BACKGROUND PAPER¹ ON ATTACKS AGAINST GIRLS SEEKING TO ACCESS EDUCATION

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¹ This background paper will be presented to the Committee on the Elimination of Discrimination of against Women, to contribute to the development of its general recommendation on access to education. It will also be submitted to Radhika Coomaraswamy, Lead Author of the Global Study on Women, Peace and Security, to be published in advance of the 2015 High-level Review of Security Council resolution 1325. Finally, this paper will inform the Human Rights Council panel discussion on realizing the equal enjoyment of the right to education by every girl, to be held in June 2015 (HRC res. 27/6).

Introduction

The right to education has been acknowledged in international law and policy as a 'multiplier right', that when fully realized, enables right-holders to access a wide range of human rights.² The focus of international attention on girls' education recognizes its catalytic role in promoting substantive equality between men and women and as a means to improve health, economic, political, cultural and social development outcomes throughout the world.³

In practice, however, there are numerous obstacles to the realisation of the right to education globally. While some of these barriers apply to both boys and girls, there are specific hurdles that girls must overcome in many contexts in order to equally enjoy their human rights to, within and through education.⁴

Education continues to be denied to girls as a result of cultural and social norms and practices that perpetuate harmful stereotypes⁵ about appropriate roles for women and reinforce the idea that education is 'wasted' on girls.⁶ Gender-related violence and other forms of discrimination within schools also contribute to a high rate of school abandonment by girls.⁷ Alongside the socio-cultural factors that give rise to violations of girls' human rights, there are other legal, political and economic obstacles that may limit the full implementation of the right to education for girls.

Several recent cases of attacks against girls accessing education have highlighted the fragile nature of achievements in increasing the accessibility, availability, adaptability, acceptability and quality of education for all. These events include the killing of more than 100 children in a Pakistani Taliban attack at an army school in Peshawar in

² Tomasevski, Katarina, *Education Denied: Costs and Remedies*, Zed Books (London & New York), 2003, 1. 'The right to education operates as a multiplier. It enhances all other human rights when guaranteed and forecloses the enjoyment of most, if not all, when denied.'

³ See, among others, UN Committee on Economic, Social and Cultural Rights, General Comment no. 13 (1999), para. 1, 'Education is both a human right in itself and an indispensable means of realizing other human rights ... Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment and controlling population growth'; Jomtien, World Declaration on Education for All (1990), preamble, 'Understanding that education can help ensure a safer, healthier, more prosperous and environmentally sound world, while simultaneously contributing to social, economic, and cultural progress, tolerance and international co-operation.'

⁴ See, for example, UN Special Rapporteur on the Right to Education, Girls' Right to Education (2006), E/CN.4/2006/45 and The promotion of equality of opportunity in education (2011), A/HRC/17/29.

⁵ Cusack, Simone, *OHCHR Commissioned Report on Gender Stereotyping as a Human Rights Violation*, October 2013, 18, harmful gender stereotypes limit the ability of women and men 'to develop their personal abilities, pursue their professional careers and make choices about their lives and life plans.' ⁶ See, for example, Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education*

⁶ See, for example, Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban*, Weidenfeld & Nicolson: London, 2013, 'I was a girl in a land where rifles are fired in celebration of a son, while daughters are hidden away behind a curtain, their role in life simply to prepare food and give birth to children.' See also, KidsRights Report, *Access Denied! Girls' Equal Right to Education in a Global Context, with a Focus on Pakistan*, 2013, 5, '... a deep-rooted cultural perception exists in some regions of the world that women should be restricted to only domestic roles.' See also, Plan International, *Breaking Vows: Early and Forced Marriage and Girls Education 2011*, 7, 'In many societies a young woman's place is seen as in the home. Yet, she is doubly disadvantaged because her youth reduces her status within her household and community. Because she does not have the same standing as her male peers, she is not perceived to have the same skills or capabilities, and so there is less value in educating her.' See also, Warrington, Molly and Kiragu, Susan, '''It makes more sense to educate a boy'': Girls 'against the odds' in Kajiado, Kenya', *International Journal of Educational Development*, 32 (2012), 301-309.

Educational Development, 32 (2012), 301-309. ⁷ See, for example, Parkes, Jenny and Heslop, Jo, *Stop Violence Against Girls in School: A cross-country analysis of change in Ghana, Kenya and Mozambique*, Institute of Education, University of London and ActionAid, 2013; KidsRights Report, *Access Denied! Girls' Equal Right to Education in a Global Context, with a Focus on Pakistan*, 2013.

December 2014, the abduction of nearly 300 schoolgirls in April 2014 by the Boko Haram movement in northeast Nigeria, the 2012 shooting of education activist Malala Yousafzai by members of the Taliban in Pakistan, several incidents of poisoning and acid attacks against schoolgirls in Afghanistan between 2012 and 2014, the reported forced removal of girls from schools in Somalia to become 'wives' of Al-Shabaab fighters in 2010, and the abduction and rape of girls at a Christian school in India in July 2013.⁸ According to United Nations' sources, more than 3,600 separate attacks against educational institutions, teachers and students were recorded in 2012 alone.⁹ Attacks on schools in at least 70 different countries were documented during the period 2009-2014, with a number of these attacks being specifically directed at girls, parents and teachers advocating for gender equality in education.¹⁰ In addition to targeted attacks, many more girls around the world routinely experience gender-related violence and other forms of discrimination that limit or prohibit the free exercise of their right to education.¹¹

Given that the right to education is a multiplier right that promotes access to a wide range of other human rights, it is apparent that violations of the right to education will have far reaching, negative consequences for girls and for the women they will become as well as for the communities and nations where they live. Attacks on girls' education have a ripple effect - not only do they impact on the lives of the girls and communities who are directly concerned, they also send a signal to other parents and guardians that schools are not safe places for girls. The removal of girls from education due to fears for their security and concerns about their subsequent marriageability may result in additional human rights violations such as child and forced marriage, domestic violence, early pregnancy, exposure to other harmful practices, trafficking and sexual and labour exploitation.¹²

For the purposes of the current report, the term 'attack' is used broadly to refer to various forms of violence, including threats and psycho-social abuse, experienced by girls accessing education and those who support them.¹³ The motivations for these attacks, in particular the underlying structural discrimination and wrongful gender stereotyping that feed this violence and prevent girls from accessing education on a basis of equality with boys, are explored.

¹⁰ Ibid.

⁸ GCPEA, Education Under Attack 2014, GCPEA: New York; Human Rights Watch, No Place for Children. Child Recruitment, Forced Marriage and Attacks on Schools in Somalia, 20 February, 2012, www.hrw.org.

Child Recruitment, Forced Marriage and Attacks on Schools in Somalia, 20 February, 2012, <u>www.hrw.org</u>.

⁹ Martinez, Elin, *Attacks on Education. The impact of conflict and grave violations on children's futures*, Save the Children, 2013, iv.

¹¹See, Bhana, Deevia, "Girls are not free" – In and out of the South African school', International Journal of Educational Development, 32 (2012), 352-358; UN Women et al., Inter-Agency Assessment. Gender-based violence and child protection amongst Syrian refugees in Jordan, with a focus on early marriage, 2013; UNHCR, *Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection*, UNHCR Washington, 2014, unhcrwashington.org. ¹²See, CEDAW, Concluding Observations on Pakistan, CEDAW/C/PAK/CO/4 (CEDAW, 2013); CRC,

¹² See, CEDAW, Concluding Observations on Pakistan, CEDAW/C/PAK/CO/4 (CEDAW, 2013); CRC, Concluding Observations on Guinea Bissau, CRC/C/GNB/CO/2-4 (CRC, 2013). See also, Right to Education Project, *At What Age ? Early Marriage and the Right to Education*, 2012, <u>www.right-to-education.org</u> and *Al Jazeera*, 'The trauma of Syria's married children', 23 July 2014.

¹³ In the report *Education Under Attack 2014*, the GCPEA define attacks against education as 'threats or deliberate use of force against students, teachers, academics and any other education personnel, as well as attacks on education buildings, resources, materials and facilities, including transport. These attacks may be carried out for political, military, ideological, sectarian, ethnic or religious reasons.' GCPEA, *Education Under Attack 2014*, GCPEA : New York, 34.

Girls are not a monolithic group and their experiences of violence will vary depending on their personal characteristics and geographical location. Intersectional or compounded forms of discrimination creates additional barriers to education for specific groups of girls such as girls with disabilities, women belonging to national, ethnic, religious and linguistic minorities, girls living in rural or remote areas, pregnant girls and girls who are internally displaced or non-citizens.¹⁴

States and other actors have legal obligations to ensure that everyone has free and equal access to different types of education, both formal and informal, including early childhood education, primary, secondary, vocational, tertiary and continuing education.¹⁵ These obligations are well developed within international human rights law and in many national constitutions and they apply in times of peace and in situations of crisis or conflict.¹⁶ Despite this robust legal framework and an apparent global political consensus on the importance of guaranteeing the right to education for all, attacks against girls accessing education are being documented with increasing regularity.¹⁷

This report will begin by examining some of the explicit and implicit causes of attacks on girls' education during peacetime and in situations of crisis, including settings of armed conflict, political instability and widespread criminal violence. It looks at the impact of attacks against girls accessing education on their rights to and within educational systems as well as the broader consequences of these attacks on the promotion and protection of human rights through education by focusing on the linkages between education and a host of other civil, political, economic, social and cultural rights. The applicable international legal and policy framework is then outlined and the situation of girls accessing education within settings of crisis, political instability and conflict is analysed in greater detail. The final section of the report provides several recommendations to States and other stakeholders aimed at preventing and redressing violations of girls' rights to, within and through education.

I. Framing the problem

Untangling the causes and consequences of attacks on the right to education for girls is a difficult task given that education performs such a vital role in empowering right holders by paving the way for access to a broad range of other human rights. In many cases, attacks on girls' education are motivated by fears surrounding the potential role of education as a catalyst for social, cultural, economic and political transformation.¹⁸ Power hierarchies based on age and gender are threatened by the promise of quality,

¹⁴ See, CESCR, General Comment no. 20 on non-discrimination in economic, social and cultural rights (2009), E/C.12/GC/20, para. 17; CEDAW, General Recommendation no. 28 on the core obligations of States Parties (2010), CEDAW/C/GC/28, para. 18.

¹⁵ See, CESCR, General Comment no. 13 on the right to education (1999), UN Doc. E/C.12/1999/10.

¹⁶ See among others, Bourke-Martignoni, Joanna, *Echoes from a Distant Shore: The Right to Education in International Development*, Schulthess: Zurich and Geneva, 2012.

