

Committee on the Elimination of Discrimination against Women

Concept Note on the Draft General Recommendation on Girls'/Women's Right to Education

1. Introduction

Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women calls upon States Parties to “eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.” The purpose of this General Recommendation is to interpret the definition, scope and expectations regarding the right to education, as outlined in Article 10.

This concept note has been prepared in anticipation of the Committee's global consultation on the proposed General Recommendation scheduled for July 2014, during its 58th session to be held in Geneva, Switzerland. The purpose of the note is to commence the discussion by providing preliminary information to interested parties and will offer an overview of both the legal context and the thematic areas, which will inform the Committee's elaboration of the proposed General Recommendation.

2. Basis for a General Recommendation on Girls'/Women's Right to Education

2.1 Five Main Principles on the Right to Education in Article 10 of CEDAW

Article 10, in providing the right to education for women and girls, is based on five core principles:

- a). Elimination of all forms of discrimination to ensure that women and girls receive equal opportunity with men and boys to the same quality and type of education and have the same potential to benefit from such education;
- b). Education is not limited to primary and secondary education. An expansive framework is adopted to include all levels of education from pre-school through to the tertiary level in academic and technical-vocational fields as well as sports and physical education and continuing education;
- c). Education must be available, accessible, acceptable, and adaptable to women and girls in urban as well as in rural areas and to all disadvantaged groups;
- d). Primary measures, including the elimination of stereotypical concepts of the roles of men and women in society, must be supported with a number of related, complementary measures that are designed to enhance the right of women and girls to education and to make free choices in fields of study and careers to be pursued;
- e). Promoting the right of women and girls to education facilitates enjoyment of rights in their personal and family life as well as in their political and public life.[1][1]

3. The Normative Framework

3.1 Four Basic Objectives of Education in the Universal Declaration of Human Rights

[1][1] The Committee on Economic, Social and Cultural Rights reaffirmed the international commitment to this principle in its General Comment No. 11, underscoring the importance of a quality education in promoting the realization of women and girls' other rights (1999).

From inception, the United Nations recognized the right to education in Article 26 of the Universal Declaration on Human Rights, emphasizing that education, at least in the primary and secondary stages, must be free, compulsory, equal, available and accessible for all.

The Article outlines four basic objectives of education, namely:

- a) "Developing the human personality";
- b) "Strengthening of respect for human rights and fundamental freedoms";
- c) Promoting "understanding, tolerance and friendship among all nations, racial or religious groups";
- d) "Maintaining the peace".

3.2 The Right to Education in International Legal Instruments

This explicit right to education is also recognized in many international legal instruments, including but not limited to the International Covenant on Economic, Social and Cultural Rights (Article 13), the International Convention on the Elimination of All forms of Racial Discrimination (Article 5), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 30), the International Charter of Physical Education and Sport (Article 1), the Convention on Technical and Vocational Education, the Convention on the Rights of Persons with Disabilities (Article 24), the Convention on the Rights of the Child (Article 28), the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities (Article 4) and the 1960 Convention against Discrimination in Education.

3.3 The Right to Education in Regional Legal Instruments

The right to education is also acknowledged in regional legal instruments. The Arab Charter on Human Rights (Article 41), the Charter of the Organization of American States (Article 49), the American Declaration of the Rights and Duties of Man (article 12), the African Charter on Human and Peoples' Rights (Article 17), the African Charter on the Rights and Welfare of the Child (Article 11), the Regional Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and other Academic Qualifications in Higher Education in the African States, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 12), the first Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 2) and the European Convention on the Legal Status of Migrant Workers (Article 14) all guarantee the right to education.

3.4 The Right to Education in Non-Binding Frameworks

3.4.1 The 1990 World Declaration on Education for All

The World Declaration on Education for All was adopted at the World Conference on Education for All in Jomtien, Thailand (1990), united delegates from 155 countries and various representatives from governmental and non-governmental organizations to affirm the notion of education as a fundamental human right. Since then, the Beijing Platform for Action (1995), the Hamburg Declaration on Adult Learning (1997) and the Dakar Framework for Action (2000) have recurrently called upon states to take strategic action in confronting "inequalities and inadequacies in women and girls' unequal access to education and training." The proposed general recommendation will address ongoing lapses in the provision of available, accessible, acceptable, and adaptable educational opportunities for women and girls worldwide.

3.4.2 The Beijing Platform of Action

The Beijing Platform for Action clearly asserts that education is a human right and an essential tool for achieving the goals of equality, development and peace and is necessary if women are to be agents of change. It further asserts that literacy is an important key to improving health, nutrition and education in the family and to empowering women to participate in decision-making. Actions required by Governments are: ensuring equal access to education; eradicating illiteracy among women; improving women's access to vocational training, science and technology and continuing education; developing non-discriminatory education and training; allocating sufficient resources for and monitor implementation of educational reforms; and, promote life-long education and training for women and girls.

