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RIGHT TO EDUCATION AND EQUALITY  
OF OPPORTUNITY FOR MEN AND WOMEN

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## **RIGHT TO EDUCATION AND EQUALITY OF OPPORTUNITY FOR MEN AND WOMEN**

Kishore Singh\*

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## **Introduction**

International community is committed for about three decades now to the realization of the right to basic education for all. Such commitment reflects the important role education plays in empowering individuals and transforming societies. Owing to centrality of education in people's lives, and its key role for development, the right to education is being increasingly recognized as an overarching right – not only as a fundamental right in itself, but also as being indispensable for the realization of all other human rights.<sup>1</sup> It is also at the heart of Education For All (EFA) and is of key importance in the human rights framework and poverty reduction strategies. Education as a human right must be made accessible to an increasing number of children and adults, including girls and women, especially those living in poor, illiterate families, who remain deprived of it in today's learning societies.

### **I. Education for All (EFA) Agenda – the right to education and gender equity**

It was in 1990's at the World Conference on Education for All (Jomtien, 1990) that the objectives of achieving the EFA goals were set. The importance of basic education *with a focus on gender equity* was acknowledged at the World Conference. Recalling that "education is a fundamental right for all people, women and men of all ages, throughout our world", the World Declaration on Education for All, adopted at the Conference,<sup>2</sup> stipulates that "Basic education should be provided to all children, youth and adults. To this end, basic education services of quality should be expanded and consistent measures must be taken to reduce disparity." (Article 3).

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<sup>1</sup> General Comment No. 13 on the Right to Education, (Article 13 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-first session in 1999. E/C. 12/1999/10, 2 December 1999. (§ 1). Emphasis added. This General Comment was elaborated by the United Nations Committee on Economic, Social and Cultural Rights (CESCR) in collaboration with UNESCO.

<sup>2</sup> The Declaration provides that "Every person – child, youth and adult – shall be able to benefit from educational opportunities designed to meet their basic learning needs."

A decade later, the global assessment of EFA revealed the shortcomings and limitations in achieving those goals. The international community, therefore, gave a renewed momentum to EFA at the World Education Forum (Dakar, 2000). The right to education was reinforced when Governments and agencies reaffirmed it as a fundamental human right, and recognized the need for strengthening global movement for EFA. Among the goals set at the World Education Forum, high importance was attached to *eliminating gender disparities and achieving gender equality in education*. The Dakar Framework for Action adopted by the World Education Forum expresses the collective commitment by the international community for:

- (a) *Expanding* and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;
- (b) *Ensuring* that by 2015 all children, *particularly girls*, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality;
- (c) *Eliminating gender disparities* in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality<sup>3</sup>.
- (d) Achieving a 50 per cent improvement in levels of adult literacy by 2015, *especially for women*, and equitable access to basic and continuing education for all adults
- (e) Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes.

Thus, promoting basic education of girl child is a cross-cutting theme across several EFA goals, and achieving their right to education is central to the EFA process. The international community expressed its determination to ensuring gender parity and access to education by boys and girls on an equal basis without discrimination. As a follow up to the World Education Forum, the realization of the right to basic education emerged as a high priority.

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<sup>3</sup> Paragraph 7 of the Dakar Framework for Action.

Soon after the World Education Forum, the United Nations General assembly made the Millennium Declaration. Promoting education of girls and women and ensuring that by 2015, all children, *particularly girls*, have access to and complete free and compulsory primary education of good quality which is one of the Dakar goals, is also one of the Millennium Development Goals (MDG's). Moreover, ensuring equal rights of men and women and equality of opportunity in access to education should be seen in the context of the third Millennium Development Goal: to promote gender equality and empower women.

In this context, the United Nations Girl's Education Initiative (UNGEI) was launched in 2000 in order to eliminate gender disparities in primary and secondary education, and to ensure that the 2015 EFA goal is attained. It was designed to promote access to education by girls and removal of barriers and obstacles and to work with stakeholders. The UNGEI also seeks to promote education policies and plans in order specially to enable girl child from disadvantaged and vulnerable groups to have access to education on an equitable basis. UNGEI supports action at country level with a view to ensuring that national education development policies and plans are aimed at gender equality and equity. It is linked with overall poverty reduction strategies, sector-wide approaches and the UN development assistance frameworks. UNESCO is an active partner of the UNGEI, and takes a leading role in advancing gender equality goal.