¹⁷ See, UNESCO, Education Under Attack, UNESCO (Paris), 2007; UNESCO, Education Under Attack, ^{UNESCO} (Paris), 2010 and GCPEA, Education Under Attack 2014, GCPEA : New York.

¹⁸ GCPEA, *Education Under Attack 2014*, GCPEA : New York, 28, 'Attacks on education targets, therefore, are not just attacks on civilians and civilian buildings. They are an attack on the right to education, including the right to a good quality education ; an attack on academic freedom ; an attack on stability ; an attack on development ; and an attack on democracy.'

rights-focused education for all girls, which should ideally lead to the development of relationships and institutions that protect and promote substantive equality.¹⁹

In reality, the exclusion and marginalization of girls within political, economic, legal and socio-cultural power structures at all levels – the family, local communities, nations and internationally - means that they are often unable to demand equal access to human rights or to effectively hold duty bearers accountable for human rights violations.²⁰ This cycle of impunity perpetuates and reinforces the subordinate social status of girls, which persists into adulthood and is often passed on to the next generation.²¹

From issues of morality to issues of mortality, girls and women pay a higher price. When poverty and other constraints force parents to choose which children to send to school, girls are more likely to be kept at home. When parents consider their daughter's future, they often see education as a hindrance to successful marriage and motherhood. And when catastrophe strikes -whether in the form of illness or conflict, displacement or hardship -- women and girls, from 65 to five years old, are more likely to shoulder the burden of keeping family and household together.²²

The invisibility of girls within many societies has meant that there is a scarcity of official data available in connection with violations of their human rights and this has hampered efforts to effectively prevent attacks or to provide redress for girls who have been attacked for accessing education.²³

The UN human rights mechanisms, including the Committee on the Rights of the Child,²⁴ the Committee on Economic, Social and Cultural Rights²⁵ and the Special Rapporteur on the Right to Education,²⁶ have analyzed the legal obligations connected to girls' rights to, within and through education. These mechanisms, as well as others such as the Special Rapporteur on Violence against Women, the Working Group on the issue of discrimination against women in law and in practice and the Committee on the Elimination of Discrimination Against Women, have also considered broader issues linked to the causes and consequences of gender-related violence and other

¹⁹ See Torgan, Allie, 'Acid attacks, poison: What Afghan girls risk by going to school,' CNN, 2 August 2012, 'There were at least 185 documented attacks on schools and hospitals in Afghanistan last year, according to the United Nations. The majority were attributed to armed groups opposed to girls' education. "It is heartbreaking to see the way these terrorists treat ... women," said Razia Jan, founder of a girls' school outside Kabul, 68. "In their eyes, a women is an object that they can control. They are scared that when these girls get an education, they will become aware of their rights as women and as a human being.""

²⁰ Goonesekere, Savitri, 'The elimination of all forms of discrimination and violence against the girl child', Background paper for the expert group meeting, UNICEF Innocenti Research Centre, EGM/DVGC/2006/BP.1, 2006, 1, 'the prevalence of stereotypical social values regarding girls and denials of access to justice and remedies, particularly for male violence, are common problems.' ²¹ UN Secretary General, *In-depth study on all forms of violence against women*, UN Doc. A/61/122/Add.1, 2006,

para. 72, 'Violence against women is both a means by which women's subordination is perpetuated and a consequence of their subordination.' ²² UNICEF/United Nations Girls Education Initiative (UNGEI), quote from former UN Secretary-General Kofi

Annan in the film 'To Educate a Girl', 2010. ²³ See, UN Secretary General, *In-depth study on all forms of violence against women*, UN Doc. A/61/122/Add.1,

²⁰⁰⁶ and UN Secretary-General, *World Report on Violence Against Children*, 2006, 119. ²⁴ CRC, General Comment no. 1 on the aims of education (2001), UN Doc. CRC/GC/2001/1.

²⁵ UN Committee on Economic, Social and Cultural Rights, General Comment no. 13 (1999).

²⁶ See various Annual Reports by the Special Rapporteur on the Right to Education beginning in 1999 with E/CN.4/1999/49. In particular, Girls' Right to Education (2006), E/CN.4/2006/45 and The promotion of equality of opportunity in education (2011), A/HRC/17/29.

forms of discrimination against girls.²⁷ In addition, the Committee on the Elimination of Discrimination against Women is in the process of adopting a General Recommendation on article 10 of the Convention on the Elimination of Discrimination Against Women, which focuses on girls and women's rights to education, and the Human Rights Council will hold a panel discussion on the topic of girls' education at its June 2015 session.²⁸

A small number of cases involving attacks against girls accessing education have been examined by UN human rights mechanisms.²⁹ Since 2007, UNESCO and now the Global Coalition to Protect Education from Attack, have published several reports entitled 'Education Under Attack'.³⁰ These studies, which draw on data from a range of government and non-governmental sources, aim to gather and analyse information concerning deliberate attacks against 'schoolchildren, university students, teachers, academics and education establishments' worldwide.³¹

There remain, however, serious gaps in our knowledge about the root causes of attacks against girls' education and the ongoing impact of these attacks on the right to education as well as on the promotion and protection of a range of other human rights. This is an area of research that must be pursued as a priority if effective, multidimensional responses that address both the causes and the consequences of these attacks are to be developed and implemented.

II. The applicable international legal and policy frameworks on education

The right to education is guaranteed in nearly every multilateral human rights treaty that has been adopted at the international and regional levels and educational rights are protected in more than 140 national constitutions.³² Education is also protected in situations of armed conflict and occupation and there are specific treaty provisions that ensure refugees, asylum seekers and stateless persons, including women and girls,

²⁷ See Annual Reports by the Special Rapporteur on Violence Against Women, including the summary of UN work on violence against women over the past 20 years in A/HRC/26/38, 2014; Working group on the issue of discrimination against women in law and in practice, A/HRC/26/39, 2014, para. 105.

²⁸ See documents from the CEDAW Committee's General discussion on Girls' and Women's Right to Education, 7 July 2014, <u>www.ohchr.org</u>. See also, Human Rights Council, *Resolution calling for a Panel discussion on realizing the equal enjoyment of the right to education by every girl*, A/HRC/27/L.8 (2014).

²⁹ GCPEA, *Education Under Attack 2014*, GCPEA : New York, 36, 'Monitoring and reporting of attacks on education are improving but, without a global system for systematically gathering data, all figures on attacks should be treated with caution ... in many places, attacks simply are not being reported consistently or even at all ; in others, the dearth of official information necessitates a heavy reliance on media and human rights sources.'

³⁰ UNESCO, *Education Under Attack*, UNESCO (Paris), 2007; UNESCO, *Education Under Attack*, UNESCO (Paris), 2010; GCPEA, *Education Under Attack 2014*, GCPEA : New York.

³¹ GCPEA, ^{Education} Under Attack 2014, GCPEA : New York, 8.

³² See, among others, UNESCO Convention Against Discrimination in Education (1960); International Convention on the Elimination of All Forms of Racial Discrimination (1965), articles 5 (e), (v) and 7; International Covenant on Civil and Political Rights (1966), article 18 (4); International Covenant on Economic, Social and Cultural Rights (1966), articles 13 and 14; Convention on the Elimination of All Forms of Discrimination Against Women (1979), Articles 10 and 14; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), article 10; Convention on the Rights of the Child (1989), article 28 and 29; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), Article 10; Convention on the Rights of Persons with Disabilities (2006), Article 24. Regional instruments include; Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), article 2; African Charter on Human and Peoples' Rights (1981), article 17 (1); Organization of American States, Protocol of San Salvador (1990), Article 13. The Right to Education Project has a data base on education within national constitutional law: www.right-to-education.org.

are not deprived of fundamental education.³³ The core features of the right to education as contained in Article 26 of the Universal Declaration of Human Rights, which includes the right not to be discriminated against in the enjoyment of educational rights, have attained the status of rules of customary international law.³⁴

A large number of soft law instruments and international policy frameworks, including the Education for All and Millennium Development Goals that contain targets in relation to educational availability and accessibility, as well as financing for the development of education systems, exist alongside these treaty and customary law guarantees.³⁵ All of these instruments and documents insist upon the principle of equality and non-discrimination in the availability and accessibility of quality education for all people at every stage of education. The catalytic role of education as a means for empowering girls and women and improving development outcomes has been reiterated within numerous multilateral initiatives on gender equality, population, the environment and human development.³⁶

The right *to* education, as well as human rights *within* and *through* education are thus comprehensively protected within international law and policies.³⁷ The essential characteristics of the content and scope of the right to education as it is recognized in international law are:

- All levels of education pre-primary, primary, secondary, vocational, tertiary, continuing, non-formal must be accessible to all on the basis of equal opportunity and education at each level must also be qualitatively acceptable.
- Universal access to primary education that is free and compulsory for all.
- Equal accessibility of secondary education in its different forms, including technical and vocational education, which should be made generally available.
- Capacity-based access to higher education.
- Opportunities for continuing education, literacy programmes, early childhood education and lifelong learning should be accessible to everyone.
- Minimum international standards for quality education and for the working conditions of teachers.
- The right to educational freedom with respect to the liberty of parents and guardians to ensure the religious and moral education of their children in conformity with their own convictions and the freedom to choose schools other than public schools, provided that these adhere to minimum standards.

³³ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), Articles 94 (2) and 50; Protocol Additional to the Geneva Conventions Relating to the Protection of Victims of Non-International Armed Conflicts (1977), Article 4 (3) (a); Convention Relating to the Status of Refugees (1951), Article 22; Convention Relating to the Status of Stateless Persons (1954), Article 22.

³⁴ See, Bourke-Martignoni, Joanna, Echoes from a distant shore. The right to education in international ^{development}, Schulthess : Geneva and Zürich, 2012, 49.

³⁵ See instruments including, *World Declaration on Education For All* (Jomtien Declaration), 1990; Dakar ^{Framework} for Action, 2000; UNGA, *Millennium Development Declaration*, 2000, Goals 2 and 3.

³⁶ See, for example ; Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, 1995, paras. 69, 80, 81 and 82 ; World Summit for Social Development, *Copenhagen Declaration on Social Development*, 1995, Commitment 6 ; United Nations Conference on Human Settlements (Habitat II), *The Habitat* ^{Agenda}. *Istanbul Declaration on Human Settlements*, 1996, paras. 2.36 and 3.43.