3.4.3 The 1994 International Conference on Population and Development

At the 1994 International Conference on Population and Development (ICPD) in Cairo, 179 governments agreed that empowering women by meeting women and girls' needs for education, including education on sexual and reproductive health and rights, is pivotal in advancing the status and development of women. The ICPD Programme of Action, Principle 10 expressed that: "Everyone has the right to education, which shall be directed to the full development of human resources, and human dignity and potential, with particular attention to women and the girl child. Education should be designed to strengthen respect for human rights and fundamental freedoms, including those relating to population and development."

3.4.4 The Right to Education in the Millennium Development Goals

Recent decades, however, have seen impressive strides in mitigating gender disparity in education. Millennium Development Goal 2, which targets to ensure that by 2015, boys and girls around the globe will be able to complete primary school, reached 90% success as of 2010. Enhancing primary school outcomes directly correlates to an increase in demand for secondary education. Although the gap between male and female literacy rates has reduced significantly, with data for 2010 showing 95 literate girls for every 100 literate boys in, women in certain regions and disadvantaged women, in particular, continue to face major obstacles in realizing their right to education. Getting women and girls in school and learning is central to advancing Millennium Development Goal 3, the elimination of gender disparity in primary and secondary education, preferably by 2005, and in all levels of education by 2015.

3.4.5 The Right to Education in the Post-2015 Agenda

Education is at the basis of development and offers the possibility for people everywhere not only to acquire knowledge and skills, but also to create new opportunities in order to improve their lives. Whether in pursuit of creating new technologies, improved agriculture, preventing HIV/AIDs, the establishment of small businesses, improved governance, the protection of the environment, the expression of local culture or rehabilitation after conflict – education and learning are an essential condition of progress. Education enables individuals and communities to take greater control of the circumstances of their lives and to shape, rather than merely endure, the change that affects them. Given the fundamental role that education plays in achieving much broader development goals, there must be both an education-specific development agenda beyond 2015 and explicit education goals in all development agendas. In short, education should be given prominence in the development of the post 2015 agenda.[2][2]

3.5 The Right to Education in the Various General Recommendations of the CEDAW Committee

[2][2] See (Beyond 2015 – Education for the Future. Key Considerations for the Development of the Post 2015 Agenda. UNESCO, Bangkok 2012).

This General Recommendation builds upon previous General Recommendations issued by the Committee which emphasize the role of education: in eliminating “prejudices and current practices that hinder the full operation of the principle of the social equality of women” (GR No. 3, 1987); changing “attitudes concerning the roles and status of men and women” (GR No. 19, 1992); including “sexual and reproductive health education” (GR No. 24, 1999); enhancing access of disabled women (GR No. 18, 1991), women who “bear and raise children” (GR No. 21, 1994) and older women (GR No. 27, 2010); advancing “women’s integration into education” (GR No. 5, 1988); designing educational programs on the essence of the Convention itself (GR No. 28, 2010) including, as stated in the Convention, temporary measures in the field of education (GR No. 25, 2004); and developing programs to reintegrate to school girls from conflict-affected areas, promptly repair of school infrastructure and prevention of attacks and threats against girls and their teachers (GR No. 30, 2013).

Given this framework and articulating upon principles outlined in previously adopted General Recommendations, a General Recommendation on the right to education will clarify the application of The Convention on the Elimination of All Forms of Discrimination against Women (henceforth referred to as CEDAW) to situations in which the right to education is not being fully realized.

3.6 The Status of the State Responses to Article 10 of the Convention

The Convention on the Elimination of All Forms of Discrimination against Women is the critical legislative guide on women's human rights and serves as binding international law for the 187 States that have ratified it, to date. Despite the high number of States parties to the treaty, more than 35 million girls in developing countries do not attend school, with two-thirds of these young women representing ethnic minorities. Many are excluded because of inadequate capacity of the system, economic disadvantage, location, pregnancy, child marriage, disability, voluntary migration or their status as refugees brought on by situations of conflict, and so on. In schools, they may become subject to violence or harassment. Any response to these challenges must engage all stakeholders in the educational process - both state and non-state actors, including personnel in educational institutions, whether public or private, parents and community members.

3.7 Issues Raised in Concluding Observations of the CEDAW Committee on the Right to Education

The proposed General Recommendation is designed to take into consideration key concerns expressed by the CEDAW Committee in response to States parties’ reports especially regarding the exclusion of disadvantaged groups to education, including: lack of an adequate infrastructure to meet the needs of the relevant age cohorts particularly in rural and remote areas; barriers to women’s and girls’ access to education; high rates of female student dropouts; low levels of girls’ and women’s attendance in rural areas; non-attendance by girls who are pregnant or have children; inadequate participation of parents, teachers, and counselors in promoting girls education; gender stereotypes in school curricula, textbooks and teaching materials; persistence of sex-segregation of the curriculum particularly in vocational areas; lack of trained teachers; violence against women and girls in schools; lack of a focus on age appropriate education on sexual and reproductive health and rights at all levels of education; low enrollment of girls in secondary and tertiary education; high illiteracy rates among women; barriers that prevent women from adult education and literacy classes; restrictions on women entering different academic and vocational fields; migrant girls and girls with disabilities; and, a lack of integration of human rights education and the promotion of gender equality in curricula used at all levels of education. The proposed Recommendation will serve to demonstrate the intrinsic correlation between advancing the right to education and facilitating the other rights within the CEDAW.

