for school-based exams.
- Teachers' tours and safaris.
- Payment of teachers employed by school committees/Parents' Association.

These have made the cost of quality primary education remain prohibitively high especially for the poor. Moreover, the influx of huge numbers of children into schools after the fees were abolished has created a serious shortage of teachers and overstretching of the physical facilities as these were not provided for. Teachers' salaries are regarded by the Government as public expenditure to be reduced and not as an educational investment necessary for the progressive realization of the right to education. By merely focusing on the abolition of school fees and providing some token allocation for books and other facilities, the quality and availability of the right to primary education has been greatly undermined.

In September 2005 for example, each primary school was given Kshs.1, 020 per pupil out of which Kshs. 480 was for textbooks and other learning materials and supplies, and Kshs. 540 for other costs (examinations and extra curriculum activities). The cost of a single school uniform was about Kshs. 1,000 rendering the Government grant of little use to the parents.

Another factor that is also making it difficult to assess the real meaning in the increase in enrolment is the fact that only about 40% of the children are registered at birth so nobody really knows how many school age going children they may be in the country.

Abolition of school fees is an important step in realizing the right to free compulsory primary education but unless further urgent concrete measures are undertaken it will become a useless exercise as there is much more to the realization of the right to primary education than school fees.





For human rights to have meaning, they must provide tangible changes to the lives of the people.





Meaning of Right to Education

Human rights are not just aspirations. For them to have meaning they must provide tangible changes to the lives of the people. They must have a meaning that people can see, feel and actually enjoy! The right to education is based on the famous 4As, namely availability, accessibility, acceptability, affordability and adaptability. They may not cover everything but they provide a real visible way of assessing what we should be looking for.

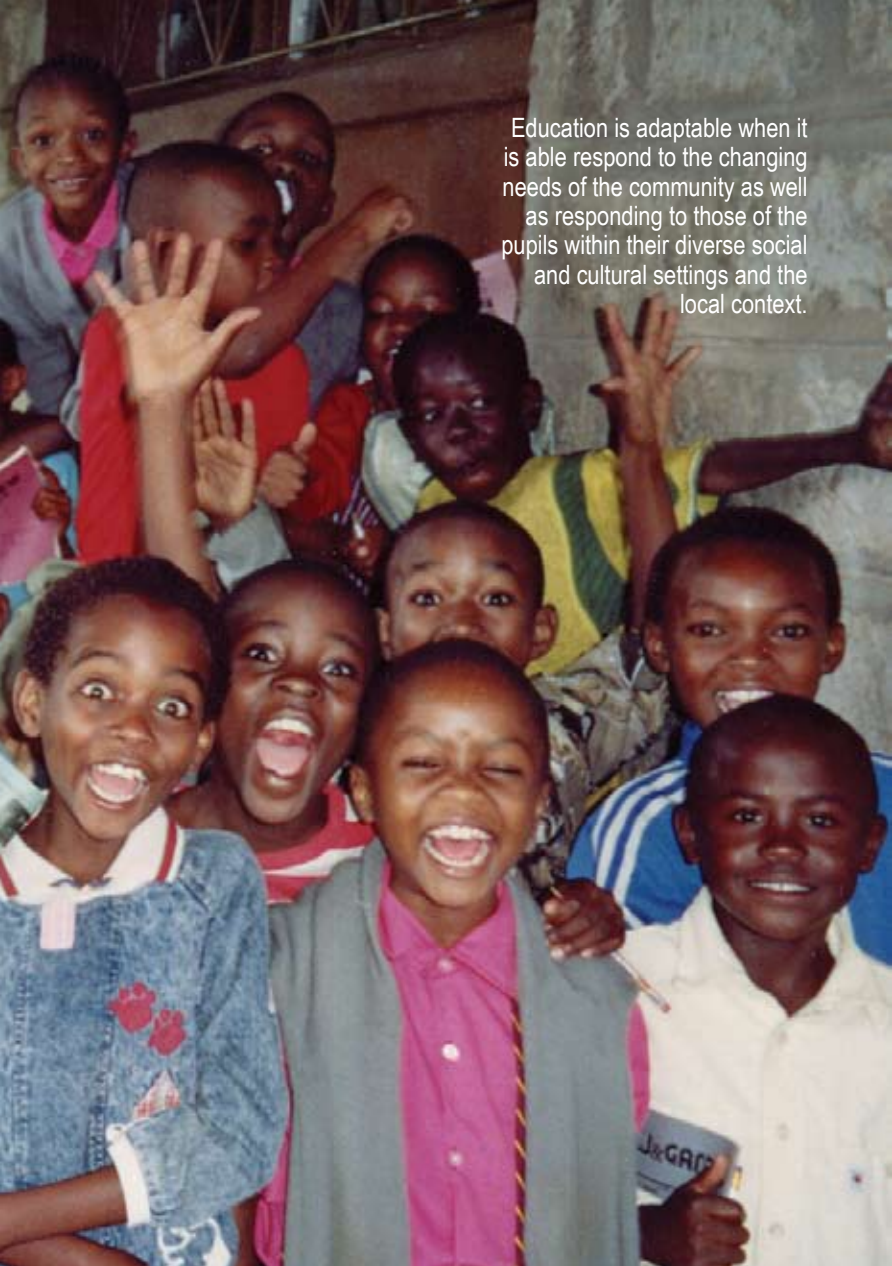
Education is available when you have safe, adequate and appropriate buildings/classrooms (including provisions for children with disability) for learning, adequate schools in the neighborhood, enough teachers, free and adequate textbooks and uniforms, proper sanitation facilities for sexes, safe drinking water chairs and desks, appropriate learning materials, adequate security and appropriate transport among others. The 2005 Indian Right to Education Bill, for example, provided for the availability of neighborhood schools for every child and that where such schools are unavailable then the state shall provide free transportation arrangements to the nearest school. This should be the general trend if the right to education is to be a reality and not just a political promise.