³⁷ See references and discussion in Bourke-Martignoni, Joanna, *Echoes from a distant shore. The right to education in international development*, Schulthess : Geneva and Zürich, 2012, 112-116.

a. The four 'As' framework

In order to clarify the essential and inter-related features of the right to education that duty bearers are required to respect, protect and fulfill, in 1999, the first Special Rapporteur on the Right to Education developed the framework known as the 'Four As': availability, accessibility, acceptability and adaptability.³⁸ This typology of obligations has since been elaborated upon by the UN Committee on Economic, Social and Cultural Rights as well as by the Office of the High Commissioner for Human Rights and several civil society organisations in an attempt to build indicators to monitor the extent to which the right to education is being implemented in practice.³⁹ The framework provides that education at all levels and in all its forms should exhibit the following inter-related and essential criteria;

- *Availability* Educational institutions and services must be present in sufficient quantities at all levels in every region and there should be adequate infrastructure and trained teachers to support its delivery.
- *Accessibility* The education system is non-discriminatory, physically and economically accessible to all. Positive measures must be taken to include the most marginalised.
- *Acceptability* The content of education is non-discriminatory, relevant, culturally appropriate, and of good quality; human rights education is provided, along with comprehensive health and sexuality education; schools are safe and teachers adequately trained and professional.
- *Adaptability* Education is dynamic and meets the changing needs of society, including by highlighting and challenging inequalities, such as gender-based discrimination; education adapts to suit specific local contexts.

The principle of equality and the corresponding right not to be discriminated against in the enjoyment of the right to education form a core, cross-cutting component of the obligations that States and other duty bearers are required to respect, protect and fulfil.

Attacks against girls accessing education lead to violations of many of the essential features of the right to education as it is protected in international and most national laws.⁴⁰ The devastating human rights impact experienced by girls who suffer violations of their rights to, and within education, as a result of violent attacks, illustrates the key role education plays through empowering right holders to access a wide range of other human rights.

In addition to denials of the right to education, attacks on girls' education also give rise to violations of other, inter-related human rights including; the right to life, the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, the right to equal protection according to humanitarian norms in time of international or internal armed conflict, the right to liberty and security of person, the right to equal protection under the law and the right to a remedy, the right to freely

³⁸ UN Special Rapporteur on the Right to Education, *Preliminary Report* (1999), E/CN.4/1999/49, para. 50.

³⁹ CESCR, General Comment no. 13 on the right to education (1999), UN Doc. E/C.12/1999/10; OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation*, 2012, www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf. See also, The Right to Education Project, <u>www.right-to-education.org</u> and the OECD Metagora Project database, www.metagora.org.

⁴⁰ GCPEA, *Education Under Attack 2014*, GCPEA : New York, 28.

choose a spouse with full consent, the right to equality in the family, the right to the highest attainable standard of physical and mental health, the right to an adequate standard of living, including adequate food, water, sanitation, social security and housing, the right not to be subjected to forced or exploitative forms of labour, the right to freedom of religion and the rights to freedom of opinion and expression.⁴¹

b. Rights through education

The legal obligations attached to the right to education for all are, therefore, relatively well established in international law and policies. Despite this seemingly strong protective framework, there remain challenges in ensuring that the equal rights of women and girls are fully realized *through* education.⁴² A large gap persists between the transformative promise of education and the realities of gender inequality for women and girls in every society in each aspect of their lives. The principle of indivisibility and the mutually reinforcing nature of human rights guarantees means that the right to education cannot be sustainably realized for girls in the absence of measures directed at ensuring gender equality more broadly.

If women cannot be employed or self-employed, own land, open a bank account, get a bank loan, if they are denied freedom to marry or not to marry, if they are deprived of political representation, education alone will have little effect on their plight.⁴³

Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women articulates the important linkages between the implementation of substantive equality in all areas of public and private life and the right to education for girls and women. As with article 26 of the UDHR and article 13 of the ICESCR, article 10 provides that every type of education – pre-primary, primary, secondary, vocational, tertiary and continuing – must be equally available and accessible to all girls and women, including those in rural areas and other traditionally disadvantaged groups.⁴⁴ The role of education as a mechanism for transforming harmful gender stereotypes in the private and in the public spheres is emphasised in Article 10 (c) of the Convention.⁴⁵

As Barbara Bailey, Chair of the CEDAW Working Group on Girls' and Women's Right to Education notes, however, States parties have generally interpreted their obligations under article 10 of the Convention very narrowly, 'In most instances, information focused primarily on the *right to* education and therefore on capacity and access.' The issues of gender discrimination in connection with rights *within and through* education are rarely, if ever, addressed in Periodic Reports.⁴⁶ Ms. Bailey goes

 ⁴¹ See, CEDAW, General Recommendation no. 19 on violence against women (1992), CEDAW/C/GC/19, para. 7 as well as the core international human rights treaties.
⁴² See, Melchiorre, Angela, Keynote presentation, Day of General discussion on Girls' and Women's Right to

⁴² See, Melchiorre, Angela, Keynote presentation, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>.

⁴³ Tomasevski, Katarina, *Education Denied: Costs and Remedies*, Zed Books (London & New ^{York}), 2003, 158.

 ⁴⁴ See, CEDAW Secretariat, Concept Note on the Draft General Recommendation on Girls'/Women's Right to Education, Day of General discussion on Girls' and Women's ^{Right} to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>.
⁴⁵ See discussion of Article 10 and its application in Banda, Fareda, 'article 10', in Freeman, Marsha, Chinkin, Christine and Rudolf, Beate (eds), *The UN Convention on the Elimination of All Forms of Discrimination Against Women: A Commentary*, OUP: Oxford, 2012. See also, Cusack, Simone, *OHCHR Commissioned Report on Gender Stereotyping as a Human Rights Violation*, October 2013, 23-24.

⁴⁶ Bailey, Barbara, Introduction of the General Recommendation on Girls' and Women's Right to Education, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>.

on to highlight the fact that the empowerment of girls and women through education cannot be achieved unless gender-based discrimination and patriarchal power structures are confronted and challenged within and by educational institutions at all levels.⁴⁷

III. Attacks on girls' education in situations of insecurity and crisis

Although it is commonly asserted that education functions as a protective mechanism against violence and exploitation, this is not the case in situations of insecurity and crisis, such as during armed conflicts or in settings of widespread criminal violence, where students and educational institutions may be targeted for attacks and/or occupied for military purposes.⁴⁸ The availability, accessibility and quality of education at all levels are severely compromised in situations of armed conflict and insecurity.⁴⁹

Educational institutions and infrastructures have been used by government security forces and non-state armed groups as 'bases, barracks, firing positions, munitions caches, detention centres, and even torture chambers, for periods lasting weeks, months and even years.⁵⁰ The military occupation and use of educational buildings may turn these institutions into legitimate military targets under international humanitarian law, thereby leaving them open to attack by opposing forces with the danger that students and teachers will be caught in the fighting. The GCPEA documented the military use of educational buildings and infrastructures in at least 24 countries during the period 2005-2012.⁵¹

Along with the risk of death or serious injury as a result of armed attacks on educational institutions, students and teachers may also experience other forms of violence, including threats and harassment from armed forces, as well as shortages of essential goods such as water, food and educational materials.⁵² The climate of insecurity and fear created by the presence of fighters within educational institutions leads to school abandonment, loss of morale and lack of teacher retention, overcrowding and an overall poor quality of education.⁵³

Girls, whose access to education is subjected to discriminatory limitations and restrictions in peacetime, are further disadvantaged during and after violent conflicts

⁴⁷ *Ibid.*, 6, 'If indeed education is to be the vehicle for women's empowerment and for creating a better balance in the distribution of power between the sexes in the home and in the social, economic and political spheres, States parties must give greater attention to all dimensions of schooling. The gender regime of schooling must be disrupted and schooling must produce girls who are confident, self-assured and equipped to be independent life-^{long} learners.'

⁴⁸ See, for example, CRC, Concluding Observations on Sri Lanka, CRC/C/OPAC/LKA/CO/1 (CRC, 2010).

⁴⁹ UNESCO, Education for All Global Monitoring Report 2011 – *The Hidden Crisis: Armed Conflict and Education*, UNESCO (Paris), 2011; UN Special Rapporteur on the Right to Education, *The Right to Education in Emergency Situations*, UN Doc. A/HRC/8/10, 2008.

⁵⁰ GCPEA, Submission to the Committee on the Elimination of Discrimination against Women Discussion on Girls'/Women's Right to Education (Article 10), July 7, 2014, 3, <u>www.ohchr.org</u>.

⁵¹ GCPEA, *Lessons in War*, New York : GCPEA, November, 2012.

 ⁵² GCPEA, Submission to the Committee on the Elimination of Discrimination against Women Discussion on Girls'/Women's Right to Education (Article 10), July 7, 2014, 3, <u>www.ohchr.org</u>.
⁵³ Ibid.

and in processes of political transition.⁵⁴ The 2011 *Education for All Global Monitoring Report* notes that in countries affected by conflict, girls make up 55% of primary-age children who are not in school and girls also form the majority of lower secondary school age children out of school in conflict zones.⁵⁵ The impact of denials of girls' rights to education in settings of crisis and conflict, if unaddressed, has ongoing and often unequal consequences. The Committee on the Rights of the Child noted in connection with Rwanda that there has been discrimination against displaced girls in the provision of repatriation and reintegration assistance and, as a result, many girls have been unable to resume education following the conflict.⁵⁶

In situations of armed conflict and instability, as during peacetime, girls accessing education have been the targets of different forms of discrimination, including sexual violence, abduction, intimidation and harassment.⁵⁷ It is estimated that in 2009, the Taliban's attacks and violent threats against girls, their families and teachers, resulted in 120,000 female students and 8,000 women teachers ceasing to attend schools in the Swat district.⁵⁸ In a number of other countries, female students and teachers have been the targets of gender-related violence while travelling to and from school as well as within educational institutions that have been targeted by criminal and armed groups.⁵⁹

During some armed conflicts, girls have been abducted and forcibly recruited into the armed forces precisely *because* of their education. For example, the Lords' Resistance Army targeted secondary school girls in northern Uganda as their superior literacy and numeracy made them valuable recruits for military communications work. Importantly, however, 'This pattern of targeting educated girls underscores the challenges faced by many women and girls who return from captivity hoping to regain the benefits of earlier education.'⁶⁰ The same difficulties may be encountered by many of the Nigerian schoolgirls abducted from Chibok by the Boko Haram if they are eventually able to return.⁶¹

The legal framework that applies to the promotion and protection of the right to education and other human rights during times of armed conflict includes all of the provisions of international human rights law outlined above, as well as applicable

⁵⁴ See, GCPEA, Draft Lucens Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict, 2014, <u>www.protectingeducation.org</u>.

⁵⁵ UNESCO, Education for All Global Monitoring Report 2011 – *The Hidden Crisis:* ^{Armed} *Conflict and Education*, UNESCO (Paris), 2011.