4. Links between Article 10 on the Right to Education and other Articles and General Recommendations of the CEDAW

4.1 Article 2 & GR 28: This article calls on States parties to condemn discrimination in all its forms and to pursue, by all appropriate means, a policy of eliminating such discrimination by, *inter alia*, taking measures to eliminate discrimination by any person, organization or enterprise. Historically, the formal education system, through its processes and practices, has been a major instrument of the State through which patriarchal attitudes and social and cultural patterns with respect to the roles of women and men in society have been reproduced. Eliminating such processes and practices therefore become critical to the dismantling of patriarchal attitudes and norms through which discrimination against women is perpetuated.

4.2 Article 4 & GR 25: To reach gender equality, it is appropriate for States parties to adopt temporary or special measures to advance the status of women. In General Recommendation No. 25 (2004), the Committee explained that "temporary special measures may also be based on decrees, policy directives and/or administrative guidelines formulated and adopted by national, regional or local executive branches of government to cover the public employment and education sectors."

4.3 Article 5 & GR 19: The persistence of gender stereotypes of varying degrees throughout all States parties underscores the necessity to eliminate sex and gender based stereotypes from all educational processes, practices and teaching materials. Education has been demonstrated to be a palpable tool in combating traditional notions of gender that perpetuate patriarchal and paternalistic social and economic frameworks. In addition, literacy promotes changes in attitudes and norms against intimate partner violence."

4.4 Article 6: Where the right of women and girls to education is fully implemented and advanced, then women are empowered and equipped to claim rights through that education including access to labor markets and increased economic opportunities. Educated women are less likely to enter illegal sectors of the market economy and engage in risky life-styles such as exploitation of prostitution, if formal avenues are available to them as the result of an education.

4.5 Article 7 & GR 23: It is clear that education carries a broad range of effects on public and political participation, particularly at decision-making levels. Direct effects include the acquisition of knowledge and critical thinking and analytical skills that facilitate engagement in meaningful public debates. Indirect effects may be seen in participation in school clubs, student government, sports teams and other extra-curricular activities, which provide women and girls the opportunity to develop leadership qualities and develop a sense of civic responsibility.

4.6 Article 8: In order for women to fill international positions they should be well-educated, as these positions involve representing governments on official delegations, bilateral and multilateral diplomacy, and participation in expert meetings where global goals and priorities are established. Currently, few women occupy these highly sought after positions where they are needed to bring their perspectives to international platforms, and translate these experiences into improving women's situations at the national and local levels. Without comprehensive education women are unlikely to attain the qualifications required for international appointments, notwithstanding that governments are enjoined to utilize special temporary measures to ensure their equal representation with men.

4.7 Article 9: The protection of nationality is enshrined in Article 9 of CEDAW. Where women face discrimination in transmission of their nationality to their children, such children could be denied the right to education in the mother's place of birth. Efforts must be made by State parties to ensure that, if they exist, such barriers should be eliminated.

4.8 Article 11: Access to education at the primary, secondary and tertiary levels not only improves the human capital of the State party, but also increases women's rights, through education, to employment thereby increasing their representation in the formal labor market and reduces their engagement in the unregulated informal sector. With "women now representing 40 percent of the global labor force and more than half the world's university students, overall productivity will increase if their skills and talents are used more fully" and those skills and talents can best be cultivated through an accessible high-quality education (IMF 2012).

4.9 Article 12 & GR 24: The interrelated link between health and education has been widely established around the world. Education is absolutely central in promoting an actively healthy citizenry capable of safeguarding their own health and recognizing warning signs or symptoms that may indicate otherwise. The female literacy rate and the enrollment ratio of women and girls in schools has been demonstrated to be a moderately powerful predictor of maternal mortality and education allows women the knowledge to recognize the need for and the ability to identify adequate health services (J Obstet Gynaecol 2006). Article 10 also calls for specific information to be provided to help ensure the wellbeing of women and their families, including information on sexual and reproductive health and rights and advice on family planning.

4.10 Article 13: Enhancing the right of women and girls to education also equips them in understanding their economic and social rights, including rights to financial family benefits and the same right as men to participate in business and economic life by obtaining loans and applying for other forms of financial benefits. Education should also equip women to have equal opportunity to participate in recreational and cultural activities.

