



## Committee on the Rights of the Child Day of General Discussion

### **“The right of the child to education in emergency situations”**

*“Education is a human right and an essential tool for achieving the goals of equality, development and peace. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change.”*

Beijing Platform for Action (Paragraph 69)

#### Introduction and Overview

With this submission, the International Rescue Committee (IRC), the Interagency Network on Education in Emergencies (INEE), the United Nations Children’s Fund (UNICEF) and the United Nations Girls’ Education Initiative (UNGEI) draw attention to the gender dimensions of the right of the child to education in emergency situations. In line with the objectives of the Day of General Discussion, our submission seeks to assist the Committee on the Rights of the Child in providing States and other actors with guidance as to their obligations to promote and protect the right to education as outlined in Articles 28 *and* 29. Furthermore, we would like to support the Committee in holding States Parties accountable for gender-equitable policy and program interventions in order to ensure that all boys and girls affected by emergencies of different kinds can benefit from access to safe, quality and relevant education. As the Committee states in General Comment 1, the quality, content and values of education described in Article 29 (1) of the CRC are relevant to children living in zones of peace, “but they are even more important for those living in situations of conflict or emergency.” Although there is still resistance to the role of education in humanitarian assistance, children, parents, educators and community leaders in emergency situations recognize education as a key element in the protection and well-being of children. There may be particular risks and challenges associated with accessing quality education, especially for girls, but demand is usually high.

Emergencies have serious and different impacts on the lives of women, girls, boys and men. Schools may be damaged or destroyed, teachers flee or are

otherwise occupied with meeting their own families' needs; families too have survival priorities and all movements and gatherings may be affected by insecurity. These, and the position of governments in emergency situations, have serious impacts on access to quality education for boys and girls, and yet learning opportunities in safe spaces may be one important strategy to protect them from physical, social and emotional harm. The content and quality of education is also affected as in an emergency or post-emergency situation in which roles and responsibilities may have changed quite considerably, boys and girls may require new and different information and skills to protect themselves and their families. Governments need to ensure that the education sectors and schools develop emergency response and preparedness plans that protect children from natural disasters and that girls and young women from sexual violence and exploitation, and set in motion interventions that make schools environments for healing and reintegration processes of young survivors.

Gender intersects with other identity and disparity factors such as ethnicity, class, caste, religion and disability to shape vulnerability and exclusion from quality education opportunities. To ensure that all girls and boys benefit equally from education in emergency situations, it is critical to understand and respond to the social and gender dynamics that might affect or place constraints on them. Male and female teachers also have different experiences and priorities that need to be addressed to enable them to best meet the needs of their students.

In emergency contexts gender often compounds vulnerability and marginalization - especially for children (particularly girls) and women. Gender equality and the protection of the rights of women and girls is particularly challenged by the complex gender dynamics of emergencies, humanitarian assistance and early recovery. At the same time, emergencies may open up 'windows of opportunity' for previously marginalized and disadvantaged groups. Moving beyond the initial emergency period, gender and education programming and policy development which include equity strategies can be a powerful tool for long- term change. Education for gender equality is a key strategy to create more equitable societies and communities; it can empower women and girls, with men and boys, to be actors in and to benefit from sustainable transitions to peace and stability.

### *Gender Equality and the Right to Education*

Gender equality in education has interdependent three dimensions: the *right to education* (access and participation) together with *rights within education* (gender sensitive education environments, processes and outcomes) and *rights*

*through education* (relevant education outcomes that connect quality education with wider process of gender justice in society). As these rights are indivisible they form a substantial component of a program of action that would promote gender equality in emergency situations.

Rights to gender equality within and through education in emergency situations are addressed in a number of overlapping rights instruments. The most widely known and used is the Convention on the Rights of the Child which highlights non-discrimination as a key tenet in the rights identified for *all* children. Gender should not affect a child's rights – to education or to any other right. The CRC articulates the right to education (Article 28) but also provides additional details on the type and quality of education to which all children are entitled (Article 29)<sup>1</sup>, which includes “preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, *equality of sexes...*” (italics added). The Committee has highlighted the importance of States Parties' fulfillment of Articles 28 and 29 in emergency situations, and we would like to also highlight the inter-dependence of other Articles in relation to gender and education in emergencies, and in particular Article 2 on non-discrimination. The provision of quality education in emergency situations may also support States Parties' fulfillment of Article 19 related to protection from harm, Article 22 which applies specifically to refugee children, and Articles 38 and 39 related to protection from war and fighting and opportunities for healing and recovery, all of which should be inclusive of girls and boys.