⁵⁶ CRC, Concluding Observations on Rwanda, CRC/C/OPAC/RWA/CO/1 (CRC, 2013), paras 21-22, 'The Committee is deeply concerned about the information provided by the State party that the rate of repatriation of Rwandan children, particularly girls, remains low. The Committee is further concerned about the absence of gender-specific programmes to address specific challenges and needs of girls in the Disarmament, Demobilization and Reintegration (DDR) process.'

⁵⁷ See, UN Special Rapporteur on Violence against Women, its Causes and Consequences, A/HRC/26/38, 2014, para 66. The Special Rapporteur notes that violence against women and girls in situations of armed conflict should not be viewed as exceptional but rather as part of the 'continuation of a pattern of discrimination and violence that is exacerbated in times of conflict.'

⁵⁸ GCPEA, Submission to the Committee on the Elimination of Discrimination against Women ^{Discussion} on Girls'/Women's Right to Education (article 10), July 7, 2014, 2, <u>www.ohchr.org</u>.

⁵⁹ UNESCO, Education Under Attack, UNESCO (Paris), 2010, 22; Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, 8.

⁶⁰ Carlson, Khristopher and Mazurana, Dyan, *Forced Marriage within the Lord's Resistance Army, Uganda*, Tufts University, 2008, 20. The authors note that 'Females who were forced into marriage and birthed at least one child in captivity are three times less likely to return to school than those who did not give birth while in captivity.'

⁶¹ Human Rights Watch, *Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria*, 27 October, 2014, www.hrw/org.

international humanitarian law, refugee law and international criminal law.⁶² In several resolutions, the UN Security Council has identified a number of grave violations of international law that may be committed against children during armed conflict, these include; recruitment and use of children, killing or maiming, sexual violence, attacks against schools and abduction of children.⁶³ The Security Council has adopted numerous resolutions, including resolution 1998 (2011), which call on all parties to conflicts to take steps to prevent the military use of schools and to establish reliable monitoring and reporting mechanisms to document violations of the right to education and other human rights related to attacks on educational institutions.⁶⁴ In addition, under the terms of its resolution 1325 (2000), the Security Council calls on all parties to armed conflicts to 'take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence.'

The Human Rights Council has also referred to the situation of girls accessing education in times of armed conflict and instability.⁶⁵ The Committee on the Rights of the Child has, on several occasions, under the Convention on the Rights of the Child and under the Optional Protocol on the Involvement of Children in Armed Conflict, called on States parties to ensure that children accessing education and educational institutions are protected against violence and provided with appropriate remedies and reintegration assistance to enable them to have equal access to education.⁶⁶

One of the difficulties in establishing accountability for attacks on students, teachers and educational institutions during situations of armed conflict and instability are that these incidents are not consistently reported to the UN human rights monitoring mechanisms or to local or regional authorities. The lack of data is compounded by problems related to the classification of armed conflict and instability;

Whilst the majority of attacks on education happen in countries where conflict is ongoing, they are not exclusively connected to high-intensity conflicts. Attacks on education occur in situations that are deemed to be fragile at times; or where political or criminal instability has led to loss or breakdown of governmental control and an increase in violence, such as in various states of Central America. These attacks, however, are not captured through the UN's reporting on children and armed conflict and may currently be reported as criminal acts.⁶⁷

⁶² See, Schmid, Evelyne and Nolan, Aoife, 'Do no harm'? Exploring the scope of economic and social rights in transitional justice', *International Journal of Transitional Justice*, 2014, 1-21.

 ⁶³ Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Protect Schools and Hospitals*, Guidance Note on Security Council Resolution 1998, United Nations, New York, 2014, 4.
⁶⁴ Ibid.

⁶⁵ Human Rights Council, *Resolution calling for a Panel discussion on realizing the equal enjoyment of the right to education by every girl*, A/HRC/27/L.8 (2014), 'Strongly condemning attacks, including terrorist attacks, on educational institutions as such, their students and staff, and recognizing the negative impact that such attacks can have on the realization of the right to education, in particular of girls ... Strongly condemning also attacks on and abductions of girls because they attend or wish to attend school.'

⁶⁶ CRC, Concluding Observations on the Democratic Republic of Congo, CRC/C/OPAC/COD/CO/1, 2012; CRC, Concluding Observations on Israel, *CRC/C/ISR/CO/2-4 (CRC, 2013)*; CRC, Concluding Observations on Rwanda, *CRC/C/OPAC/RWA/CO/1 (CRC, 2013)*.

⁶⁷ Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, endnote 39, p. 27.

The UN High Commissioner for Refugees has documented cases of girls accessing education who have been the targets of sexual violence, threats and harassment by members of criminal gangs in several Central American countries such as El Salvador.⁶⁸ Cases of girls forced to abandon school or to flee as a result of criminal violence which governments have failed to act with due diligence to prevent, investigate and redress, are not systematically recorded.⁶⁹ Similarly, violent attacks on educational infrastructures, teachers and students in refugee and internal displacement camps are also frequently not reflected within official statistics.⁷⁰

The recognition of the complexity and diversity of the various contexts within which attacks on education may occur has led to a number of initiatives and partnerships designed to increase knowledge, share information and improve monitoring, reporting and responses. The draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict (2010) were developed by a group of UN agencies and civil society organisations to promote the 'aim of reducing the use of schools and universities by parties to armed conflict in support of their military effort, and to minimise the negative impact that armed conflict has on students' safety and education.⁷¹

Other innovative initiatives designed to ensure greater protection for girls from attacks against schools in situations of armed conflict include the system established by the Geneva Call civil society organisation that seeks to promote respect for the norms of international humanitarian and human rights law by all parties to violent conflicts, including armed non-state actors. A number of armed non-state groups has become signatories to Geneva Call's Deed of Commitment on the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination (2012) and the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict (2010).⁷² Through these commitments as well as other interventions, it is hoped that armed non-state actors will work to eliminate gender-related violence and promote the participation of women and girls within decision-making.

As in peacetime, reparations for girls who have suffered attacks on their right to education in situations of armed conflict or political transition should be provided in a timely, holistic and transformative manner. Appropriate measures may include; ensuring that educational institutions that have been damaged or destroyed are repaired and made available to girls, as well as other concrete steps to guarantee the

⁶⁸ UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unherwashington.org, 25, 'The head of the gang that controlled her neighbourhood wanted Josefina to be his girlfriend and threatened to kidnap her or to kill one of her family members if she didn't comply. Josefina knew another girl from her community who had become the girlfriend of a gang member and had been forced to have sex with all the gang members. Josefina didn't want this for herself. Once the gang started harassing her, she didn't feel safe, so she stopped going to school and stayed at home until her family was able to make arrangements for her to travel to the U.S.

⁶⁹ *Ibid.*, 29, 'Although the harms and threats by gangs were shared by both boys and girls, there was a gender difference in the frequency of certain types of harm ... seven of the eight children who reported rape, other sexual violence or threats of such violence were girls.'

⁷⁰ UN Women et al., Inter-Agency Assessment. Gender-based violence and child protection amongst Syrian refugees in Jordan, with a focus on early marriage, 2013. ⁷¹ GCPEA, Draft Lucens Guidelines for Protecting Schools and Universities from Military Use During Armed

Conflict, 2014, 2 <u>www.protectingeducation.org</u>.⁷² See the Geneva Call website, www.genevacall.org.

restitution of access to education for girls who have been forced to leave school and the provision of specialised education services for survivors of violence.⁷³

IV. Causes and Consequences of Attacks on Girls' Education

a. Causes of attacks against girls' education

Attacks against girls seeking education may be motivated by a number of explicit and implicit social, cultural, economic and political factors. As mentioned previously, attacks on education in general and on girls seeking education or on teachers who promote gender equality are, in many instances, a reaction to the transformative potential of education as a force for social, cultural, economic and political change at the local, national and even international levels. In addition, attacks against girls' education may also be a response to globalization and a perception that mass education is acting as a conduit for the implantation of 'foreign' ideas and values.⁷⁴

In some countries, conservative social movements and armed groups have specifically targeted girls as part of their military campaigns. The Boko Haram, whose name means 'Western education is a sin' in Hausa, has been responsible for the abduction of hundreds of girls in northeast Nigeria as well as threats and attacks against teachers and school infrastructures.⁷⁵ Members of Taliban groups operating in Afghanistan and in Pakistan have also openly declared their opposition to the education of girls and have used violent attacks against girls, their families and teachers as a means of asserting their control over local communities.⁷⁶ In Mali, girls have been targeted for sexual and other forms of violence in schools for failing to adhere to strict dress requirements imposed by armed groups.⁷⁷

In other contexts, attacks are not explicitly motivated by the symbolic status attached to girls' education as a vehicle for gender equality but reflect, instead, the violence experienced by girls and women in all areas of their public and private lives.⁷⁸ Systemic gender-based discrimination against girls renders them vulnerable to sexual and other forms of violence within educational institutions, particularly as these attacks are, as a general rule, met with impunity.⁷⁹ The use of sexual violence against schoolgirls and female teachers has also been deployed as a military tactic by a

⁷³ See, CEDAW Committee, General Recommendation no. 30 on women in conflict prevention, conflict and postconflict situations (2013), CEDAW/C/GC/30, para 52 (a); See also, for example, CEDAW, Concluding Observations on Syria, CEDAW/C/SYR/CO/2, 2014, para. 40; See also, UN Secretary-General, Guidance Note on *Reparations for Conflict-Related Sexual Violence*, June 2014. ⁷⁴ See, for example, UNESCO, *Education Under Attack*, UNESCO (Paris), 2010, 28.

⁷⁵ Human Rights Watch, Those Terrible Weeks in their Camp. Boko Haram Violence ^{Against} Women and Girls in Northeast Nigeria, 27 October, 2014, www.hrw/org.

⁷⁶ UNESCO, Education Under Attack, UNESCO (Paris), 2010,

⁷⁷ Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, 8; See also, CEDAW, Concluding Observations on Syria, CEDAW/C/SYR/CO/2, 2014.

See, UN Special Rapporteur on Violence against Women, its Causes and Consequences, A/HRC/26/38, 2014, para 66. The Special Rapporteur notes that violence against women and girls in situations of armed conflict should not be viewed as exceptional but rather as part of the 'continuation of a pattern of discrimination and violence that is exacerbated in times of conflict.' See also, UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unhcrwashington.org.