However, EFA agenda is falling behind, especially with respect to achieving gender parity in access to education. Although considerable progress has been made for achieving EFA, millions of children, youth and adults remain deprived of education in today's learning societies. Of these, girls and women constitute a majority. Women represent two thirds of world's illiterate adults, while girls account for similar proportion of world's out-of-school children. Such a situation reflects discriminatory practices as regards equal access to education by boys and girls, and is an impediment to the exercise of right to education by men and women on an equal footing. Disparities in access to education continue to be of serious concern and call for intensified efforts for promoting the principle of non-discrimination. According to the EFA Global

Monitoring Report (2003/4),<sup>4</sup> only 52 countries out of 128 for which data were available were expected to achieve gender parity in primary and secondary education by 2005. Meanwhile, 54 countries risk not achieving this objective by 2015, thereby jeopardizing the possibility of fulfilling the gender equality goal by the same year. As was recognized by the Ministers of Education at the Seventh Meeting of the High-Level Group on EFA (December 2007, Dakar, Senegal) “achieving the EFA goals means reaching those children, youths and adults, *especially girls and women*, who have hitherto been excluded from basic education opportunities.”<sup>5</sup> (Emphasis added). Indeed, one witnesses unprecedented disparities in access and quality as the demand for education grows and what is on offer becomes more diverse. Girls remain deprived of equitable treatment and are often victims of discrimination.

## **II. Right to Education and Equal Opportunities for Men and Women: Normative Framework**

In order to achieve EFA, it is imperative, within the overall framework of the right to education as laid down in international instruments, to give high priority to gender equity, to ensure gender parity in access to basic education as a fundamental human right, and to eliminate gender-based discrimination or exclusion. For this purpose, normative action for elimination of gender-based discrimination must be intensified, in line with UNESCO’s Convention against Discrimination in Education. It is also imperative to bring about equality of opportunity for men and women. This necessitates giving full effect to the provisions in United Nations human rights treaties, especially in the Convention on the Elimination of All Forms of Discrimination against Women, which establishes the obligation of the States Parties to the Convention to “take all appropriate measures to eliminate discrimination against women in order to ensure them equal rights with men in the field of education.”

Ensuring equal rights of women and men in the field of education is a key dimension of the right to education which is an internationally recognized

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<sup>4</sup> *Gender and Education for All: The Leap to Equality*: EFA Global Monitoring Report, 2003/4, UNESCO, Paris.

<sup>5</sup> See Communiqué ED/EFA/2007/ME/32, UNESCO, Paris, December 2007.



right. Normative framework for this purpose is laid down by the United Nations and UNESCO's instruments.

*(i) UNESCO's Instruments and Normative Framework*

The right to education is at the heart of UNESCO's mission. Constitution of UNESCO expresses the belief of its founders in '*full and equal opportunities for education for all*'.<sup>6</sup> The right to education is thus central to EFA. A number of standard-setting instruments adopted by UNESCO in the fields of education give expression to the mission of the Organization, and develop the right to education in its various dimensions<sup>7</sup>, extending from initial or basic education to lifelong learning.<sup>8</sup>

The legal framework of the right to education is laid down by UNESCO's Convention against Discrimination in Education which is the first instrument in the field of education. Discrimination in education based, *inter alia*, upon sex or gender is forbidden by the Convention<sup>9</sup> which establishes the

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<sup>6</sup> UNESCO is entrusted with the mission to: "give fresh impulse to popular education and to the spread of culture: By collaborating with Members, at their request, in the development of educational activities; by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social; (and) by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom." Article 1§2 (b) of UNESCO's Constitution.

<sup>7</sup> Yves Daudet and Kishore Singh "The Right to Education: An Analysis of UNESCO's Standard-Setting Instruments", UNESCO, Paris, 2001.