4.11 Article 14: To meet the needs of women in rural and remote areas, a key indicator may be the number of schools built and staffed to adequate standards. As the right to education applies to all women and girls, regardless of the barriers to be overcome in facilitating such a right, educational opportunities must be accessible to women and girls in the rural and most remote communities of a State party.

4.12 Article 15: Enhancing women and girls' right to education is a cornerstone in facilitating women's equal access to justice. Literacy and quality education allow women to better understand and exercise their rights, to access legal remedies, and to actively participate in civic and legal processes. This may be complemented through improved legal literacy.

4.13 Article 16 & GR 29: Advancing both women and girls' access to education and the ways in which society addresses women in education reconstructs traditional notions of gender roles and positions within the home and contributes to a better understanding of the implications of early marriage. Facilitating women and girls' right to education should increase women's capacity to exercise control over household resources or advocate for laws that enhance their ability to inherit and accumulate assets, particularly by reforming the property rights system.

5. A Human Rights Approach: Rights to Education, Rights Within Education, and Rights Through Education

5.1 CEDAW Article 10: The Right of Women and Girls to Education

The proposed General Recommendation will recalibrate the concept of the right to education to consider a broader notion that also includes the rights **within** education and the rights **through** education, with an emphasis on personal and leadership skills and the development of competencies to effectively participate in public life. The role of the Committee in holding States parties accountable for their obligations under Article 10 includes identifying State duties that are applied uniformly to all States parties. Clear

standards to which all States parties are held are vital in advancing the right to education as a universally held right.

5.2 Rights To Education

5.2.1 Equality in Access

Article 10 calls upon States parties to take the appropriate measures to enhance access to education for women and girls. This especially refers to “access to studies,” “access to specific educational information,” “to ensure the health and well-being of families,” “access to programs of continuing education, including adult and functional literacy programs,” “reduction of female drop-out rates,” the “organization of programs for girls and women who have left school prematurely” and ensuring “the same opportunities to benefit from scholarships and other study grants.”

5.2.2 State Commitment to Allocating Proper Funds for Education

The relationship between levels of national wealth and investment in education can reflect the degree to which national governments are dedicated to their state education systems – and the quality of the educational system. States parties' efforts may be indicated by the proportion of their national budgets that they devote to learning at all levels. This ratio, considered in tandem with the amount of total public spending, determines the level of spending on education. A key indicator of equality of access is the extent to which the net enrolment rates for both sexes are comparable and also indicate the extent to which there is adequate capacity at various levels of the system for the relevant age cohort in the population.

5.2.3 Legislation Governing Access to Education

Accessible education lays at the foundation of the right to education. As such, States parties should take measures that enable such access, by introducing legislation on the right to education, which should be free and compulsory from pre-school up to the secondary system. Article 14 of the International Covenant on Economic, Social and Cultural Rights binds each State party which has been unsuccessful at securing free compulsory education within its territory to, “work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”

5.2.4 Reducing School Fees and indirect costs to Make it Affordable

The right to education implies that primary and secondary education is available, free and actionable. Cost-sharing measures for education have proved to have a devastating effect on primary school enrollment rates accompanied by high drop-out rates of girls due to the parents or guardians inability to pay school expenses compounded by their need for labor within the home and under these conditions preferences often shown to the education of boys. Conversely, according to the World Bank Gender and Development Report 2012, decreases in fees associated with school mitigated the need for “families to differentiate educational investments across children”. In some countries, free primary education programs, for instance, have increased student enrollments in the first year. Other programs for poverty reduction and alleviation, such as those centered on microcredit or skills development programs should mandate integrating gender empowerment into the programs, which provide education services. “When customized solutions are hard to implement or too costly, demand-side interventions, such as cash transfers conditioned on school attendance, can help get girls from poor families to school.” Such conditional cash transfers have succeeded in increasing girls’ enrollment rates in culturally diverse countries (World Bank, 2011).

5.2.5 Addressing Female Dropouts

The full facilitation of the right to education is particularly important for those women and girls who may have had to drop out of school due to pregnancy, forced labor, or child marriage. According to UNESCO, 40 percent of dropouts in South and West Asia have previously been to school. Increasing gender equality and the ability to gain employment are critically important in assessing the female drop-outs' realization of her right to education. The African Charter on the Rights and Welfare of the Child requires States parties to "take measures to encourage regular attendance at schools and the reduction of drop-out rates and to take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community" To further protect the rights of female drop-outs, "States Parties to the present Charter shall have all appropriate measures to ensure that children who become pregnant before completing their education shall have an opportunity to continue with their education on the basis of their individual ability" (Article 11).

5.2.6 Facilitating Transportation to Academic Institutions

Providing safe transportation for girls in rural and remote areas is a necessary condition to guarantee access of such girls. According to a World Bank Report, reducing distances travelled and improving transportation services and infrastructure along with expanding rural road networks have increased female school attendance in some countries.