Education is accessible when there is no child labor, no gender discrimination, when there is affirmative action to address the needs of the more vulnerable and marginalized areas/groups (informal settlements, nomads, children with disability/HIV-AIDS, girls etc); when schools are within safe physical reach and reachable under all weather conditions; when there is adequate security for children attending schools; when education is made free and fully government- funded especially for the poorest with no hidden costs (eg activity fee, caution fee, development fee, uniform fee, registration fee etc). The money families spend on education should not endanger the enjoyment of other rights.

Education is acceptable when the form and content of the curriculum and teaching methods are consistent with the pupil's and parents' religious or other beliefs. Education should not be used for political or any other form of brainwashing. Children should be allowed to ask questions and get proper answers, to argue and disagree, to make mistakes and generally be curious. An educational system based on the belief that children are to be seen and not to be heard is a violation of the right to education. It must also be of appropriate quality and standard.

Education is adaptable when it is able to respond to the changing needs of the community as well as responding to those of the pupils within their diverse social and cultural settings and the local context. The best interest of the pupil should be the major consideration. Pupils have views and should not be ignored; they should be consulted as much as is possible when decisions affecting their needs are being made. It must also contribute to gender equality.





Education is adaptable when it is able to respond to the changing needs of the community as well as responding to those of the pupils within their diverse social and cultural settings and the local context.





Budget and Right to Primary Education

A national budget is the process by which the government allocates financial resources in accordance with its priorities. A government that is committed to human rights would define its priorities from its human rights' obligations. A national budget will tell you who and what the government most and least values. It is the most important indicator of government's commitment to the realization of human rights. Education is a human right and must be given top priority in public expenditure.

A 1996 United Nations Educational and Scientific Organization (UNESCO) report suggested that governments should invest at least 6% of their Gross National Product in education. This is the accepted minimum level.