<sup>8</sup> The World Education Report 2000: '*The Right to Education: towards education for all throughout life*' UNESCO Publishing, 2000. UNESCO had in the beginning of the century and the new millennium raised key issues in this Report: "If its potential (of the right to education) to contribute towards building a more peaceful world is to be realized, education must be made universally available and equally accessible to all. The challenge is daunting. (...). These (basic learning) needs are daily becoming more pressing as the vast changes in the world wrought by globalization and the revolution in information and communication technologies threaten to marginalize entire populations still living in dire poverty." (forward to the Report by the Director-General).

<sup>9</sup> The Convention was adopted in Paris by the General Conference of UNESCO at its eleventh session on 14 December 1960, and came into force on 22 May 1962. So far, 96 Member States have adhered to the Convention.

entitlements to the right to education for various beneficiaries at all levels of education, including the right to universal primary education free of charge. The Convention has been recognized by UNESCO's Executive Board as a key pillar of EFA. Article 2 of the Convention contains detailed provisions as regards the obligations of a State party to the Convention to ensure equivalent access to education in case it establishes or maintains separate educational systems or institutions for pupils of the two sexes, and to offer same opportunities, including provisions for qualified teachers.<sup>10</sup>

UNESCO's Revised Recommendation on Technical and Vocational Education (2001)<sup>11</sup> underlines the importance of technical and vocational education for

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At the same time, the General Conference adopted the Recommendation against Discrimination in Education. This Recommendation sought to take into account the difficulties that certain States might experience, for various reasons and in particular on account of their federal structure, in ratifying the Convention. Barring differences in wording and in legal scope inherent to the nature of these two categories of instrument, the content of the Recommendation is identical to that of the Convention.

Like UNESCO's Constitution, the Convention prohibits discrimination in education based on race, colour, sex, language, religion, political or other opinion, national or social origins, economic condition or birth. Similarly, the Recommendation concerning the Status of Teachers (1966) stipulates that "all facilities should be made available equally to enable every person to enjoy his right to education without discrimination on grounds of sex, race, colour, religion, political opinion, national or social origin, economic condition." (Para 10, b).

<sup>10</sup> In its Article 2, the Convention provides that "When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article I of this Convention: (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study (...)."

<sup>11</sup> The Revised Recommendation on Technical and Vocational Education (2001) provides that "Given the immense scientific, technological and socio-economic development, either in progress or envisaged, which characterizes the present era, particularly globalization and the revolution in information and communication technology, technical and vocational education should be a vital aspect of the educational process in all countries, and in particular should (a) contribute to the achievement of the societal goals of greater democratization and social, cultural and economic development, while at the same time developing the potential of all individuals, both men and women, for active participation in

women and girls. It contains detailed provisions on the importance of imparting basic skills to women and girls, and lays down the norms for national action with a view to their *empowerment*. The Recommendation provides that technical and vocational education should be designed “on a basis of equality to women as well as men, and where the learning and working environment is made suitable for the participation of girls and women by removing overt and covert bias and discrimination and seeking strategies for motivating girls and women to take an interest in vocational and technical education.” (para. 7). Furthermore, the Recommendation states that technical and vocational education should “develop and implement education, training and retraining policies for women, especially young women and women re-entering the labour market, to provide skills to meet the needs of a changing socio-economic context for improving their employment opportunities.”

UNESCO’s Recommendation on the Development of Adult Education is another instrument which underlines the need for equitable treatment of women as regards their right to education, and lifelong learning. It stipulates that “The place of adult education in each education system should be defined with a view to achieving a rectification of the main inequalities in access to initial education and training, in particular inequalities based on age, sex, social position or social or geographical origin (...).”

As regards women’s access to higher education on an equitable basis, the *World Declaration on Higher Education for the Twenty-first Century (1998)*<sup>12</sup> contains necessary provisions. In its Article 4 entitled Enhancing participation and promoting the role of women, the Declaration stipulates that:

(a) Although significant progress has been achieved to enhance the *access of women* to higher education, various socio-economic, cultural and political obstacles continue in many places in the world to impede their full access and effective integration. To overcome them remains an urgent priority in the

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the establishment and implementation of these goals, regardless of religion, race and age.” (...). Para. 5 of the Recommendation.