5.2.7 Right of access to education and cultural, religious rights

Guaranteeing equal rights within education also means that women and girls of national, religious or ethnic minorities are not penalized for absences related to cultural or religious holidays; the system should be able to accommodate these requests in such a way that maintains the integrity of both school and student. Similarly, the style and format of teaching must take into account the different cultural and social structures that may exist throughout the State party. Often, a uniform application of a school system is an ineffective strategy in guaranteeing women and girls access to an acceptable education, as it may be irrelevant for their particular experience. Education should be pluralistic and culturally appropriate, with an emphasis on the language of instruction.

5.2.8 Offering Instruction in the Native Language

Although right to education does not imply the right of a parent to require the State to instruct their child in a language of their choice, the European Court of Human Rights held that the right to education afforded by Article 2 of Protocol No. 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms must encompass the right to be educated in a national language. The Court stated that "by binding themselves, in the first sentence of Article 2 of Protocol No. 1, not to deny the right to education", contracting States guarantee anyone within their jurisdiction a right of access to educational institutions existing at a given time.[3][3]

5.2.9 Designing Alternative Learning Programs

Alternative learning programs must also be included in States parties' efforts as a viable option within the right to education framework. Alternative learning programs include both programs which provide an alternative means in accessing education and learning programs which provide an alternative curriculum which may be more meaningful given a certain status or condition being faced, offer an opportunity to reach those women and girls who are not enrolled in the formal education system. Although alternative programs are, by definition, outside of the mainstream educational system, alternative options require the support of

[3][3] Catan & Ors v. Moldova and Russia (2012).

legitimate education policies and legislation, such as employment legislation, that recognize and support the gap being filled by such programs. According to UNESCO, typically 70 percent of curricula in alternative learning programs parallel that of their formal counterparts. Successfully implemented alternative learning programs should allow for pupils, on completion, to take a national examination on an equivalent basis with those in the national system.

5.3 Facilitating Access to Education for Disadvantaged groups of Women and Girls

The rights within education are particularly important when considering the quality of education received by disadvantaged groups. Although education may be accessible, the standards may not be equitable with that of men. Disadvantaged groups of women and girls, particular those living in rural areas, migrants, women with disabilities, ethnic minorities, refugees, women living with HIV/AIDS, adolescent mothers, and drop- outs are often disadvantaged in accessing equitable educational resources, despite the protections provided them in CEDAW and other binding international legal instruments.

5.3.1 Rural Women

Rural women face a particular challenge in accessing education or having public services reach their often remote location. Although improved market signals and state programs have had more success in closing the gender gap in urban areas, the positive externalities of an improved economy which aid educated women and girls are challenged to reach this disadvantaged group.

5.3.2 Migrant Women

When guided by principles of non-discrimination and equality, curricula developed by the State party have the power to transform discriminatory societal attitudes and cultural values that may be long entrenched in a national fabric. The Special Rapporteur on contemporary forms of racism explains that "despite some positive initiatives, studies and findings by international and national bodies show that persons of African descent, Roma, Dalits, indigenous peoples, migrants, to name a few, still have limited access to quality and higher education" and underscores "the importance of education in combating racism, xenophobia, and intolerance."

5.3.3 Women with disabilities

Persons with disabilities often face significant challenges in accessing quality education. The European Committee on Social Rights indicated an attitudinal shift amongst the public regarding perceptions of persons with disabilities.[4][4] The move from identifying persons with disabilities as limited in their ability to exercise the right to education, towards acknowledging citizens with disabilities as equal citizens with an equal claim to the right to education, represents an important expansion that can be made in the proposed general recommendation.

5.3.4 Women belonging to Ethnic Minorities

Ethnic minorities particularly, despite their citizenship, represent a chronically underserved group in accessing education. Numerous international and regional conventions attempt to mitigate challenges to educational rights faced by ethnic minorities, refugees and migrant workers including the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities. The Framework Convention for the Protection of National Minorities calls upon States to "take measures in the field of education, in order to

[4][4] Autism-Europe v. France (2002).

encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory."

5.3.5 Women Refugees

A key component in the education strategy targeting women and girls refugees is addressing the quality lapse in education available to refugees. Recognized at the World Conference on Education for All as an 'underserved' group, the right to education for refugees is affirmed in the Convention relating to the Status of Refugees (1951). However, the United Nations Refugee Agency (UNHCR) underscores the vital role education plays in cultivating leaders during displacement and for the future rebuilding of communities following the conflict. The UNHCR 2012-2016 education strategy "aims to develop refugees' skills and knowledge to enable them to live healthy and productive lives, and to promote self-reliance and sustainable peaceful coexistence."