⁷⁹ See, Working group on the issue of discrimination against women in law and in practice, A/HRC/26/39, 2014, para. 105, 'only 32 out of 100 States have specific provisions on sexual harassment at school.' See also UN Secretary-General, World Report on Violence Against Children, 2006, 119, 'Studies suggest that sexual harassment of schoolgirls is common throughout the world, to varying degrees by teachers themselves as well as by students, and that it may be particularly common and extreme in places where other forms of school violence are also prevalent.'

number of armed groups and criminal gangs.⁸⁰ Attacks involving sexual violence against teachers and girls in educational facilities or during the journey to or from them have been reported in the Democratic Republic of the Congo, El Salvador, Haiti, Indonesia, Iraq, Mali, Myanmar, the Philippines and Syria.⁸¹

The targeting or occupation of schools and educational institutions in settings of armed conflict and insecurity is not always grounded in a desire to deny girls their rights to education, however, the impact of these situations is experienced differently by girls.⁸² In its General Recommendation no. 30 (2013), the CEDAW Committee notes that in conflict affected areas 'schools are closed owing to insecurity, occupied by State and non-State armed groups or destroyed, all of which impede girls' access to school.⁸³

Although armed conflict, insecurity and associated displacement have a devastating effect on the availability, accessibility and quality of education for all children, girls are frequently in the frontline when it comes to denials of their human rights, including their educational rights, as a result of gender-related violence and other discrimination.⁸⁴ The large numbers of forced marriages of girls recorded amongst Syrian refugees living in Jordan demonstrate the wider impact of armed conflict on girls' human rights.⁸⁵ In these situations, continuing insecurity and gender-based violence within schools and in the community at large, along with the prevalence of harmful stereotypes about the value of girls' education, combine to produce additional violations of girls' rights to, within and through education.⁸⁶

In yet other cases, motives for attacks against schools and teachers may be unclear or mixed. In these instances, girls and teachers are targeted on the basis of compounded or intersecting forms of discrimination related to their age and gender along with their economic or social status, geographic location, sexual orientation, gender identity or

⁸⁰ See, UNSC, Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of Congo, S/2010/369 which reports the case of a 15 year old girl who was raped on her way back from school in June 2009 by a Congolese army colonel who then forced her to follow him on his redeployment after he learned she was pregnant; See also, Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008; UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unhcrwashington.org.

⁸¹ UNESCO, Education Under Attack, UNESCO (Paris), 2010, 22; Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, 8; CEDAW, Concluding Observations on Syria, CEDAW/C/SYR/CO/2, 2014; UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unhcrwashington.org.

⁸² See, for example, Al Jazeera, 'The trauma of Syria's married children', 23 July 2014; Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008; UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unhcrwashington.org. ⁸³ CEDAW Committee, General Recommendation no. 30 on women in conflict prevention, conflict and post-^{conflict}

situations (2013), CEDAW/C/GC/30, para. 48.

⁸⁴ UNHCR, Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014, unhcrwashington.org; Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008.

⁸⁵ UN Women et al., Inter-Agency Assessment. Gender-based violence and child protection amongst Syrian refugees in ^{Jordan}, with a focus on early marriage, 2013. ⁸⁶ *Ibid*. Crucially, the Inter-Agency Assessment notes the protective role that education plays in delaying the age

of marriage, preventing physical and emotional violence and empowering girls. See also, CEDAW, Concluding Observations on Syria, CEDAW/C/SYR/CO/2, 2014. See further, Human Rights Watch, No Place for Children. Child Recruitment, Forced Marriage and Attacks on Schools in Somalia, 20 February, 2012, www.hrw.org.

membership of a minority.⁸⁷ The 2010 UNESCO Report on attacks on education identifies a number of situations within which there are multiple and even contradictory reasons given for attacks against educational institutions, students and teachers. For example, in southern Thailand, schools and teachers have been attacked by Muslim separatists because they are considered to represent state power and they are also viewed as imposing an alien language of instruction, religion and view of history.⁸⁸

Even in situations where a specific motivation for attacks on education is given – as in the case of the Taliban's written threats against girls' schools in Pakistan and Afghanistan – there have been attacks carried out against boys' schools as well.⁸⁹ In such complex settings, it is difficult, if not impossible, to identify a single, over-riding motivation for the attacks.

UN human rights mechanisms and other sources have consistently shown, however, that attacks against girls seeking education usually occur within contexts where there are widespread violations of the human rights of women and girls.⁹⁰ These attacks are representative of patriarchal systems of oppression that are built upon and sustained by pervasive gender inequality across all fields of life.⁹¹ The Committee on the Elimination of Discrimination against Women highlighted the interdependence of the right to education and a range of other human rights in its 2013 Concluding Observations on Pakistan where it noted;

a high illiteracy rate among women, the low enrolment of girls, particularly at the secondary level, and their high dropout rate, especially in the rural areas. It is further concerned about the negative impact on girls of prioritization of boys' education over that of girls, the lack of qualified female teachers and school infrastructure, and the long distances to school, all of which have a negative impact on girls' education. It is also concerned at the lack of measures to readmit girls to school after pregnancy and the high number of child marriages in the state party. It expresses its deep concern at reports of ongoing violent attacks and public threats against female students, teachers and professors by various non-state actors, as well as the escalating number of

⁸⁷ See, for example, Independent Expert on Minorities Mission to Kazakhstan, A/HRC/13/23/Add.1, 2010.

⁸⁸ UNESCO, Education Under Attack, UNESCO (Paris), 2010, 28.

⁸⁹ See, Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban*, Weidenfeld & Nicolson: London, 2013, describing a letter she had received from a Taliban commander that stated 'the Taliban had attacked me not for my campaign for education but because I tried to malign their efforts to establish the Islamic system'. See also, GCPEA, *Education Under Attack 2014*, GCPEA : New York, 88, 'While the common depiction in the media was that a majority of incidents emanated from Taliban opposition to girls' education, the reasons were more complex. These additionally included schools' symbolic value as government entities, their association with international military forces, ideological opposition to any education offered outside of madrassas (Islamic schools), local disputes or ethnic rivalries, and opposition to the central government and the rule of law by criminal groups.'

⁹⁰ See, for example, CRC, Concluding Observations on Afghanistan, CRC/C/AFG/CO/1 (CRC, 2011), para. 25, 'girls continue to be subject to multiple gender-based discrimination from the earliest stages of their life and through their childhood.'; CRC, Concluding Observations on Algeria, CRC/C/DZA/CO/3-4 (CRC, 2012); CRC, Concluding Observations on the Philippines, CRC/C/OPSC/PHL/CO/1 (CRC, 2013); CEDAW, Concluding Observations on Israel, CEDAW/C/ISR/CO/5 (CEDAW, 2011); Special Rapporteur on Summary Executions, Mission to the Democratic Republic of Congo, A/HRC/14/24/Add.3, 2010; Special Rapporteur on Violence Against Women, Mission to Algeria, A/HRC/17/26/Add.3, 2011; Independent Expert on Haiti, A/HRC/20/35/Corr.1, 2012; Independent Expert on Somalia, A/HRC/13/65, 2010.

⁹¹ See, for example, UN Special Rapporteur on Violence against Women, its Causes and Consequences, A/HRC/26/38, 2014; Working group on the issue of discrimination against women in law and in practice, A/HRC/26/39, 2014, para. 105; See also, Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban*, Weidenfeld & Nicolson: London, 2013.

attacks on educational institutions, in particular a large number of girls-only schools, which has disproportionately affected the access of women and girls to education. The committee expresses its deep concern at recent attacks on school buses targeting children, including girls.

Attacks against girls' education therefore shine a spotlight on the need for wide ranging measures to be taken by all duty bearers to tackle gender-based discrimination in every area of economic, social, cultural and political life.⁹³ The interlinked causes and consequences of attacks on girls seeking education also reflect the realities of girls who face intersectional or compound forms of discrimination, which are directed at them as a result of their geographical location or other characteristics, including their economic, social, health, disability or minority status.⁹⁴

b. Human rights consequences of attacks on girls' education

Since the adoption of the Education for All and Millennium Development Goals in 2000, the world has achieved significant progress in ensuring that education is more generally available and accessible to all.⁹⁵ This overall positive trend is, however, offset by the slow rate of progress that has been made in increasing the availability, accessibility and quality of all forms of education for women and girls;

There were 31 million girls out of school in 2011, of whom 55% are expected never to enrol. Reflecting years of poor education quality and unmet learning needs, 493 million women are illiterate, accounting for almost two-thirds of the world's 774 million illiterate adults. Only 60% of countries had achieved parity in primary education in 2011; only 38% of countries had achieved parity in secondary education. Among low income countries, just 20% had achieved gender parity at the primary level, 10% at the lower secondary level and 8% at the upper secondary level. By 2015, many countries will still not have reached gender parity. On current trends, it is projected that 70% of countries will have achieved parity in primary education, and 56% of countries will have achieved parity in lower secondary education.⁹⁶

This persistent and seemingly intransigent gender gap in education is not only attributable to violent attacks against girls' education and its supporters. Data and statistics on continuing gender inequality in education also provide an important

⁹² CEDAW, Concluding Observations on Pakistan, CEDAW/C/PAK/CO/4 (CEDAW, 2013), para. 27.

⁹³ Tomasevski, Katarina, *Education Denied: Costs and Remedies*, Zed Books (London & New York), 2003, 158.

⁹⁴ CEDAW Committee, General Recommendation no. 28 (2010), CEDAW/C/GC/28, para. 18, 'The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men.' See also, UN Special Rapporteur on the Right to Education, Girls' Right to Education (2006), E/CN.4/2006/45, para. 64. ⁹⁵ UNESCO, Education for All Global Monitoring Report 2011 – *The Hidden Crisis: Armed Conflict and*

Education, UNESCO (Paris), 2011, 3, 'from 1999 to 2008, an additional 52 million children enrolled in primary school. The number of children out of school was halved in South and West Asia. In sub-Saharan Africa, enrolment ratios rose by one-third despite a large increase in the primary school age population. Gender parity in primary enrolment has improved significantly in the regions that started the decade with the greatest gender gaps.' ⁹⁶ UNESCO, Education for All Global Monitoring Report 2013/14 – *Teaching and Learning: Achieving Quality*

for All, UNESCO (Paris), 2014, Gender Summary, 1.

indication about the extent to which education is taken seriously as a claimable human right for girls and women around the world.

The Global Coalition to Protect Education from Attack (GCPEA) has noted numerous ways in which the availability, accessibility and quality of education for women and girls are particularly affected by attacks on educational institutions and teachers and the military use of educational infrastructures during armed conflict.⁹⁷ Conflict-related violations of educational rights may have negative, long term consequences for girls and women due to many factors including; heightened violence and other discrimination against girls and women in general and specifically against those with disabilities and those from minority groups, chronic disruption to school attendance by students and teachers, permanent school abandonment by girls and by female teachers – a situation that further discourages girls from attending schools, a lack of morale leading to declining recruitment of teachers and thus less availability and quality of education, damage or destruction of educational infrastructures and learning materials, reduced government capacity to deliver education, and the suspension or reduction of external assistance for education.⁹⁸

The indivisibility and interdependence of all human rights – civil, political, economic, social and cultural – is clearly apparent in the broader impact that denials of the right to education may have for girls.⁹⁹ Despite the scarcity of systematic data collection on attacks against girls accessing education, there are numerous and powerful examples that demonstrate the inter-relationship between education and a wide range of other human rights and the devastating impact that denials of the right to education may have for individuals, communities and nations.¹⁰⁰ Attacks against girls' education have been shown in many countries to be directly connected to higher rates of forced marriage, trafficking and other forms of violence against girls and women as well as violations of a host of other human rights such as the right to health, to freedom of religion, to meaningful participation in cultural, social and political life, to equality before the law and to effective remedies.