<sup>12</sup> The Declaration was adopted by the World Conference on Higher Education in the Twenty-first Century: Vision and Action, UNESCO, Paris, 5-9 October 1998.

renewal process for ensuring an *equitable and non-discriminatory system of higher education* based on the principle of merit;

(b) Further efforts are required to eliminate all gender stereotyping in higher education, to consider gender aspects in different disciplines and to consolidate women's participation at all levels and in all disciplines, in which they are under-represented and, in particular, to enhance their active involvement in decision-making;

(c) Gender studies (women's studies) should be promoted as a field of knowledge, strategic for the transformation of higher education and society;

(d) Efforts should be made to eliminate political and social barriers whereby women are under-represented and in particular to enhance their active involvement at policy and decision-making levels within higher education and society.

*(ii) United Nations Human Rights Treaties and Normative Framework*

The right to education is provided for in all United Nations human rights treaties. It is comprehensively covered by Article 13 of the International Covenant on Economic, Social and Cultural Rights, which was drafted at the suggestion of UNESCO's Director-General. The States parties to the International Covenant recognize the right of everyone to education (Article 13 §1). In line with this article, "education must be accessible to all, especially the most vulnerable groups, *in law and fact*, without discrimination on any of the prohibited grounds."<sup>13</sup>

Among United Nations human rights treaties, it is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, which comprehensively covers women's rights. It is often described as an international bill of rights for women.<sup>14</sup> The Convention defines discrimination against women as

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<sup>13</sup> General Comment No. 13 on the Right to Education, *opt cit* (§ 6).

<sup>14</sup> The Convention defines what constitutes discrimination against women and sets up an agenda for national action to eliminate such discrimination. It provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal

“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the *recognition, enjoyment or exercise* by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Article 10 of the Convention establishes the international obligations of States parties to it to take measures aimed at eliminating discrimination against women, and contains detailed provisions for women’s right to education. It lays down that “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;

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opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms on the basis of equality with men.

- (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.

The Convention thus lays down a framework for equal rights of men and women in the field of education and equal access to educational opportunities throughout education system.

*(iii) Equality of Opportunity in Education for Men and Women as a Fundamental Norm*

The principles and norms for the right to education are laid down in the instruments of the United Nations and of UNESCO, and provide normative basis for action at national level.<sup>15</sup> Among these, the principle of equal rights and equality of opportunity for men and women is especially important. The Convention against Discrimination in Education reflects UNESCO's mission of instituting collaboration among nations to "advance the ideal of equality of educational opportunities without regard to race, sex or any distinctions, economic or social." It lays down normative framework and state obligations. Under Article 4, the States Parties to the Convention undertake to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of

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<sup>15</sup> Notably, the Convention on the Rights of the Child (1989), the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), and the Convention on the Rights of Persons with Disabilities (2006) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), and the United Nations Declaration on the Rights of Indigenous Peoples (2007).

opportunity and of treatment in the matter of education (...). In the normative framework of the right to education, the principle of equality of educational opportunity, enshrined in UNESCO's constitution and expressed in the Convention against Discrimination in Education is of fundamental importance. This principle is also reflected in UNESCO's conventions and recommendations in the field of education.<sup>16</sup>

The State obligations for equality of educational opportunities for the right to education are also laid down in other international instruments. The principles of non-discrimination and of equality of opportunity in education are expressed in all United Nations human rights treaties and are common to the work of all United Nations human rights treaty bodies.<sup>17</sup> International human rights treaties prohibit discrimination on the basis, *inter alia*, of sex or gender, so that women and men enjoy their human rights on a basis of equality.

In this respect, the CEDAW is of special significance. It provides that "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 (...)." It establishes the principle of equal rights and equality of opportunity for men and women as well as equal access to education at all levels and in all its form.