5.3.6 Women in Conflict Situations

In states that have been devastated by conflict or natural disaster, there may be broad systemic collapse, with education serving as just one service among many in which the government is challenged to provide. In its General Recommendation No. 30 (2013) the Committee reiterated that in conflict-affected areas girls' access to education is jeopardized due to among others insecurity, the occupation of schools by State and non-State actors as well as targeted attacks and threats against girls and their teachers by non-State actors. According to the Global Partnership for Education, in 2011, 28.5 million children living in countries affected by conflict were out of school. This represents roughly 50% of all of the out-of-school children worldwide. In 2008, 2.2% of humanitarian aid to counties affected by conflict was allocated for education; at present, that number is just 1.4%. Limited funding and the desperate need for resources further compound the challenge, as the educational focus has tended to first address primary school education. States parties must take care to reach secondary age children and recalibrate the imbalance in resource allocation, all the while maintaining a coordinated systemic approach to facilitating access to education.

5.3.7 Women in Economic Crisis

Globally, economic crises have a direct effect on education. Country case studies indicate negative correlation between global economic crises and the impact on education achievements. When vulnerability is further compounded by economic crises, there is an increased risk of preventing and delaying school entry or leaving school prematurely. Evidence indicates that families in low income countries with low access to credit markets are more likely to stunt children's full time school attendance and send them to work instead when hit by economic crises. The provision of free primary education, at the most basic, is paramount in facilitating girls' access to education, particularly amid situations of economic crisis.

5.3.8 Women Living with HIV/AIDS

Studies in many countries have linked higher education levels with increased AIDS awareness and knowledge, higher rates of condom use, and greater communication on HIV prevention among partners. In countries which exhibit high HIV/AIDS rates, the primary school level may be the crucial access point for HIV/AIDS prevention education, as most children will attend school at this level. Evidence shows that secondary education can significantly reduce girls' vulnerability to HIV, since those years of schooling boost the skills and opportunities they need to achieve greater economic independence and may allow for improving children's knowledge about HIV/AIDS before they become sexually active or become involved in high-risk behavior.

5.3.9 Women in the care economy

As women often disproportionately bear the responsibilities of family care, including child-raising and caring for elderly relatives, programs which facilitate female involvement in the labor market alongside child care by rewarding educational enrollment have proven to be successful. The United Nations Population Fund (UNFPA) State of the World Population 2012 Report explains how the right to education permits the enjoyment of other rights, such as the right to health and the right to family planning and includes the right to sexual education within the broader right to education.

5.4 Rights Within Education

Women and girls' rights within education applies to the school setting itself, including ensuring government provision of funds and necessary infrastructure for students and teachers, with girls and boys having equal access to the same quality systems, teachers, and amenities.

5.4.1 Creating the Proper Infrastructure for the Education of Women and Girls

States parties should be encouraged to engage all interested stakeholders in actively engaging in the facilitation of women and girls' right to the same quality education as that offered to boys and men, in terms of the quality of facilities provided for academic and vocational subjects pursued by girls without at the same time reinforcing sex segregation of the curriculum. Article 10 also calls on States parties to ensure that women and girls have "the same opportunities to participate actively in sports and physical education. As do men and boys". A further critical aspect of infrastructure in relation to girls' rights within education is the provision of adequate and safe sanitary facilities to meet the special needs of adolescent girls. The identification by governments of potential civil society and private sector partners can help expedite the building of schools and the opportunity to expand the reach of resources using innovative techniques and new technologies. At a minimum, schools must be safe, have sanitation facilities and access to safe drinking water.

5.4.2 Protecting the Safety of the Educational Environment

In school, women and girls may be confronted with challenges which include biased treatment by teachers as well as sexual harassment and abuse, perpetrated by male students and teachers. Globally, primary completion rates for girls rose over the last decade from 78 to 87 percent. However, the extent to which women and girls are excluded from education at the secondary level, while varying region to region, often reflects emotional and physical dangers faced in the form of sexual harassment and assault at school. Similarly, the daily journey to school may be unsafe for girls in some communities. According to the UNESCO World Atlas of Gender Equality in Education 2012, in almost one-third of States, girls who are of lower secondary age and are not enrolled in school is at least 15 percent. Although determinant data on students' exposure to sexual violence in schools is limited, reflecting a hesitation to report on acts of sexual violence, sexual assault and other forms of gender-based violence in schools significantly contribute to low enrollment and drop-out rates among women and girls. Minimum standards in conformity with the standards of human dignity must be designed to include an emphasis on the safety of the school itself and should be enforced and regularly evaluated to monitor whether women and girls' rights within education are being protected.