Violations of girls' rights to, within and through education as a result of attacks against school facilities, teachers and students – especially when these are allowed to occur repeatedly and with impunity – undermine the potential for education to act as a vehicle for individual and societal transformation.¹⁰¹ Targeted attacks on girls accessing education, their families and their teachers are used to send a powerful,

⁹⁷ GCPEA, Submission to the Committee on the Elimination of Discrimination against Women Discussion on Girls'/Women's Right to Education (article 10), July 7, 2014, www.ohchr.org.

⁹⁸ Ibid., 5. See also, Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, 8.

⁹⁹ See, for example, OHCHR, 'Nigeria: UN and African experts call for immediate release of abducted girls and accountability of perpetrators', 8 May 2014, <u>www.ohchr.org</u> and *Al Jazeera*, 'The trauma of Syria's married children', 23 July 2014.

¹⁰⁰ Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban*, Weidenfeld & Nicolson: London, 2013, 'Though we loved school, we hadn't realized how important education was until the Taliban tried to stop us. Going to school, reading and doing our homework wasn't just a way of passing time, it was our future.'

¹⁰¹ See, for example, UNHCR, *Children on the Run. Unaccompanied children leaving Central America and Mexico and the need for international protection*, UNHCR Washington, 2014, unhcrwashington.org, 32, 'The fears of one 14-year-old girl that led to her leaving El Salvador provide a vivid example The biggest problem is the gangs. They go into the school and take girls out and kill them I used to see reports on the TV every day about girls being buried in their uniforms with their backpacks and notebooks. I had to go very far to go to school and I had to walk by myself. There was nowhere else I could go where it would've been safer. I lived in a village and it was event worse in the cities.'

symbolic message about the socio-cultural role and status of girls and women. The failure of government and other authorities to act with due diligence to prevent and respond to attacks may result in the withdrawal of community support for girls' education.

persistent destruction of educational facilities can affect parents' trust in the role of schools in providing protection for children, undermine the sense of investment in the future that binds a community, and send damaging signals about the value society puts on either education for all or education for a particular gender or ethnic group.¹⁰²

Cases of violence against girls seeking education, their families and their teachers have resulted in the temporary or permanent closure of educational institutions as well as decisions by parents and guardians to take girls out of school to protect them from further violence.¹⁰³ The impact of these attacks goes well beyond the immediate denial of the right to education and often involves violations of a number of related civil, political, economic, social and cultural rights. Research on the targeting of educated girls for abduction by the Lords' Resistance Army (LRA) in northern Uganda illustrates the broader consequences of armed conflict on the human rights of girls,

A trend towards according higher value to girls' education was reversed as the number of schoolgirls dropped, schools closed due to conflict and lack of resources, and the LRA targeted schools to abduct children. As nearly all rural schools closed down, young girls were increasingly forced into early marriages as soon as they attained puberty as parents sought strategic ways to increase protection for their daughters. Other young women became concubines of government soldiers as a means to seek extra protection.¹⁰⁴

Girls who have been removed from education may be subjected to child or forced marriage or coerced into *de facto* marital relationships, which violates their right to freely choose a spouse with their full consent, and is frequently associated with early pregnancy and a greater risk of health complications for the mother and her children.¹⁰⁵ Child and forced marriage also denies girls their right to make

¹⁰² O'Malley, Brendan, 'The longer-term impact of attacks on education on education systems, development and fragility and the implications for policy responses', UNESCO Background Paper, 2011/ED/EFA/MRT/PI/28, 2011, 2

^{2.} ¹⁰³ See, GCPEA, *Education Under Attack 2014*, GCPEA : New York and UN Secretary-General, *World Report on Violence Against Children*, 2006, 135; UN Special Rapporteur on the Right to Education, *The Right to Education in Emergency Situations*, UN Doc. A/HRC/8/10, 2008, para. 21, 'During times of conflict ... teachers, students and parents become the targets of violence. Parents keep their children at home to avoid the risks involved in the trip to and from school.'

¹⁰⁴ Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008, 13.

¹⁰⁵ See, OHCHR, *Preventing and eliminating child, early and forced marriage*, Report to the Human Rights Council, A/HRC/26/22, 2014; CEDAW, Concluding Observations on Pakistan, CEDAW/C/PAK/CO/4 (CEDAW, 2013) ; CRC, Concluding Observations on Guinea Bissau, CRC/C/GNB/CO/2-4 (CRC, 2013). See also, Right to Education Project, At What Age ? Early Marriage and the Right to Education, 2012, www.right-to-education.org; Al Jazeera, 'The trauma of Syria's married children', 23 July 2014; Carlson, Khristopher and Mazurana, Dyan, *Forced Marriage within the Lord's Resistance Army, Uganda*, Tufts University, 2008; Haq, Naimul, 'Bangladeshi girls seek equal opportunity', *Inter-Press Service*, 25 August 2014; Human Rights Watch, *Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria*, 27 October, 2014, www.hrw/org; Human Rights Watch, *No Place for Children. Child Recruitment, Forced Marriage and Attacks on Schools in Somalia*, 20 February, 2012, www.hrw.org; UNHCR, *Children on the Run. Unaccompanied children*

autonomous decisions about sexual and reproductive matters,¹⁰⁶ it often leads to an exposure to other harmful practices,¹⁰⁷ results in limitations or restrictions on their freedom of movement and places them at increased risk of domestic violence.¹⁰⁸ The OHCHR's 2014 report on preventing and eliminating child, early and forced marriage notes that girls in situations of child and forced marriage 'may experience conditions inside a marriage which meet "international legal definitions of slavery and slaverylike practices" including servile marriage, sexual slavery, child servitude, child trafficking and forced labour.'109

In these contexts, girls are required to shoulder a double or triple burden of caring for children or elderly relatives, as well as taking on household and income-earning responsibilities, which inevitably leaves little time for them to actively participate in social, cultural or political life.¹¹⁰ It has been shown that girls forced to leave school as a result of attacks on educational institutions, and in particular those girls who are subsequently subjected to child or forced marriage or who become pregnant, rarely end up returning to education at a later time.¹¹¹

Attacks against girls accessing education have also been linked with girls being exposed to the worst forms of child labour, including forced recruitment into armed groups and criminal organisations and trafficking for the purposes of sexual and labour exploitation.¹¹² Women and girls whose educational rights have been violated are less able to negotiate acceptable working conditions, to access credit or purchase property, including productive land, or to benefit from social protection mechanisms such as pensions and other welfare entitlements.¹¹³ Life-long poverty and a lack of

leaving Central America and Mexico and the need for international protection, UNHCR Washington, 2014,

unhcrwashington.org. ¹⁰⁶ See, CEDAW, General Recommendation no. 21 on equality in marriage and family relations, 1994, paras. 21 and following. See also, CRC, General Comment no. 12 on the child's right to be heard (2009), UN Doc. CRC/C/GC/12, para. 77, 'gender stereotypes and patriarchal values undermine and place severe limitations on girls' with respect to the right to be heard. ¹⁰⁷ See, OHCHR, 'Fighting FGM: Girls' right to education versus traditional practices', 7 February 2013,

www.ohchr.org.

¹⁰⁸ See, CEDAW, General Recommendation no. 19 on violence against women, 1992 ; See also, UN Women et al., Inter-Agency Assessment. Gender-based violence and child protection amongst Syrian refugees in Jordan, with a focus on early marriage, 2013.

⁹ OHCHR, Preventing and eliminating child, early and forced marriage, Report to the Human Rights Council, A/HRC/26/22, 2014, para. 21.

¹¹⁰ UNICEF/United Nations Girls Education Initiative (UNGEI), 'To Educate a Girl', 2010; UN Special Rapporteur on extreme poverty and human rights, UN Doc. A/65/259 (2010); OHCHR, Preventing and *eliminating child, early and forced marriage*, Report to the Human Rights Council, A/HRC/26/22, 2014. ¹¹¹ See, OHCHR, *Preventing and eliminating child, early and forced marriage*, Report to the Human Rights

Council, A/HRC/26/22, 2014; Right to Education Project, At What Age ? Early Marriage and the Right to Education, 2012, www.right-to-education.org, 'Children who are married are twice less likely to attend school than single children. Marriage limits girls' lives more than boys : fewer married girls will be enrolled in school than married boys'; See also, OHCHR, Preventing and eliminating child, early and forced marriage, Report to the Human Rights Council, A/HRC/26/22, 2014: Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008 ; Human Rights Watch, No Place for Children. Child Recruitment, Forced Marriage and Attacks on Schools in Somalia, 20 February, 2012, www.hrw.org.

¹¹² ILO, Work in Freedom. Preventing Trafficking of Women and Girls in South Asia and the Middle East, www.ilo.org; OHCHR, Preventing and eliminating child, early and forced marriage, Report to the Human Rights Council, A/HRC/26/22, 2014; Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008; UNESCO, Education for All Global Monitoring Report 2011 -The Hidden Crisis: Armed Conflict and Education, UNESCO (Paris), 2011; Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013; Human Rights Watch, Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria, 27 October, 2014, www.hrw/org.

¹¹³ See Working Group on the issue of discrimination against women in law and in practice, A/HRC/26/39, 2014 ; See also, Special Rapporteur on the Right to Food, A/HRC/22/50, 2012, para. 2.

economic opportunities are frequently consequences of attacks against girls' education.¹¹⁴

Girls have also experienced violations of their rights to freedom of religion, opinion and expression as a result of attacks on educational institutions.¹¹⁵ The abduction of Christian girls from schools in Chibok and elsewhere and their forced conversion to Islam has formed part of the strategy of the Boko Haram in northeast Nigeria.¹¹⁶ The strict enforcement of religious dress codes, often by means of violence and threats, has been a feature of attacks against girls at schools in Mali, Syria and Sudan as well as by the Taliban in Pakistan and Afghanistan.¹¹⁷

Further, attacks on girls' education have a profound impact on the physical and mental health of the girls concerned and any children they may have.¹¹⁸ Violations of the right to life and to the right to be free from torture, and inhuman and degrading treatment may occur during attacks against girls accessing education. Gender-based sexual violence has frequently been used to target girls attending educational institutions.¹¹⁹ Along with the human rights violations and trauma associated with the attacks themselves, sexual violence can result in infection with HIV and other sexually transmitted diseases as well as pregnancy and related complications, including obstetric fistula and maternal death.¹²⁰ Different forms of gendered physical and psychological violence, such as acid throwing, which has serious, permanent consequences for both mental and physical health, have also been used during attacks against girls accessing education.¹²¹ Attacks on girls' education have an ongoing impact on the right to health for girls, their families and communities in that girls who are prevented from accessing education are less exposed to basic information and less

¹¹⁴ See documents from the CEDAW Committee's General discussion on Girls' and Women's Right to Education, 7 July 2014, <u>www.ohchr.org</u>; See also UN Special Rapporteur on extreme poverty and human rights, UN Doc. A/65/259 (2010), para. 54.

