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INCREASING ATTENTION AND ADDRESSING GENDER-BASED DISCRIMINATION, HARRASSMENT AND VIOLENCE AGAINST GIRLS IN EDUCATION AS A MEANS OF ACHIEVING THE MDGs/EFA GOALS

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I. INTRODUCTION

This report focuses on how violence and discrimination against girls in the context of education and schooling impede their ability to attain the educational goals set forth in various international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), and global initiatives such as the Millennium Development Goals (MDGs) and Education For All (EFA) goals.

A. Right to Education

In recent years, developing states have increasingly acknowledged that quality universal education is the key to economic progress and meeting the global poverty reduction goals under the United Nation MDGs, and the EFA movement launched in Jomtien, Thailand at the World Conference on Education in 1990.[1]

In April 2000, States reaffirmed their initial vision in Jomtien, by adopting the Dakar Framework for Action to achieve six Education For All (EFA) goals, which included committing to establishing universal education for children including gender parity and equal education for all children.[2] In September 2000, under the Millennium Declaration, States adopted two of the EFA goals as part of the eight MDGs, Goal 2: [To] Achieve Universal Primary Education by 2015, and Goal 3: [To] Promote Gender Equality and Empower Women.[3]

Notwithstanding the general consensus that the right to education is a fundamental human right, millions of children especially in the developing world continue to grow up without receiving or having access to basic education.[4] In 1996, UNICEF estimated that the number of children out-of-school in the 6-11 age group was 140 million[5] and in 2000, it was estimated that 113 million children in this age group were out of school each year, including at least 60 million

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[1] EFA vision is supported by the Universal Declaration of Human Rights, Article 26, "Everyone has the right to education"; CRC, Article 28, 29; International Covenant on Civil and Political Rights, Article 18, International Covenant on Economic Social Cultural Rights, General Comment No. 13; CEDAW Article 10.

[2] The Six Education For All Goals by 2015: 1. Expand early childhood care and education 2. Provide free and compulsory primary education for all 3. Promote learning and life skills for young people and adults 4. Increase adult literacy by 50 per cent 5. Achieve gender parity by 2005, gender equality by 2015 6. Improve the quality of education. Available at
http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20374062~menuPK:540090~pagePK:148956~piPK:216618~theSitePK:282386,00.html

[3] MDG, Goal 2: Achieve Universal Primary Education by 2015, Goal 3: Promote Gender Equality and Empower women, including Eliminate gender disparity in primary and secondary education preferably by 2005 and at all levels by 2015. These two goals constitute a timetable under the CRC for achieving "the right of the child to education ... progressively and on the basis of equal opportunity," available at
http://www.un.org/millenniumgoals/index.shtml.

[4] Dakar Framework For Action- EFA: Meeting our Collective Commitments, available at
http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml.

[5] Katrina Tomasevski, Right to education - Progress report of the Special Rapporteur, submitted in accordance with Commission on Human Rights resolution 1999/25, E/CN.4/2000/6 at p.7.

girls who have no access to primary schooling.[6] About 40 percent of these out of school children live in sub-Sahara Africa and about 35 percent live in South Asia.[7]

The major challenges low-income countries faced in their attempt to achieve gender parity by 2005, and currently face in efforts to achieve gender equality by 2015 under both the MDGs and EFA goals, include removing barriers to learning such as the education cost by making education **affordable** or free and compulsory; assuring **accessibility** by all, both physically and socially; making sure the education is of **good quality**, including infrastructure, and materials; and lastly that education curriculum is **relevan**t, to meet the local needs, values and yields positive returns.[8]

B. State of Girls' Education

States are also in agreement that achieving gender equality in education both in primary and secondary levels is critical if women and girls are to fully engage and help transform their societies.[9] Research and evidence by education and development experts as well as World Bank economists show that investing in girls and their education is a primary predicator of a number of development indicators targeted by the MDGs, including national fertility rates, infant mortality, increased family sustainability and income, democracy and economic development.[10] In fact, research indicates that educating women is a prerequisite to overcoming poverty, hunger and disease and can raise per capita income for wage earners, increase efficiency, and generates other benefits to societies at large.[11]

Although many countries missed the gender parity goal in education in 2005, many efforts have been made to close the gap on enrollment differentials between boys and girls in primary education.[12] World Bank research shows that thirty years ago, girls represented only 38 percent of primary school enrollment in poor developing countries, while boys represented 62

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[6] The Dakar Framework for Action, EFA: Meeting our Collective Commitments, adopted by World Conference, Dakar 2000; Barbara Herz and Gene Sperling, What Works for Girls' Education, Evidence and Policies from the Developing World, Executive Summary, 2004 at p.2.