5.4.3 Eliminating Gender Bias in School Curricula and Teaching Materials

When fully realized, the rights within education must also ensure that traditional which patriarchal attitudes and social and cultural patterns with respect to the roles of women and men in society are challenged and curricula are balanced and promote accurate, healthy, and positive projections of female voices. Gender bias in textbooks continues to perpetuate

stereotypical attitudes about the roles of men and women in the home, the family and the workplace, ultimately constraining the ability for girls to achieve their full potential and negatively affecting the broader society to benefit from the female voice in all aspects of public and private life. Gender-biased material used in teacher training greatly contributes to the reinforcement of gender-stereotyped attitudes by indoctrinating instructors from the onset. This effect is extended by the use of textbooks which contain negative or stereotypical images of women; students spend as much as 80 to 95 percent of classroom time utilizing a textbook. Similarly, teachers often design their curriculum based on their allotted material, which may be just the single textbook.

5.4.4 Develop Curricula that Reduce Stereotypes that foster VAW

Some regional mechanisms, such as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1995) indicate that States parties are expected to progressively undertake measures, “to modify social and cultural patterns of conduct of men and women, including the development of formal and informal educational programs appropriate to every level of the educational process, to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women. States parties can improve upon women and girls' rights within education through the modification of social and cultural patterns of conduct which not only foster violence against women in the wider community but also in the school setting. Considering a gender perspective into all phases of curriculum development including the analysis, development, implementation, monitoring, and evaluation of policies, programs, and curriculum is a cornerstone of the UNESCO Gender Mainstreaming Implementation Framework.

5.4.5 Providing Incentives to Teachers

The quality of teachers is paramount in protecting women and girls' rights within education. It should be recognized that the proper status of teachers and due public regard for the profession of teaching, are of major importance for the full realization of this objective. Data shows that the presence of female teachers, in particular, who can act as role models and leaders for their female pupils represent an instrumental factor contributing to girls' success in schools. Schools with quality female teachers may make women and girls feel safer while encouraging them to continue their education. Teachers and other relevant staff should be required to participate in training programs on gender awareness, gender analysis and gender planning. To ensure the participation of teachers who are highly qualified and have the interest in entering the teaching profession, the proper financial and moral incentives must be provided by the State.

5.4.6 Providing Women and Girls With Financial Education

Within the school program, women and girls should have access to financial literacy courses. Counting, saving and money management education are critical in promoting women and girls who are able to confidently manage their own finances and exercise agency in determining their spending.

5.5 Rights Through Education

5.5.1 A Public Good that Must be Adequately and Effectively Delivered

The right to education implies not only access to education of high quality that is devoid of gender stereotypes, but also measurable, successful learning outcomes reflecting the benefits of such an educational experience. Reframing education within an economic, public good-context correctly indicates that education will yield positive externalities for the broader

society. A key component in the UNESCO Principles on Education for Development Beyond 2015 stresses conceiving of education as a public good, a commodity or service which the government is responsible in allocating that does not effectively exclude anyone from use, nor does the use by one reduce availability to others. In a 100-country study, it was demonstrated that a 1 percent increase in the number of women with secondary education raises the annual per capita income growth by at least 0.3 percent (Dollar and Gatti, 1999). Strengthening education systems to improve human capital is a prerequisite for a productive and competitive labor force.

5.5.2 Equal Education to Ensure Equal Employment Opportunities

To fully satisfy women and girls' right to education, education received must prepare them to competitively enter the job market. Realization of the fact that the social currency of women and girls' certification should allow them to claim rights through their education is pivotal in advancing women and girls' equitable employment opportunities and decreasing the disproportionate unemployment of women in formal labor markets and their over representation in low paid, low status occupational categories as well as in vulnerable areas of work which do not meet decent work conditions. A consideration of the enrollment of females in traditional gender vocations may be indicative of States parties' approaches to rights through education. Among the 84 countries from which data was available, 77 demonstrate women as more likely than men to graduate in the education field. In contrast, males constitute a majority of employees in the engineering, manufacturing and construction sectors. Even in countries where female graduates have reached parity with men, women account for less than one-fifth of graduates entering the aforementioned fields. This sex segregation of the curriculum has serious implications for women's capacity to enjoy similar benefits as men through their participation in the education enterprise.

5.5.3 State Measures to Ensure that Educational Curricula Responds to the Market

While core subject matter should be reflected in curricula across the globe, educational materials should be regional or country specific to better fulfill students' rights through education. This implies that the educational modules should, as stated in the UNECA Annual Report 2013, "prioritize vocational and technical training that reflects the employment needs of the country... Investment in education should focus on enhancing access, quality, and the relevance of the educational curricula to the labour force." This is particularly important in developing countries, many of which are constantly forced to adapt to changing global market trends and structural transformations occurring in- country. States parties should encourage women and girls – through gender- mainstreamed curricula or an incentive structure – to pursue educational objectives, which will meet the changing needs of the market.