¹¹⁵ See CRC, General Comment no. 12 on the child's right to be heard (2009), UN Doc. CRC/C/GC/12.

¹¹⁶ Human Rights Watch, *Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria*, 27 October, 2014, www.hrw/org.

¹¹⁷ Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013 ; Yousafzai, Malala (with Christina Lamb), I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban, Weidenfeld & Nicolson: London, 2013.

¹¹⁸ UN Secretary-General, *World Report on Violence Against Children*, 2006, 128, 'Violence in school can have a physical impact, cause psychological distress, permanent physical disability and long-term physical or mental ill-health. Physical impacts are the most obvious and may include mild or serious wounds, bruises, fractures, and deaths by homicide or suicide. Sexual assault may lead to unwanted and early pregnancy and sexually transmitted infections, including HIV/AIDS. Psychological impacts may include immediate impairment of emotional development and long-term mental distress and ill-health, which can contribute to physical ill-health as well.' See also, Yousafzai, Malala (with Christina Lamb), *I am Malala. The Girl Who Stood Up for Education and was Shot by the Taliban*, Weidenfeld & Nicolson: London, 2013.

¹¹⁹ UN Secretary-General, World Report on Violence Against Children, 2006, 128 ; See also, UNSC, Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of Congo, S/2010/369 ; Human Rights Watch, *Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria*, 27 October, 2014, www.hrw.org.

¹²⁰ OHCHR, *Preventing and eliminating child, early and forced marriage*, Report to the Human Rights Council, A/HRC/26/22, 2014, para. 23, "pregnancy-related complications are the main cause of death for young women, with girls being twice as likely to die from childbirth as women in their twenties."; Haq, Naimul, 'Bangladeshi girls seek equal opportunity', *Inter-Press Service*, 25 August 2014; WHO, 10 Facts on Obstetric Fistula, May 2014, <u>www.who.int</u>. ¹²¹ Glad, Marit, *Knowledge on Fire: Attacks on Education in Afghanistan*, CARE/World Bank/Afghan Ministry of

¹²¹ Glad, Marit, *Knowledge on Fire: Attacks on Education in Afghanistan*, CARE/World Bank/Afghan Ministry of Education, 2009; Torgan, Allie, 'Acid attacks, poison: What Afghan girls risk by going to school,' *CNN*, 2 August 2012.

empowered to make decisions about health issues including; nutrition, sexual and reproductive health, hygiene, and preventive health care.¹²²

Girls and women whose rights to education have been limited or denied are often unable to access justice systems to claim their human rights, demand accountability from duty bearers or access reparations for the harms they have suffered.¹²³ Age and gender-based discrimination within legal and justice systems is compounded for girls who have been denied access to education as they are less likely to be aware of their human rights or have the capacity to make human rights claims.¹²⁴ The lack of available, accessible legal and justice systems means that girls are often left without an effective remedy for violations of their right to education and other human rights.¹²⁵ This results in the invisibility of the right holders concerned and in impunity for the duty bearers, thereby impeding the adoption of adequate measures to prevent and respond to rights violations.

At a societal level, systematic discrimination against girls - including through violations of their education rights - leads to a lack of meaningful participation by women and girls in political, social, economic and cultural life and limits the development of local and national communities.¹²⁶ Girls remain marginalised within international and national efforts to promote peace and security and this is, in part, attributable to denials of their educational rights at all levels.¹²⁷

V. Conclusions and Recommendations

While significant progress has been made towards guaranteeing education for all in many countries, girls still face additional barriers to the full enjoyment of their rights to, within and through education.¹²⁸ The international community has focused its attention on the development of specific programmes and strategies designed to increase the availability, accessibility and quality of education for girls, however, attacks against girls accessing education persist and, alarmingly, appear in some countries to be occurring with increasing regularity.

¹²² CESCR, General Comment no. 14 on the right to the highest attainable standard of health (2000), E/C.12/2000/4, para. 11, 'The Committee interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as ... access to health-related education and information, including on sexual and reproductive health.'; See also CEDAW, General Recommendation no. 24 on women and health (1999), UN Doc. A/54/38/Rev.1. Article 10 (h) of CEDAW provides that women and girls shall have 'access to specific educational information to help to ensure the health and well-being of families, including information on family planning.'

¹²³ IDLO, Accessing Justice : Models, Strategies and Best Practices on Women's Empowerment, IDLO : Rome, 2013.

¹²⁴ See, CEDAW, Concept Note for half day general discussion on women's access to justice, 2013, www.ohchr.org.

¹²⁵ ibid.

¹²⁶ See CEDAW, General Recommendation no. 23 participation in public and political life (1997). See also, Carlson, Khristopher and Mazurana, Dyan, *Forced Marriage within the Lord's Resistance Army, Uganda*, Tufts University, 2008, 20. The authors note that the targeting of educated girls for forcible recruitment by the LRA has compromised northern Uganda's post-conflict transitional development by depriving the country of an important source of ideas and qualified labour. See further, Special Rapporteur on the Right to Food, A/HRC/22/50, 2012, para. 2.

para. 2. ¹²⁷ UN Women, *Women's Participation in Peace Negotiations: Connections Between Presence and Influence*, Second Edition, 2012, 27. Importantly, however, the authors of the report stress that 'women's absence in peace processes cannot be explained by their alleged lack of experience in conflict resolution or negotiations. Instead, there has been a lack of effort to integrate them in formal peace processes.'

¹²⁸ See, Melchiorre, Angela, Keynote presentation, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>.

In looking at the issue of attacks against girls accessing education, it is important to emphasize that, in most instances, such attacks form part of broader patterns of violence, inequality and discrimination. Within these contexts, the educational rights of girls and women are often targeted due to the fact that they represent a challenge to existing gender and age-based systems of oppression.¹²⁹

To be effective in preventing and remedying the violations of girls' human rights that occur as a result of attacks on schools and teachers, a wide range of measures must be taken to address the social, cultural, political, economic and security context within which these violations occur.¹³⁰ Activities directed towards improving the availability, accessibility, adaptability and acceptability of education for girls should, therefore, be combined with programmes to tackle discriminatory cultural and social attitudes and practices as well as those aimed at promoting women's economic and political participation and at increasing the reach of the rule of law.¹³¹

Attacks on girls accessing education are primarily grounded in, and perpetuated by the deployment of wrongful stereotypes concerning the role and value of girls and women in society. The transformation of unequal power relationships based on gender and age is a lengthy and difficult process, however, it is necessary in order to sustainably address the underlying causes and consequences of violations of the human rights of girls and women.¹³² Boys and men must be involved in this change and all social actors need to work together to ensure that international human rights norms on substantive equality are effectively appropriated and implemented at the local, national, regional and international levels.¹³³

The project of the universality of human rights is to be realized through a confluence of internal societal responses to injustice and oppression, instead of attempting to transplant a fully developed and conclusive concept and its implementation mechanism from one society to another. The way to get a universal idea accepted locally is to present it in local terms, which can best be done by local people. Conversely, local acceptance enriches the universal idea by giving it meaning and relevance to people's lives.¹³⁴

Political change requires positive measures to ensure that the rights and interests of girls and women are represented in policies and legislation and that women and girls are empowered to participate directly and indirectly in political decision-making at all levels.¹³⁵ To achieve this, the introduction of temporary special measures, including

¹²⁹ GCPEA, *Education Under* <u>Attack</u> 2014, GCPEA : New York, 28.

¹³⁰ Bailey, Barbara, Introduction of the General Recommendation on Girls' and Women's Right to Education, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>; Melchiorre, Angela, Keynote presentation, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org</u>.

¹³¹ IDLO, Accessing Justice : Models, Strategies and Best Practices on Women's Empowerment, IDLO : Rome, 2013.

¹³² Bailey, Barbara, Introduction of the General Recommendation on Girls' and Women's Right to Education, Day of General discussion on Girls' and Women's Right to Education, 7 July, 2014, 2-6, <u>www.ohchr.org.</u>

¹³³ Parkes, Jenny and Heslop, Jo, *Stop Violence Against Girls in School: A cross-country analysis of change in Ghana, Kenya and Mozambique*, Institute of Education, University of London and ActionAid, 2013, 49, 'While the emphasis on laws and rights education may help to change the way people talk and act, it is not clear that these changes will be sustained without dialogue and critical open discussions on controversial issues and deeply held beliefs.'

¹³⁴ An-Na'im, A. A. and Hammond, J., Cultural Transformation and Human Rights in Africa, Zed Books: London-New York, 2002, 16.

¹³⁵ OHCHR, Report on factors that impede political participation and on steps to overcome those challenges, UN Doc. A/HRC/27/29, September 2014.

quotas for women's representation in political decision-making structures may be necessary, along with other complementary programmes to ensure that women and girls have the skills and confidence to enable them to participate meaningfully in all aspects of political life.¹³⁶

Budgetary measures need to be taken to ensure that adequate *financial* and other resources are dedicated to the provision, maintenance and development of quality educational infrastructures and resources at all levels. Where necessary, the assistance of the international community should be sought for this purpose. *Economic* measures to ensure equality of opportunity in education should be accompanied by policies and programmes to guarantee non-discrimination and equal access to labour markets, credit and productive land as well as just and fair conditions of work for women.

There is a need for *legislative measures* to be taken in order to support the principle of substantive gender equality in all areas, including education. States should take steps to adopt, align and consistently enforce non-discriminatory minimum age legislation for the end of compulsory education, for marriage and for entry into employment.¹³⁷ Gender-related violence should be criminalized in all its forms and steps taken to ensure that forced marriage and other gendered violence commonly directed at girls are prevented, investigated and prosecuted with due diligence in times of peace and during armed conflict.¹³⁸ Access to justice and reparations for violations of the education rights of girls and women should also be guaranteed through the adoption of appropriate and accessible oversight, monitoring and enforcement mechanisms.¹³⁹

Recommendations

- Take immediate measures to ensure that all girls can effectively access high quality education, including human rights and sexuality education, at all times, even during and after situations of crisis or conflict.¹⁴⁰ Steps should further be taken to guarantee that appropriate outreach, repatriation and remedial programmes are put in place to enable girls who are currently out of school as a result of circumstances such as trafficking, armed conflict and displacement, migration, child and forced marriage, pregnancy, motherhood and disability, are able to successfully resume their education. Adequate resources should be allocated to these programmes, which should involve both formal and nonformal education and seek to ensure that girls are provided with relevant and sustainable livelihood skills.