Commitments to quality education are reinforced in rights-related international commitments, notably the Education For All (EFA) goals and the Millennium Development Goals (MDGs). EFA and MDG objectives recognize the prevailing gender gaps in education and the fact that in general, girls are less likely to complete a full cycle of basic education. The identification of gender parity in education as a key target of the Millennium Development Goal 'to Promote Gender Equality and Empower Women' (MDG 3) recognizes the strategic value of education for women and girls and the particular importance of ensuring gender equality in education<sup>2</sup>.

Given the prevailing gender inequalities in society, most often to the

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<sup>1</sup> Education that is “directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment

<sup>2</sup> Target: Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015

disadvantage of girls and women, other instruments on the rights of women and girls highlight their right to education. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action are both especially attentive to education for girls and for women (CEDAW Article 10<sup>3</sup>; PfA Critical Area B, with 6 Strategic Objectives<sup>4</sup>). They recognize the need for gender equity in access and outcomes of education as well.

UN Security Council Resolution 1325 is another important instrument specifically related to gender equality in the context of conflict, although it is not explicit about education. Resolution 1325 was a 'landmark' resolution in that it highlights the particular impacts of conflict on girls and women – and especially highlights vulnerability to sexual and gender-based violence - but it also asserts the importance of women's roles in peacebuilding processes. In line with Article 29 of the CRC, education should support peacebuilding processes. Exclusion from education is a recognized barrier to women's participation in peacebuilding processes. All women and girls affected by emergencies should have access to learning opportunities which are oriented towards their roles as active citizens and agents of recovery and reconstruction, and we particularly emphasize the importance of securing the full participation of adolescent girls and young women.

### *Challenges to Gender Equality and the Right to Education in Emergencies*

Despite these apparently overlapping and mutually reinforcing rights instruments, there are serious gaps. Not only do gender dynamics negatively affect opportunities to access education in emergency contexts - and

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<sup>3</sup> States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d) The same opportunities to benefit from scholarships and other study grants; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; (g) The same opportunities to participate actively in sports and physical education; (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

<sup>4</sup> Ensure equal access to education; Eradicate illiteracy among women; Improve women's access to vocational training, science and technology, and continuing education; Develop non-discriminatory education and training; Allocate sufficient resources for and monitor the implementation of educational reforms; Promote lifelong education and training for girls and women

especially so for girls - but through denial of access to education, and particularly access to quality education (in the full spirit of the CRC), other rights are affected. These include rights to protection from harm, from abduction, from exploitative labour, and the right to information. Such rights are especially likely to be compromised by conflict and emergencies.

Although education can - and should- provide protection and ensure the well-being of emergency-affected children, access to education can actually lead to the violation of children's rights, for example, to protection, to freedom from sexual abuse, discrimination, and to participation. This is particularly the case for girls who may be vulnerable to sexual violence and abuse in and around school – even by those with a duty of care, such as teachers.

There are gender dynamics in emergency situations which impact negatively on boys' access to, experiences with and outcomes of education. These include, for example, the particular risks of abduction and forced recruitment, the 'pull' out of school because of labour demands, the assertion of aggressive, violent masculinities by male teachers and fellow male students in and around schools, and sexual abuse and exploitation of boys by teachers; such dynamics have thus far not been sufficiently researched which explains the lack of data that are currently available on this issue.