5.5.4 Learning Outcomes and the Eradication of Illiteracy

The rural-to-urban landscape, shifting demographics, and the socioeconomic situation of the population vary from State party to State party, as well as region to region within the States parties themselves, and these critical factors must be considered when designing modules that most robustly facilitate the rights through education. A key indicator of educational success is literacy ratings. Despite global gains in combating illiteracy, there are still an estimated 793 million adults lacking basic literacy skills and two-thirds of them (508 million) are women (UNESCO World Atlas of Gender Equality in Education 2012). In a report by the United Nations Economic and Social Commission for Asia and the Pacific (2004) innovative approaches to the eradication of female literacy are encouraged, as well as "more flexible and diversified forms of education, such as half-day primary schools, part-time primary schools and girls' primary schools, in poverty-stricken areas."

5.5.5 Women's Participation in Public Life

Women and girls' rights through education, via formal in-school class work, skills training, and vocational opportunities also serve as the prerequisite for increased participation, both in terms of numbers and degree, of women's participation in business, academia, and public office. Motivational and counseling programs which, encourage women to improve public speaking, project management, and public finance skills, should be implemented in schools. In addition, the private sector should be encouraged or incentivized when necessary, to take advantage of the progress in women and girls' education and training to promote women to leadership positions. States parties should be encouraged to implement programs emphasizing civic education, targeting women in secondary and tertiary systems with the objective of encouraging their involvement in the political process and leadership training.

6. An Overview of States parties Obligation to Comply with the Mandate of Article 10 on the Right to Education

6.1 State party Obligations

6.1.1 The Right to Education – States parties are under the duty to:

- a) fulfill its international obligations regarding the provision and facilitation of the right to education, recognizing the supremacy of international and regional legal instruments over domestic law as a means of guaranteeing the broadest protection possible;
- b) provide all necessary financial resources for its realization of the right to education, taking into consideration their economic status and to provide Ministries of Education with all necessary resources to function properly, freely and adequately and to collaborate with any task forces, commissions or foundations which are established to improve the condition of women and girls in the field of education;
- c) embody the right to education in the Constitution of the country;
- d) enhance access to justice for women and girls by recognizing the right to education as a legally enforceable right of which, upon violation, women have the right to remedy and seek compensation;
- e) provide primary and secondary education regardless of the status of women and girls and whether they are citizens of the State or are migrants or refugees;
- f) encourage private education and adopt the appropriate regulations to ensure that private academic institutions are following the same guidelines regarding nondiscrimination of females and girls as in public schools;
- g) remove obstacles that may hinder the right of women and children to education including passing the appropriate laws prohibiting child labor, preventing trafficking of women and girls and eliminating harmful practices, including child marriage;
- h) ensure that members of the disadvantaged and the marginalized groups, have access to education and adopt temporary special measures when appropriate to support their right to education;
- i) work with civil society, especially NGOs and other elements of civil society who are working toward the enhancement and development of the right of women and girls to education;
- j) respect the liberty of parents to have agency in identifying the correct educational model for their child, so long as it conforms to minimum standards.

6.1.2 Rights Within Education – States parties are under the duty to:

- a) ensure that gender stereotypes are eliminated from curricula, textbooks and teaching materials used at all levels of education systems and that sex and gender based discriminatory structures, processes and practices that create barriers to girls full participation be removed;
- b) address the sex segregation of the school curriculum by instituting temporary special measures such as the award of scholarships, fellowships and grants, as appropriate, to enhance women and girls' participation in academic and vocational fields of study where they are under-represented;
- c) ensure that educational institutions are safe, free of violence, sexual abuse and harassment, and other forms of exploitation;
- d) ensure that the infrastructure of schools includes provision of adequate and safe sanitary facilities particularly to meet the needs of adolescent girls as well as access to safe drinking water;
- e) ensure that human rights, including international human rights standards, are included in all educational curricula to promote tolerance, observance of human rights, non-discrimination and acceptance of others and peace. In this regard, States parties should utilize, to the fullest extent possible, the breadth of resources available in the form of partnerships and cooperative engagements, including regional human rights education networks.

6.1.3 Rights Through Education – States parties have the duty to:

- a) provide quality education that meet professional standards which will enable women and to compete for employment in the job market on an equal basis with men. Women's aspirations must be pushed beyond traditional occupations, which are consistent with paternalistic frameworks and to which labour markets attach little monetary worth. Women must be made aware of alternative forms of training and must be exposed to fields beyond typically feminized fields.

7. Monitoring Role of the Committee

7.1 The Importance of Developing Indicators to Assess States parties Efforts

The Committee recognizes that different States parties have different access to resources – financial, human, and otherwise – and may scale indicators as necessary. However, the use of indicators is critical in assessing the effectiveness of government policies and programs for advancing equitable education for women and girls, regardless of their socio-economic status, race, ethnicity or any disadvantaged position and will enable the Committee to promote accountability in fulfilling Article 10 obligations. Indicators also allow the Committee to assess future action required to ensure that women and girls rights to, within and through education are fully satisfied.

CEDAW Committee Discussion Event in Geneva - May 7

(<http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Womensrighttoeducation.aspx>)

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