[7] Barbara Herz and Gene Sperling, supra note 6, p. 2; Educating for All Global Monitoring Report 2003/4, Gender and Education for All - The leap to equality, UNESCO 2003, available at http://unesdoc.unesco.org/images/0013/001325/132513e.pdf

[8] United Nations Girls' Education Initiative (UNGEI) Mission Statement available at http://www.ungei.org/whatisungei/index_211.html; UNESCO Bangkok, Getting Girls Out of Work and Into School: Policy brief 2006, p. 6; See also Katrina's 4A's approach, which structures governments human rights obligation stemming from the right to education into making education available, accessible, acceptable and adaptable at E/CN.4/1999/49, paras. 51-74; E/CN.4/2000/6, paras. 32-65; E/CN.4/2002/52, paras. 64-65.

[9] UNGEI available at http://www.ungei.org/.

[10] Brent Wible, Achieving the Promise of Girls' Education: Strategies to Overcome Gender-Based violence in Beninese schools, 36 Columbia HR Law Review at 513 (2005); see Barbara Herz and Gene Sperling, supra note 6, at p.2.; Lawrence H. Summers, Investing in All the People, presented at World Bank, Annual Meeting 1992, p. 8-14; World Bank, Girls' Education available at http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20298916~menuPK:617572~pagePK:148956~piPK:216618~theSitePK:282386,00.html.

[11] Barbara Herz and Gene Sperling; supra note 6, p.5; UNESCO Bangkok Policy Brief, supra note 8, p. 6.

[12] Plan-International, Paying the Price: The Economic Cost of Failing to Educate Girls, 2008 p. 5; EFA Goal 5: Eliminating gender disparities in primary and secondary education by 2005..., available at http://portal.unesco.org/education/en/ev.php-URL_ID=42579&URL_DO=DO_TOPIC&URL_SECTION=201.html.

percent.[13] Because of the global cooperation and coordination toward achieving gender parity and equal education, today the gender gap has narrowed and girls represent about 48 percent of primary school enrollment, while boys represent 52 percent.[14] At the secondary level however, only 19 countries reached gender parity between 1999 and 2005, and of those only 37 percent had as many girls as boys at secondary schools.[15] Likewise, it is estimated that out of the students that do enroll in school, a larger number of girls leave prematurely or drop out than do boys.[16] In addition, girls still constitute over 55% of all the out of school children.[17]

The gender differentials in education enrollment are said to be the result of societal factors such as poverty. However, in some instances gender discrimination and stereotypes against the girls in favor of the boys have worked as a secondary barrier to girls achieving their right to education.[18] In developing countries, this has been the case where adverse cultural practices persist, including gender-based violence against women at large, gender discrimination and violence in and on the way to school. Additionally, in poor households in Asia, Middle East, Africa and the Pacific, parents are more likely to send their sons to school and keep the girls at home doing domestic chores, or marrying them off at an early age.[19] In this way, the opportunity cost on the families in poor countries tends to translate into a gender issue, and if the quality and relevance of the education is not satisfactory or of no substantial rewards, parents appear to be more likely to keep their girls at home in what's considered traditional roles.[20]

C. From Gender Parity to Equality – Girls' Right to Equal Education

Gender equality means equality at all levels of education and it goes beyond mere gender parity. While direct cost or barriers to education, such as school fees are gradually being addressed by governments and donor projects, a shift of focus to barriers in the internal school environment that girls find themselves in once they are enrolled and are at risk of not completing should also be examined and addressed.[21] For example, in many developing countries, a large proportion of the girls out of school lack the transportation, clothing and safe environment to attend school, which has resulted in millions of more girls dropping out each year.[22]