Citizens involved in the right to education advocacy must therefore pay keen interest in the budget process. The first step is to be involved in determining the budget allocation so as to ensure education is given top priority; the second stage is to ensure that the allocation is apportioned in a balanced manner and especially to ensure that areas and groups that have been previously neglected get the greatest attention; thirdly they must ensure that allocated funds are actually given and utilized for the intended purpose and finally they must evaluate or measure the impact.

Public allocation, which includes both national and local government budgets on education, must be carefully scrutinized:

- To assess whether the allocation patterns of the national budget and devolved funds comply with the requirement that those in greatest need are given top priority (eg are more resources set aside for the provision of educational services and facilities in the informal settlements, pastoralist areas etc)



- To assess whether the allocations comply with the benchmarks set by the government itself in the sector of education. The National Action on Education for All (2003-2015) contains a number of benchmarks. How far have they been achieved and what efforts are being made to achieve them?
- To assess whether any resources have been allocated for the enactment of relevant policies, laws or plans on education and providing effective remedies for those whose right to education has been violated.

For the budget process to be of any value to the right to primary education the following key questions must be addressed:

- How much money is allocated for primary education?
- How much of this money is for the construction of public schools, recruitment of trained teachers, buying of appropriate equipment, provision of water and sanitation facilities in schools etc in the deprived areas like urban informal settlements and other deprived areas?
- How much is for the improvement of water and sanitation, security, basic health and provision of basic food to residents of the urban informal settlements and other deprived areas?
- How much is actually utilized for these services?
- How has the resources been utilized?
- What support does the government provide to the democratic grassroot organizations in marginalized areas/informal settlements so as to enable them participate –making processes?

These are critical questions that must inform any human rights' based budget process and unless all of them are comprehensively addressed the realization of the right to primary education will remain a mere dream to the poor and the excluded.





On matters to do with primary education and other basic rights, very little resources are channeled to the informal settlements and other deprived areas.





Barriers to the Full Realization of Right to Primary Education

There are many barriers to the full realization of the right to primary education for the poor. These barriers clearly show how the human right to education is related to other rights. Some are cross-cutting issues which affect all rights. A few are mentioned below:

Exclusion of the poor from decision-making and resources: The current political and economic system in the country is based on exclusion of the poor. The poor have no space in political or economic decision-making. Political parties and the government system are dominated by the elite and the rich. The poor rarely get their agenda on the decision-making table. Their voices and interests are excluded from the policy agenda. They do not determine what is decided, how the decisions are made and on how they are enforced, implemented and evaluated. When it comes to education and other matters experts take over and think for the people (especially the poor). The poor are only useful as voting machines and are discarded after that. They have no access to the media, the senior civil servants (only chiefs and assistant chiefs are easily available to them and only when “law and order issues “are concerned). The right to citizen participation in governance is a right only enjoyed by the rich, educated and influential. Decisions on resource allocation, utilization etc are made by politicians and civil servants without any serious input from the people. It is no wonder therefore that on matters to do with primary education and other basic rights very little resources are channeled to the informal settlements and other deprived areas. If the people had a voice in such matters it would be possible, for instance, to have new public primary schools or health centres or water and sanitation services in the informal settlements every year as these are the areas in that need these most need services most and therefore should be the primary target of a human rights’ based approach to development.