¹³⁶ UN Women, Beijing+20 campaign, www.beijing20.unwomen.org, 'The Beijing Platform called for measures ensuring women's equal access to and full participation in power structures and decision-making. Political quotas or positive measures are examples of these. By reserving seats or candidacies for women, they have driven dramatic increases in the number of women leaders in some countries. Second, the Platform urged steps to increase women's ability to participate. Training on leadership, public speaking and political campaigning, for instance, grooms women to compete, win and be good leaders who can inspire others.'

¹³⁷ See, Right to Education Project, At What Age ? Early Marriage and the Right to Education, 2012, www.right-to-education.org; Human Rights Watch, Those Terrible Weeks in their Camp. Boko Haram Violence Against Women and Girls in Northeast Nigeria, 27 October, 2014, www.hrw.org

¹³⁸ See, Carlson, Khristopher and Mazurana, Dyan, Forced Marriage within the Lord's Resistance Army, Uganda, Tufts University, 2008.

¹³⁹ OHCHR, Summary report on the full day meeting on access to justice for children, A/HRC/27/25, 2014.

¹⁴⁰ See, for example, CEDAW, Concluding Observations on Syria, CEDAW/C/SYR/CO/2, 2014, para. 40 (b) and (c), 'Develop programmes for conflict-affected girls who have dropped out from school, with a view to ensuring that they can be reintegrated into schools or universities once the conflict has come to an end' and 'Coordinate efforts with relevant stakeholders to ensure that the Syrian standard curriculum is used in all schools where Syrian children, in particular girls are enrolled, including in neighbouring countries.'

- Adopt long term, multi-dimensional approaches to engage all stakeholders girls, boys, parents, teachers, government officials, religious, traditional and tribal authorities, armed non-state actors, civil society, media, international organisations in discussions about equality and non-discrimination.¹⁴¹ These awareness-raising initiatives should address harmful stereotyping and gender-based discrimination in education and in other areas of life and, in cooperation with a range of stakeholders, lead to the development of culturally appropriate strategies and programmes to promote gender equality.¹⁴²
- Implement the principle of equality within the context of educational policymaking, legislation and oversight processes. This may require the adoption of explicit constitutional provisions, policies, budgets, services and temporary special measures as well as the creation of monitoring mechanisms such as Ombuds or independent national human rights institutions.
- Provide adequate technical and financial resources for education at all levels through cooperation with national and international partners. These programmes should be effectively targeted, coordinated and monitored to ensure that they prioritise disadvantaged populations in remote areas as well as other groups that face compounded or intersecting forms of discrimination.
- Reinforce the implementation of legal obligations linked to girls' equal rights to, within and through education. In this context, States should pay particular attention to ensuring and monitoring the equal availability and accessibility of education at all levels and adopt, align and enforce non-discriminatory minimum age legislation for the end of compulsory schooling and entry into employment and marriage. Concrete steps must also be taken to actively promote and fulfil the principle of gender equality within and through education, for example, by identifying, confronting and transforming harmful stereotypes within school curricula and teaching materials.¹⁴³ Instruments such as the CEDAW Committee's forthcoming General Recommendation on girls' and women's rights to education and any recommendations emerging from the 2015 Human Rights Council panel discussion on realizing the equal enjoyment of the right to education by every girl should be used as the basis for the development of legislation, policies and indicators.¹⁴⁴
- National action plans for the implementation of resolution 1325 and other measures to guarantee the full and meaningful participation of women and girls in all peace and security processes should be developed. These programmes should provide women and girls with the necessary education and training opportunities to ensure that they are equipped with the confidence and skills to participate in public life on a basis of equality with men and boys. The role of inclusive education as a mechanism for promoting gender equality and

¹⁴¹ An-Na'im, A. A. and Hammond, J., *Cultural Transformation and Human Rights in Africa*, Zed Books: London-New York, 2002, 16.

¹⁴² See for example, OHCHR, 'Fighting FGM: Girls' right to education versus traditional practices', 7 February 2013, <u>www.ohchr.org</u>; IDLO, *Accessing Justice : Models, Strategies and Best Practices on Women's Empowerment*, IDLO : Rome, 2013.

¹⁴³ Tomasevski, Katarina, Education Denied: Costs and Remedies, Zed Books (London & New York), 2003, 169-170.

¹⁴⁴ Human Rights Council, *Resolution calling for a Panel discussion on realizing the equal enjoyment of the right to education by every girl*, A/HRC/27/L.8 (2014).

confronting harmful gender stereotypes during situations of crisis and postconflict transition should be emphasised.

- Concrete, practical measures must be designed to improve school accessibility, _ quality and safety and to ensure that girls have real access to education on a basis of equality with boys.¹⁴⁵ Such strategies may include; the revision of school curricula and learning materials to ensure that they are nondiscriminatory, relevant and that they contain information about human rights, including sexual and reproductive rights; the adoption of specific policies and monitoring mechanisms designed to eliminate all forms of school violence; offering incentives, such as cash or food transfer schemes, to families who send their daughters to school; the creation of participative, community-based structures to oversee and support education at all levels; secure school transportation services; and the provision of adequate and safe sanitary facilities in schools.¹⁴⁶ These measures should seek, in line with international law, to ensure that schools are rights-based and child friendly in that they are 'proactively inclusive, academically effective and relevant, gender sensitive, healthy and protective and engaged with the family and the community.¹⁴⁷ Promising practices and programmes that have incorporated these principles should be evaluated and, where appropriate, adapted for replication in other contexts.
- The promotion and protection of equal access to education for all should form a key component of strategies to prevent armed conflict and to mitigate its impact on human rights. In situations of armed conflict, local communities should be supported to ensure that educational establishments, teachers and students are protected against attack.¹⁴⁸ Reference should be made to the *Lucens Guidelines* and other instruments that outline applicable legal provisions on the right to education in times of peace and during armed conflict and the steps that governments and non-state actors must take to guarantee that girls and women are not targeted for accessing education.¹⁴⁹ Initiatives such as the declaration of schools and other learning centres as Zones of Peace and engagement with armed non-State actors through measures including the Deed of Commitment for the Protection of Children from the Effects of Armed Conflict (2010) and the Deed of Commitment on

¹⁴⁵ See, for example; UNESCO, *Girls' and Women's Right to Education*, Overview of Measures Supporting the Right to Education for Girls and Women Reported on by Member States, UNESCO (Paris), 2014, p. 26; Bahrain reports on providing free and secure school transport services for female students and teachers; p. 12, Afghanistan notes that it has granted funding for research into sexual and gender-based violence at universities and has adopted a decree on the elimination of violence against women in universities; p. 33, Bangladesh states that it has introduced a stipend programme for female secondary and tertiary level students. See also, OHCHR, 'Fighting FGM: Girls' right to education versus traditional practices', 7 February 2013, <u>www.ohchr.org</u> and further, Gustaffson-Wright, Emily and Smith, Katie, 'Abducted Schoolgirls in Nigeria: Improving Education and Preventing Future Boko Haram Attacks,' *Brookings Institution*, 17 April 2014, 'Addressing challenges like poverty and cultural norms could be done using proven mechanisms like conditional-cash transfers, especially those targeted at girls. There are some promising pilots already doing this in other parts of Nigeria.'

¹⁴⁶ See, UNESCO, Girls' and Women's Right to Education, Overview of Measures Supporting the Right to Education for Girls and Women Reported on by Member States, UNESCO (Paris), 2014.

¹⁴⁷ UN Secretary-General, World Report on Violence Against Children, 2006, 139.

¹⁴⁸ See, CEDAW, General Recommendation no. 30 on women in conflict prevention, conflict and post-conflict situations (2013), CEDAW/C/GC/30.

¹⁴⁹ GCPEA, Draft Lucens Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict, 2013, <u>www.protectingeducation.org</u>; See also Office of the Special Representative of the Secretary-General for Children and Armed Conflict, Protect Schools and Hospitals, Guidance Note on Security Council Resolution 1998, United Nations, New York, 2014.

the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination (2012), should be supported.¹⁵⁰

- Steps must be taken to ensure that attacks against students, teachers and educational institutions are effectively investigated, and perpetrators prosecuted and held accountable under relevant national and international laws. To this end, measures should be taken to integrate international criminal law into national legal systems to enable crimes such as war crimes, crimes against humanity and genocide to be punished under national law or, when necessary in line with the principle of complementarity, before the International Criminal Court.
- Where violations of girls' and women's rights to education have occurred as a result of violent attacks, appropriate and transformative remedies must be provided. These reparations may include the facilitation of access to education at all levels, including fundamental and non-formal education for those women who were denied their rights to education as girls as well as positive measures to increase the availability and accessibility of livelihood skills programmes for girls and women whose educational rights have been violated.¹⁵¹
- Develop a holistic understanding of the root causes and consequences of attacks against girls accessing education through systematic research and improved data collection. To this end, the Special Procedures as well as the treaty monitoring bodies should be encouraged to work together, to share relevant information and to engage in joint activities connected to the promotion and protection of girls' rights to, within and through education. Priority should be given to the creation of information systems as well as the monitoring and reporting of attacks on girls seeking education.

The causes and consequences of attacks on girls' education can only be addressed meaningfully by ensuring that quality, human rights-based education is equally available and accessible to all people.¹⁵² Education must be allowed to fulfil its promise as a force for exposing and challenging harmful gender stereotypes and discriminatory practices while providing all right holders with the tools to develop and exercise their full human potential. As Nobel Peace Prize winner Malala Yousafzai exhorts, 'Let us pick up our books and our pens ... They are our most powerful weapons. One child, one teacher, one book and one pen can change the world.'¹⁵³

¹⁵⁰ Martinez, Elin, Attacks on Education. The impact of conflict and grave violations on children's futures, Save the Children, 2013, v.

¹⁵¹ See, for example, the recommendations made in UN Women et al., *Inter-Agency Assessment. Gender-based violence and child protection amongst Syrian refugees in Jordan, with a focus on early marriage*, 2013 ; See also the emphasis on transformative reparations in UN Secretary-General, *Guidance Note on Reparations for Conflict-Related Sexual Violence*, June 2014.

¹⁵² UNESCO Bangkok, Beyond 2015 – Education for the Future, 2012, www.unescobkk.org.

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