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[13] World Bank, Girls' Education Update 2010, available at
http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTEDUCATION/0,,contentMDK:20298916~menuPK:
617572~pagePK:148956~piPK:216618~theSitePK:282386,00.html
[14] UNESCO, EFA Global Monitoring Report; Education for All - The Quality Imperative, 2005 available at
http://www.unesco.org/new/en/education/themes/leading-the-internationalagenda/efareport/reports/2005-quality/;
See also Plan, supra note 12, citing Unicef (2007) Progress for Children 2007 available at
http://www.unicef.org/progressforchildren/2007n6/files/Progress_for_Children_-_No._6.pdf.
[15] Plan, supra note 12, citing UNICEF (2007) Progress for Children.
[16] Barbara Herz and Gene Sperling, citing studies by the World Bank shows that out of 150 million children currently enrolled but will drop out before completing primary school, at least a 100 million are girls 2002, at 2.
[17] World Bank, Girls' Education supra note 10; UNESCO, EFA Global Monitoring Report 2006, at 46-47, for example, South and West Asia, girls represent 58 percent of all children not in primary school.
[18] World Bank, supra note 10.
[19] UNESCO Bangkok, 2006 UNGEI-Asia, supra note 8, at 6.
[20] UNESCO Bangkok, supra note 8, at 6.
[21] Brent Wimble, supra note 10.
[22] World Bank, supra note 10; Association for Spread of Knowledge "MISAL" with the Centre of Women's Studies and Policies, Gender and Education Module, (Gender Equality Training for Decision Makers, Educators and Leaders of NGOs"- Gender and Education) available at http://www.gender-equality.webinfo.lt/results/leaflet2.pdf;
Barbara Herz and Gene Sperling, supra note 6; Erica George, Instructions in Inequality: Development, Human

Even when States are providing girls access to education, gender discrimination and preferential treatment leads to gender differentials in education, and is reinforced in practice by curriculum that does not incorporate principles of equality or comprehensively address girls' individual capacities and equal scholarship opportunities as the male students.[23]

Education policy and national action plans must go beyond the direct barriers to attaining universal education, to addressing the indirect and emerging challenges that reduce the enrollment rates of girls in primary, secondary and tertiary education, as well as those that discourage young girls' participation once they are enrolled.[24] In order to succeed at promoting gender equality in education, States must target their efforts beyond the classroom to the society at large and root causes of the gender discrimination, and stereotypes that run through the education system, and the cultural and social institutions.[25] This report will address what those efforts should entail.

II. GENDER-BASED VIOLENCE, DISCRIMINATION AND HARRASSMENT AGAINST GIRLS IN EDUCATION

A. Violence in Education and School Setting

As noted by the Special Rapporteur on violence against women, under the 1993 UN Declaration on the Elimination of Violence against Women, states were called upon to exercise due diligence in preventing, protecting and prosecuting violence against women and providing compensation to victims.[26] The Declaration also went further by asking state governments to promote research, collect data and to compile statistics concerning violence against women, their causes and consequences.[27]

Although not systematically documented or researched in many countries, studies indicate a prevalence of violence, sexual harassment and gender discrimination in schools, where some discrimination is structurally embedded in the education curriculum itself and the perpetrator of violence and harassment are teachers as well as fellow male students.[28] According to the African Child Policy Forum, violence is prevalent in the African school setting where

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Rights, Capabilities, and Gender Based Violence in Schools, 26 Mich. J. Int'l Law 1139 (2005) (discussing the state of education for all in South Africa).

[23] UN Fact Sheet No. 22 *Loc. Cit,* available at http://www.ohchr.org/Documents/Publications/FactSheet22en.pdf; CRC, General Comment No. 1: The Aim of Education, Article 29(1) 2001, CRC/GC2001/1 at paras.10.

[24] See World Bank, supra note 10 (these challenges include; HIV/AIDS, Orpanhood, emergencies and fragile situations, gender based violence and information technology gender-gap).

[25] UN Fact Sheet No. 22, supra note 23; see Association for Spread of Knowledge "MISAL" supra note 22 at 3.

[26] Yakin Ertürk, Report of the Special Rapporteur on violence against women, its causes and consequences, January 29, 2008, A/HRC/7/6, available at http://www2.ohchr.org/english/issues/women/rapporteur/annual.htm, at paras. 20; See generally text of CEDAW available at http://www.un.org/womenwatch/daw/cedaw/cedaw.htm.