- **Lack of public accountability:** Even in instances where resources are allocated to projects in the informal settlements, there is no proper system of accountability by the concerned officials. Access to information is regarded as a privilege to be begged for. Politicians and civil servants rarely make themselves available to account for the decisions they make or the resources they are entrusted with. Even the use of devolved funds system like the Constituency Development, local Authority Transfer Fund, Constituency Bursary Funds and many others are shrouded in secrecy. The poor are treated as charity-recipients and not as rights-holders. Participation in elections has not led to accountable governance. Most groups in the informal settlements and other areas are poorly organized and end up being ill served by those who mobilize their votes and claim to represent their interests. Absence of accountability leads to corruption, abuse of power, discrimination, conflict and loss of faith in the public institutions.
- **The absence of comprehensive and targeted constitutional, legislative and policy provisions:** The current constitution makes no provision for the right to education. The Children Act (2001) substantially domesticates the Convention on the Rights of the Child and provides for the right to free and compulsory education. It however does not set out any specific measures that the Government is obliged to undertake to ensure that the right to primary education is realized. The only tangible step the government has taken is to abolish formal fees in primary schools but a number of other hidden costs continue to be charged so that most of the children from poor backgrounds are still excluded from access to quality primary education. Enrolment has increased but no substantive targeted investment has been directed to the provision of the basic requirements for primary education in the informal settlements eg construction of public schools or expansion of the capacity existing ones or recruitment of new teachers. Increased budgetary allocation does not mean much unless such allocation is specifically directed to addressing the inequality in the provision of education for the poor and the marginalized. The existing laws do not provide any effective

remedies for violations. They lack the kind of teeth that a serious human rights legislations should have. The risk of retrogression (moving backwards) is real unless other more serious and targeted measures are instituted and implemented.

- **High prevalence of child labor:** The success of free primary education is closely linked to the elimination of child labor, which is still very rampant especially among the poor households. In June 2007, the media reported the case of one Saidi Ngira from Kililfi District who was jailed for two months for failing to take care and maintain his son who was supposed to be in Standard 6. His problem started when the son was found working in a quarry. Many child rights' activists hailed his imprisonment as a demonstration of the Government's commitment to the realization of the right to education. This is however, a very simple approach because the fact of the matter is that the father was more of a victim than a culprit and the Government and the activists ignored the fact that it is the primary responsibility of the government to ensure that there are adequate policies to address inequality and reduce poverty amongst its citizens. This kind of action simply transfers the responsibility to the parents, which is clearly wrong. The absence of a comprehensive social security that would assist the poor is one of the factors for this situation. It is for this reason that the Committee on Economic, Social and Cultural Rights, in its Concluding Observations to the government in November 2008, recommended that the Government should adopt the International Labor Organization Minimum Standards of Social Security of 1952. Labor Organization Minimum Standards of Social Security of 1952.
- **Lack of access to basic medical care, food and other basic services:** Many children from poor households suffer from preventable diseases and hunger. This greatly undermines school attendance, learning and chances of completing school. This cannot be solved by merely abolishing school fees or employing more teachers or constructing more classrooms. In the informal settlements, most of the diseases are as a direct result of lack of adequate water and

sanitation services and lack of sufficient food. These cannot be separated from the realization of the right to primary education. Comprehensive public health programs including a comprehensive compulsory health insurance schemes for the unemployed, children, older persons, persons with disability and other disadvantaged and marginalized groups must be part of the right to education policy. Similarly, government-funded feeding programs for children from poor households should be given priority if the right to primary education is to have meaning for the majority of the affected children. Water and sanitation services must be made accessible and affordable for the poor households. In many urban areas and some rural areas, insecurity especially for the girl child is rampant with many becoming victims of rape and other forms of violence. Adequate resources must be made available to provide adequate security for schoolchildren. Lack of security of tenure in most of the informal settlements leading to forced evictions and the inhabitable housing equally impact negatively on the ability of the children to fully realize the right to primary education.

- **Inadequate Attention to children with disability:** Children with disability face many problems. These include the physical distance to school, the layout and design of school facilities and shortage of trained teachers. There is also the issue of negative attitude towards children with disability.
- **Lack of adequate teachers and facilities:** In most of the informal settlements and other marginalized areas, there is a great shortage of teachers and facilities. The international minimum standard is that classes should have no more than forty students per teacher. Trained teachers are in short supply and many of them prefer to work in areas with basic living facilities while avoiding places, which are considered as hardship areas. Low morale among teachers arising from poor salaries is another factor. Most of the informal settlements also lack sufficient public schools. Some do not have any at all. This means that children from these areas, where the majority of urban residents live, simply do not have access to free primary education.