#### *Global Situation: A Snap-Shot*

The Committee highlights the limited amount of information provided on children's access to quality education in emergency situations. We also recognize the particular gaps in the collection, analysis and dissemination of gender –desegregated data, and in qualitative data related to the complex gender dynamics of vulnerability, exclusion, protection and education. Below is a snapshot of the situation:

- Girls represent only about 34% of students in Southern Sudan – however – this represents a significant improvement from 2003 when girls represented only 11-14% enrollments (UNICEF, 2007);
- Over 60% girls in Afghanistan aged 7-13 do not attend school – however - almost 40% representation is a great improvement on virtually zero in 2000. Only 32% of boys – and only 13% of girls – complete primary school (UNICEF, 2007);
- Of 85 refugee camps which provided enrolment rates by gender to UNHCR, the percentage of girls in school is on average 10% lower than for boys. Of the 11,700 teachers included in the survey, 29 % were women. In 71 camps (74%), the percentage of female teachers was below 30 (UNHCR, 2004);

- Whereas girls represent more than 40 percent of all refugee students in the Grades 1-4, by Grade 12, enrollment tapers to approximately 34% (Women's Commission, 2004);
- Many girls who have been involved in fighting forces become pregnant; having a child means that they are 8 times less likely to return to school than other girls, even if they want to continue their education (Mazurana, 2007);
- Between January and July 2006 an estimated 99 attacks were made on schools in Afghanistan, closing at least 262 of the 740 schools in 4 southern provinces (UNICEF, 2007); girls' schools are particularly targeted.

*Global Strategies and Coordination to Promote Gender Equality in Education in Emergencies*

Global strategies to promote gender equality in and through education in emergencies recommended to the Committee for States Parties fulfillment include:

- Commitment to human rights based approach to programming (HRBAP) which addresses the unequal power relations between girls and boys, women and men in education in emergency situations. Assessments of gender equality focus on the quality of experience of girls and boys, in accessing schooling, participating in education, benefiting from education, and on measuring discrimination, stigma and gender stereotypes. The assessment will also consider the equality of access to fundamental freedoms and choices for girls and women, boys and men.
- Reference to the technical assistance on gender and education in emergencies provided by the Inter-Agency Network for Education in Emergencies (INEE), and in particular by the INEE Gender Task Team/ Education Cluster Gender Working Group;
- Institutionalization and use of the INEE Minimum Standards through which gender equality is mainstreamed, as a basis for good practices in establishing educational activities in crisis and recovery contexts. Where relevant, country reports submitted to the UN Committee on the Rights of the Child should include gender desegregated data, documentation and analysis in report on how the governments are meeting the INEE Minimum Standards;
- Ensuring coordination and capacity building for gender equality in education in emergencies through mechanisms such as implementation of the Interagency Standing Committee (IASC) Cluster approach in education and ongoing education sectoral mechanisms. These should

strengthen the professionalisation of gender in education, ensuring adequate support to development of surge capacity, gap analysis and creation of relevant professional tools and training.

### Implementation Strategies

Implementation strategies to promote gender equality in and through education in emergencies, which States Parties should promote and integrate into education policy and planning, include:

- Holistic, transformative approaches to address gender disparities and promote gender equality in and through education which include systematic attention to education policy and coordination, to access, relevant learning content, teacher training and support.
- Education strategies which ensure protection for the most vulnerable – often girls – but which are not ‘limiting’ and which do not target women and girls as the ‘problem’. ‘Strategic protection’ approaches are needed which address gendered institutional contexts and dynamics. Access to education should be free of violence and abuse of all forms, and should equip girls and boys with age-appropriate information and skills to protect themselves and their families. It should also inspire and empower girls and women, boys and men to full participation in processes of recovery.
- Training and other professional support to male and female teachers to promote gender equality in and through the right to education, and the development and implementation of professional codes of conduct for teachers and other education personnel.
- Engagement with other duty-bearers such as education authorities, parents and community members in ‘whole school’ approaches that ensure all actors are involved in identifying risks and threats to gender equality in and around the school, and in planning and implementing actions to address them.
- Engagement with male and female children and especially adolescents and youth as active participants in the design, and implementation, monitoring and evaluation of activities and initiatives to address gender disparities. They should be empowered through quality, relevant life-skills and human rights education, and other learning opportunities, to take actions to promote the equal opportunities for all in and through education.

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