[27] See Yakin Ertürk, supra note 26, A/HRC/7/6, at paras 20.

[28] See Brent Wible, supra note 10; See Special Rapporteur on violence against women, supra note 26 ("there is an alarming lack of such data in relation to women and girls. Moreover, at the international level, there are no agreed indicators or benchmarks for assessing progress over time.") at paras. 21.

students report physical, sexual and psychological abuse by their teachers or other students.[29] According to research, "some 72% of school children in Ethiopia report to have been slapped while at school; 67% of school girls in Botswana were sexually harassed by teachers; and that 32% of reported child rape cases in South Africa were carried out by teachers."[30]

Brent Wible's Benin case study identifies three types of school-based harassment; 1) student-student 2) teacher-student and 3) harassment that occurs on the way to and from school.[31] The harassment and behavior falling under these category according to Wible, includes "economically coerced sex, sexual harassment, demeaning language, and even assigning girls to perform domestic tasks at school while others study."[32] Such abuse is coined as "gender-based violence," which captures a wide array of behavior that causes physical, sexual and psychological harm to the women and girls.[33] In the context of Benin, Brent Wible classifies sexual harassment in two ways; "1) quid pro quo or transactional harassment, where something is offered in exchange for sex, and 2) the creation of an intimidating, hostile, or offensive environment."[34]

The harassment and violence affects girls' academic performance resulting in decreased attendance, participation, and successful completion of primary or secondary education.[35] In addition, violence results in low self-esteem and health issues such as unwanted pregnancies, unsafe abortions and exposure to HIV/AIDS and other STDs for young girls.[36] Additionally, barriers such as lack of sanitary facilities or resources and expulsion because of pregnancies are other manifestations of discrimination that affect girls' ability to succeed in school. Even more unfortunate is the fact the victims and their parents do not often know that there are laws that protect them and they are fearful of disgrace hence they rarely come forward to bring the issue to law enforcement for fear of retaliation.[37]

B. Root Causes of Gender Violence and Discrimination in Education

According to the UNESCO Asia and Pacific Regional Bureau for Education, some traditional thinking based on caste, religion and culture may prevent girls from attending school because their labor has always been seen as necessary at home, and education is viewed as promoting behavior unfavorable to girls' marital prospects.[38] For example, in many parts of

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[29] Africa Child Policy Forum, Violence against Children in Africa, prepared for the 15th Session of the African Committee on Experts on the Rights and Welfare on the Child, March 19 2010, at 2-3.

[30] See African Child Policy Forum, supra note 29 at p. 3; See also Brent Wible, supra note 10 at 515.

[31] See Brent Wible, supra at note 10 at p. 516.

[32] Id. at 516.

[33] Declaration on the Elimination of Violence against Women 1993, available at http://www.un.org/documents/ga/res/48/a48r104.htm.

[34] See Brent Wible, supra note 10 at 516.

[35] Id. at 517.

[36] Michele Akpo, AED Center for Gender Equity, presentation on Gender-based violence in schools: Benin case study, October 2007.

[37] See Brent Wible, supra note 10 at 536-541.

[38] UNESCO Bangkok, 2006, supra note 10 at 7; see also ILO (crisis increases risk of girls becoming child laborers," ILO has identified particular problems girls face who are involved in child labor) available at http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS_107801/lang--en/index.htm.

Asia, it is considered inappropriate for girls to be seen in public walking to school because of the distance or fear of assault.[39]

Some aspects of tradition and culture also support male domination. For example, boys are generally free to be educated, can work and move as they please, and are supported economically where necessary. In contrast, girls are socialized to believe that they are inferior to men, their role is to marry and procreate, and violence is used to enforce and perpetuate that status quo.[40] In addition, violence against girls is rooted in structural and institutional patriarchy and unequal power relations that exist worldwide and is a symptom of the larger problem of gender equality in society at large.[41] Gender stereotypes in society works to corroborate ideas and beliefs of the position and worth of girls in society, and where not systematically addressed for example, through education, these attitudes continue to take form in discriminatory and violent behavior.[42]