What should be done to address these Issues?

The following are some broad and specific recommendations for the progressive realization of the right to primary school:

- **Constitutional and Legislative reforms:** The proposed constitutional review should ensure that economic, social and cultural rights are specifically entrenched. Specifically the new constitution should guarantee the right to primary education and where possible indicate what measures the state should take to address the needs of the most disadvantaged. Such measures should include the duty to increase funding allocated to bursaries and textbook subsidies for children from poor households, as well as school transportation and midday meals in remote rural and deprived urban areas and construction of public schools in informal settlements as well as enactment of legislations on slum upgrading and prevention of evictions. Provision should be made for effective enforcement and remedies to enable the aggrieved to hold the government accountable. The constitutional provisions should be supplemented with the strengthening of the enforcement of the Children Act and Sexual Offences Act prohibiting child labor and sexual exploitation of children as well as periodic collection of data on the extent of child labor and child prostitution. A new Right to Education law should be enacted that provides more detailed measures that would address availability, accessibility, acceptability and adaptability. For these measures to be adopted by the government, all groups particularly grassroot organizations working on the right to education should consolidate their efforts and wage concerted and sustained advocacy campaigns.
- **Institutionalization of Accountability systems:** There is an urgent need to institutionalize accountability systems so that citizens can



seek and obtain information on the use of public resources. This can be done by amending the existing legislation and policy on the Budget making and Constituency Development Fund to provide for more effective participation of the people in decision-making. The campaign for the enactment and implementation of the Freedom of Information law should be intensified. Grassroot peoples' organizations and other civil society groups should campaign for the inclusion of a provision on devolution of power in the new constitution that would create effective space for participation in governance and not just elections. It is only through this that the interests and voices of the marginalized can begin to get proper attention in the decision-making process. Democratic community-based organizations should be strengthened and supported to enable them actively hold public officers accountable and acquire the knowledge and skills needed for effective citizen participation in public affairs. Community-based advocacy groups consisting of parents, teachers and pupils should be created in every constituency so as to monitor the progress in the realization of the right to primary education in their respective areas and directly participate in the budget making and monitoring processes in the education sector.

- **Slum upgrading to incorporate primary education and provision of basic services as a key component:** The ongoing slum upgrading programs should be comprehensive by incorporating the anti-poverty measures, expansion of primary education facilities, provision of water and sanitation and basic health care as key components. The current emphasis on the housing component is inadequate because all the rights are interrelated. Eviction guidelines based on human rights' principles should be adopted immediately to avoid the constant disruption of the education of children in the informal settlements. Extra resources should be set aside for the school feeding programs for children from poor families and legislation on social security and health insurance fast tracked to cover the informally employed and

the unemployed. The Disability Act, the Sexual Offences and the HIV Acts should be operationalized and strictly enforced.

- **Recruitment of more teachers' and better working conditions for primary school teachers:** Shortage of teachers is a common problem in most of the schools in informal settlements and other marginalized areas. The Government should , as matter of urgency, train and post teachers to these schools in order to create equity. The low morale among primary teachers should be addressed by improving their working conditions. The right to free primary education will not be achieved unless the working conditions of teachers are improved.



Effective human rights advocacy must put the people at the centre. However, for the people to articulate these rights they must be organized. They must acquire the necessary knowledge and skills that would enable them effectively challenge power and change it. This booklet provides some of the basic knowledge necessary to advocate for the right to education. The intention is to strengthen (not build) the capacity of the democratic grass root organizations to, more assertively, claim this right. It is a result of a six month engagement with community groups in informal settlements in Nairobi who, without even the knowledge of the international instruments, are the real force in the struggle for human rights. It is to them that this booklet is dedicated.



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