In the African continent, research indicates that the sources of violence are rooted in the inequality and gender-role stereotyping that exist between men and women, as well as the overall subordination of women and girls in greater society.[43] For example in Ghana and Kenya's periodic review, the Committee on Elimination of All Forms of Discrimination Against Women has expressed concerns about "prevalence of patriarchal ideology with firmly entrenched stereotypes and persistence of deep-rooted norms, customs…, which discriminates against women…" [44] Additionally, in the African context, social complacency and some general acceptance of violence as a form of discipline and traditional practices that support violence against women at large in society continue to exist.[45]

III. FAILURE TO PREVENT DISCRIMINATION AND VIOLENCE IN EDUCATION

A. Failure to prevent and redress gender discrimination in all forms

CEDAW, as well as the 1993 Declaration on the Elimination of Violence against Women, focuses on ending all forms of discrimination against women by recognizing the equal rights of women and men and explicitly prohibits discrimination on the basis of sex.[46] CEDAW also envisions "achievement of de jure and de facto equality between women and men and the

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[39] See UNESCO Bangkok, 2006, supra note 8 at 7.

[40] ActionAid, Stop Violence Against Girls in School Study 2004, at Girls interviewed in Kenya available at http://www.actionaid.org.uk/doc_lib/125_1_stop_violence_against_girls.pdf.

[41] See ActionAid study 2004, supra note 40.

[42] Id.; see also, Maria H. Gratero et al, Girls Learn Everything: Realizing the Right to Education Through CEDAW, 16 New Eng. J. Int'l & Comp. L. at 77-79.

[43] See Africa Child Policy Forum, supra note 29 at 5.

[44] Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana, CEDAW/C/GHA/CO/5, 2006 at paras. 21, 23, 28, 31; Concluding comments of the Committee on the Elimination of Discrimination against Women: Kenya, CEDAW/C/KEN/CO/6, 2007 at paras. 22, 23, 29,33, 34, periodic reviews.

[45] See Africa Child Policy Forum, supra note 29 at 5.

[46] CEDAW, Dec 18, 1979, 1249 U.N.T.S. 13, entered into force Sept. 3, 1981, available at http://www.un.org/womenwatch/daw/cedaw/; see also Maria H. Gratero et al., supra note 42 at 49.

elimination of ideas, customary practices, statutory provisions and policies that result in discrimination against women."[47]

Although majority of world states have signed and ratified CEDAW,[48] the CRC, as well as the ICCPR, some country reports submitted reflect that in many member states discrimination and violence against girls in the area of education persist, including and not limited to "inequality in access to education, and retention of girls in schools at all levels, restricted subject specialization, lack of safety in school environment, and persistent gender stereotypes in curricula, teaching materials and methods." [49]

According to Maria H. Graterol et al., one of the core obligations of State Parties to the ICESCR, CEDAW and the CRC is to "provide a minimum level of free and compulsory primary education/schooling to all boys and girls on the basis of non-discrimination."[50] However, while UN bodies and global initiatives such as MDGs and EFA goals mention equality and document the enrollment of girls and boys in primary and secondary schools, there is little to no mention of rates of violence, which constitutes a structural barrier to education.[51] Two countries exemplify this problem.

B. Effects of Violence on Girl's Quality of Education – Two Case Studies

In some societies gender discrimination and sexual violence against girls are the norm. According to an ActionAid study on violence that girls encounter in and around school carried out in more than 12 countries in Africa and Asia, much of the violence that girls experience is underreported for complex social and cultural reasons and therefore the depth of the problem is underestimated.[52] Two countries exemplify these issues.

a. South Africa

In her case study on South Africa, Erica George found that overall South African girls had better access to school than many of their counter parts on the continent; however, these girls were confronted with high levels of sexual violence and harassment in schools which impeded their access to education on equal terms with male students.[53] Discriminatory intolerance of girls in leadership roles in school was evident by threats of sexual violence and actual harassment

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[47] See Maria Gratero et al., supra note 42 at 49; see also Aldo Facio & Martha Morgan, International Women's Rights Action Watch Asia Pacific, Occasional Paper Series No. 14, Equity or Equality for Women? Understanding CEDAW's Equality Principles 12 (2009) available at http://www.iwraw-ap.org/publications/ops.htm.

[48] CEDAW is one of the most widely ratified international human rights treaty, but it suffers some weakness because of reservations especially to Article 10, which establishes the right to education, available at http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article10.

[49] Report of the Secretary General, Progress in mainstreaming a gender perspective in the development, implementation and evaluations of national policies and programmes, with a particular focus on the elimination of all forms of discrimination and violence against the girl child, 2006 E/CN.6/2007/3; see also ActionAid study 2004, supra note 40.

[50] See Maria H. Gratero et al., supra note 42 at 57 (specifically under UDHR at article 26(2); ICESCR, at article 13(a); CRC, at article 28(a)(1)).

[51] See ActionAid study 2004, supra note 40.

[52] Id.

[53] See Erica George, supra note 22 at 1147-1148.

aiming to undermine girls' authority; for example, girls who performed well in school were often the target of harassment and assault.[54]

In 2001, according to Human Rights Watch (HRW) and other rights groups, South African girls reported they had been raped, sexually abused, harassed, and assaulted at school by teachers and male students.[55] South African girls faced multiple forms of sexual violence including sexualized touching, emotional abuse through treats of violence and degrading sexual verbal abuse, while others reported being fondled, and receiving aggressive sexual advances.[56] The HRW report indicates that girls were usually raped or harassed in school toilets, empty classrooms, hallways, dormitories and hostels.[57]

South African girls also reported psychological coercion, threats of physical violence or corporal punishment by teachers to engage in dating relationships, and in some instances teachers did not use force but abused their authority by offering money, love or better grades for these sexual favors, or relationships.[58] Abusive teachers were reported to take advantage of the children in poverty to gain sexual favors, who out of fear are less likely to resist or complain when sexually harassed or propositioned, making them more vulnerable to assault.[59]

Erica George argues that responses to the violence that girls report are largely inadequate because instead of receiving redress, girls who report these violations are often further traumatized by officials who respond with indifference, disbelief and hostility.[60] The unfortunate consequences of such responses are that gender inequality is taught and learned. As a result boys see the harassment and violence as the way things should be and girls come to accept sexual violence and harassment as simply things to endure in order to attend school.[61] Some girls even reported certain forms of sexual assault and harassment occurred in the classroom with the teachers present, including attempts to kiss them, fondle with their breasts, raising their skirts, and trying to touch them under their skirts.[62]

In 2005, South Africa had no national sources of data on school violence available and neither national nor provincial departments of education monitored incidents of violence in schools.[63] When left unaddressed the violence creates a hostile learning environment, and girls are at times left with no recourse but to live with the fear and intimidation or drop out of school altogether.[64] Erica George concludes that failure to prevent and redress these instances of violence in all its forms, operates as *de facto* discriminatory deprivation of the right to education for girls' in violation of both international and domestic legal obligations." [65]

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[54] See Erica George, supra note 22 at 1142
[55] Human Rights Watch Report 2001, Scared at School: Sexual Violence in South African Schools, available at www.hrw.org/english/doc/2001/03/27/safric324.htm.
[56] See Erica George, supra note 22 at 1148
[57] See Human Rights Watch Report 2001, supra note 5 at 36-60.
[58] See Erica George, supra note 22 at 1149-1150.
[59] Id. at 1150-1151.
[60] Id. at 1155.
[61] Id. at 1156.
[62] Id. at 1152.
[63] Id. at 1148.
[64] Id. at 1163.
[65] See Erica George supra note 22 at 1168.

b. Benin

In Benin, the prevalence of transactional or coercive teacher-student sex, with teachers pressuring girls or bartering grades for sex, was similar to South Africa; this is considered the most troubling manifestation of the gender violence against girls in schools.[66] Research showed that much of the gender-based violence in school was perpetrated by teachers against students in a transactional fashion and the harassment contributed the intimidating environment by encouraging male teachers and students to act inappropriately with girls.[67]

Brent Wimble similarly noted that student-to-student harassment must not be ignored, but it is critical that the harassment by teachers be addressed. Teachers who engage in sexual misconduct have a systemic impact on the school environment and devaluing school/education in the communities' eyes, which is less likely to send their girls to school, while simultaneously providing boys with a negative role mode.[68] Wimble advocates for multi-sectoral effort including social mobilization, national policy and action plans and pressure under international treaty bodies to transform schools (where violence is occurring) into safe spaces that encourage and foster participation and educational achievement by girls.[69]

IV. MONITORING AND EVALUATION IN INTERNATIONAL INSTRUMENTS

A. State Reporting on Education under International Conventions

While some progress has been made in documenting the scope and extent of the violence against children at the global level pursuant to the UN Secretary General World Report on violence against children in 2006[70] and reports by the Special Rapporteur on education in 2000, and on violence against women in 2008, specific and disaggregated data and information by sex at regional and national levels remain inadequate.[71]

Under many reporting mechanism for various international conventions such as CEDAW, ICCPR, CRC and ICESCR, States have addressed discrimination of girls broadly or generally but only glazed over the violence (physical, sexual or psychological emotional) that girls experience in and around school. Most of the discussion on prevalence of violence against women and girls centers around cultural practices, such as female genital mutilation, use of bride price, early child marriage, and polygamy.[72] Other concerns about violence against women and girls focus on the lack of comprehensive legislation to address domestic violence at large in

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[66] See Brent Wible, supra at note 10 at 517
[67] Id.
[68] Id.
[69] See Brent Wible, supra note 10 at 518.
[70] United Nations Secretary General, Report of the independent expert for the UN Study on Violence Against Children, (2006), A/61/299.
[71] See Africa Child Policy Forum, supra note 29.
[72] Concluding comments of the Committee on the Elimination of Discrimination against Women: Kenya, 2007 periodic review, CEDAW/C/KEN/CO/6

society.[73] The Committee on Elimination of All Forms of Discrimination Against Women, in a country periodic review, noted with concern, "the lack of data on the prevalence of violence against women [in general], the lack of legislation to comprehensively address domestic violence, the apparent lack of public awareness of violence against women and the insufficient support for victims of violence." [74]

B. **States Need to Focus on Violence and Harassment in Schools**

Generally, the conflicting societal perceptions and understanding of what constitutes violence makes it hard to measure the prevalence of violence against girls.[75] However, the fact remains that over 60% percent of all primary school age children not in school are girls, some of who drop out and do not maximize their education opportunities due to discrimination and violence. Therefore, there is a need for disaggregated data on the prevalence of violence and the effects it has on girls for empirical analysis and to inform national programs under the global education initiatives and targets.

Currently, the main efforts and responses to violence against girls in school have been initiated by non-governmental organizations (NGOs) outside the formal school setting.[76] For example, in 2008 a joint Education and Child Protection initiative by ActionAid, Plan, and Save the Children Sweden, with support from UNICEF focusing on both West and Central African countries revealed that there is a direct link between violence in and around school and the negative outcomes in girls' education achievements including, low enrollment, attendance, and completion rates. In addition, girls suffer psychological trauma, such as loss of confidence, high drop out rates, teenage pregnancy, increasing vulnerability to HIV/AIDS and other infections.[77] Based on the violence studies, it is clear that the MDGs and EFA goals as well as the CRC and CEDAW's mandate of gender equality in education cannot to achieved until structural barriers created by gender discrimination and violence and their underlying causes are addressed.[78]

In its 12 country study done in African and Asia, ActionAid found that although laws and policies exist to protect girls from violence, there are commonly poorly implemented or understood and therefore fail to guarantee girls' safety or allow them to seek justice and redress.[79] That does not have to remain the case. With greater level of recognition and committed to human rights by States in general, renewed efforts by states for broader cooperation with civil society organizations and better linkage between education and the

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[73] Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana, 2006 periodic review, CEDAW/C/GHA/CO/5.

[74] Concluding comments of the Committee on the Elimination of Discrimination against Women: Ghana, 2006 CEDAW/C/GHA/CO/5, paras. 23.

[75] See Action Aid, supra note 40.

[76] See ActionAid, supra note 40; see also Judith Mirsky, Beyond Victims and Villans: Addressing Sexual Violence in the Education Sector, 2003, available at http://www.panos.org.uk/?lid=250

[77] UNICEF, Plan West Africa, Save the Children Sweden West Africa and ActionAid, Addressing Violence in Schools; selected initiatives from West and Central Africa 2010 available at http://www.e4conference.org/wp-content/uploads/2010/04/14en.pdf.

[78] ActionAid, Stop the Violence Against Girls in School project 2008, available at http://www.actionaid.org/assets/pdf/Stop%20Violence%20Against%20Girls%20in%20School%20Project%20Leaflet.pdf.

[79] See ActionAid, supra note 78; see UNICEF et at., supra note 77.

criminal justice system can result in better prevention, protection and prosecution of perpetrators, including compiling of data to evaluate and track the progress states are making. Under national action plans, states should adopt targeted efforts to create girl friendly environments, including training and capacity building, raising awareness campaigns, and changes in policy and practice.[80]

In her report, Judith Mirsky argues that addressing gender violence in the education sector is necessary in order to protect girls' health and rights, to reduce the risks of unplanned pregnancy and sexually transmitted infections, to enhance girls' educational opportunities and to improve institutional performance generally. [81] Because school is a space where young girls should be safe while learning and preparing to be productive citizens of the world, what is learned in school is of great significance and a standardized method of monitoring and evaluation should be developed to study the prevalence of discrimination in education and violence in schools.[82] Reporting under all international conventions relating to education should address what states are doing to stop the violence against girls in school settings.[83] In order to obtain global gender equality in all levels of education, reforms should center around gender-free education that is critical of the obstacles created by discrimination, poverty and violence, which stand in the way of girls realizing their right to equal education.[84]

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[80] Amnesty International, Petition Six for Safe School for Girls; Six Steps to Stop Violence Against School Girls developed; step 1: Prohibit All Forms of Violence Against Girls, Step 2: Make Schools Safe for Girls, step 3: Respond to Incidents of Violence Against Girls' Access to School, step 6: Protect Girls From Abuse, 2008 available http://www.amnesty.org/en/appeals-for-action/petition-for-safe-schools-for-girls.

[81] Beyond Victims and Villans, Judith Mirsky 2003, published by Panos.

[82] States should consider development of indicators on violence against girls in and around school and state responses similar to those proposed by the Special Rapporteur on violence against women, A/HRC/7/6 2008.

[83] This includes CEDAW, CRC, ICESCR, ICCPR based on violation of bodily integrity, which state parties have a duty to prosecute whether perpetrator is a government official or a private citizen.

[84] Pass IVAWA movement, paid for by the Family Violence Prevention Fund and Women Thrive Worldwide, available at http://www.passivawa.org/documents/OnePpager-GirlsEducation.pdf.

IV. RECOMMENDATIONS FOR ACTION

Given the concerns raised in this report, Human Rights Advocates (HRA) requests that the Commission on the Status of Women consider the following recommendations in the Agreed Conclusions for its Fifty-fifth session:

A. **Urges relevant entities of the United Nations system to include monitoring programs and recommendations for addressing the violence against girls in schools and educational settings. Examples of concrete recommendations include:**

   1. Global monitoring and evaluation of primary and secondary education targets set for 2015 under both MDGs and EFA goals should incorporate disaggregated data on discrimination and violence against girls in schools and educational settings.

   2. Treaty bodies such as CEDAW and CRC should request information on how Member States are responding to violence and discrimination of girls in schools and educational settings.

   3. Human Rights Council should request that a Special Rapporteur on violence against women look into the education barriers erected by discrimination and violence.

   4. UNICEF to launch a study specifically focused on violence and discrimination against girls' in the education setting.

B. **Urges State governments on every level, to acknowledge and address violence against girls in schools by strategically funding projects and policies targeted at making schools girl friendly environments, including:**

   1. National curriculum and educational programs that incorporate critical gender equality programs aiming at deconstructing the gender discrimination embedded in education itself and follow up with policies opening doors to professional and academic fields predominately occupied by men, such as science and technology.

   2. Substantive evaluation of the quality of education that goes beyond enrollment numbers and gender parity to actual completion rate of girls and their advancement in society.

   3. Community social mobilization and awareness campaigns that target boys and address their role on equality and violence against women, including training of boys and community leaders on the impact of violence against girls and how to respond and protect girls against such violence.

   4. Ensure that teachers' unions develop, use, and disseminate a teachers' code of ethics, which that includes the respective criminal and administrative procedure and sanctions for those who engage in harassment and violence against girls.