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<sup>16</sup> UNESCO's Convention on Technical and Vocational Education (1989) provides that the contracting States that "shall work towards the right to *equal access* to technical and vocational education and towards *equality of opportunity* to study throughout the educational process." (emphasis added). Other UNESCO's instruments as several Recommendations in the field of education also provide for equality of educational opportunities.

<sup>17</sup> Thus, Article 28 §1 of the Convention on the Rights of the Child relating to the right to education stipulates that "States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) make primary education compulsory and available free to all; [...]". Similarly, the principles of non-discrimination and of equality of opportunity in education are also reflected in the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the Convention on the Rights of Persons with Disabilities.

Equality of educational opportunity is an entitlement and overriding attribute of the right to education. It constitutes *core obligation of states* which should be respected while giving effect to international instruments. The principle of equality of educational opportunity goes hand in hand with the principle of universal access to education. UNESCO conducts and supports research and studies on the analysis of constitutional provisions on right to education, in general, and on equality of educational opportunities in particular.

As regards equality of access of girls to learning opportunities and attainment of educational qualifications, the fourth World Conference on Women: Action for Equality, Development and Peace, (Beijing, September 1995) was a landmark. UNESCO played an important role at this Conference. UNESCO's Statement on Women's Contribution to a Culture of Peace, prepared for the Conference is a strong plea for "support national and international efforts to ensure equal access to all forms of learning opportunities and access to decision-making." The Declaration and Platform of Action adopted at the Conference stated that "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 men and women. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change [...]"<sup>18</sup> Thus, the importance of mainstreaming a genre perspective in policies and programmes for women's empowerment was underlined by UNESCO.

*(iv) The Right to Education as Entitlement and the Right to Education as Empowerment.*

The right to education as *entitlement* is inextricably linked with the right to education as *empowerment*.<sup>19</sup> Such a conceptual approach underpins the legal

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<sup>18</sup> Report of the Fourth World Conference on Women, Beijing, 4-13 September, 1995, United Nations, 27 October 1995 A/Conf.177/20 and ADD.I.

<sup>19</sup> Kishore Singh, "The Right to Education and International Law: UNESCO's Normative Action", *Indian Journal of International Law*, New Delhi, Volume 44, No. 3, July-September 2004 (pp. 488-520).



framework for the right to education, as is shown above.

The *empowering role of the right to education* was brought into limelight in the vision of education developed by UNESCO in 1990's, as is demonstrated by the Report presented to UNESCO: "*Learning: The Treasure Within*" (1996).<sup>20</sup> This Report states that "Basic education is the first step in attempting to attenuate the enormous disparities affecting many groups – women, rural populations, the urban poor, marginalized ethnic minorities and the millions of children not attending school and working." As a result, UNESCO valorizes education as '*treasure within*', and recognizes the need for *lifelong learning* and the realization of the right to education throughout life. Education is essential for socio-economic development and gender equality is a condition in this process. Empowerment of women through basic knowledge and skills enables them to contribute to development, starting with family life.

### **III. Monitoring the Implementation of the Right to Education of Women and Operationalizing Normative Framework**

The implementation of the right to education and equal opportunities for men and women is monitored both by UNESCO and the United Nations human rights treaty bodies. Besides, UNESCO's transversal programme on women's empowerment has the objective of giving shape to their right to education on equal basis with men. The EFA Global Monitoring Reports also contribute to the application of such a right.

Several key issues in implementing the right to education of women have been highlighted in the EFA Global Monitoring Report (GMR) 2008. The GMR states that women constitute 64 per cent of illiterate adults (1995-2004) and their literacy is crucial in addressing wider issues of gender inequality. Pointing out that the gender equality remains elusive, the Report addresses

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<sup>20</sup> The Report stated that the concept of learning throughout life goes beyond the traditional distinction between initial and continuing education. It links up with another concept [...] that of the learning society, in which everything affords an opportunity of learning and fulfilling one's potential. See the International Commission on Education for the Twenty-first Century: The Report of the Commission presented to UNESCO "*Learning: The Treasure Within*", UNESCO, Paris, 1996 (p. 118).

various issues as regards equity and gender disparities and inequalities and underlines the need to promote gender equality through teacher training, the curriculum and textbook content.<sup>21</sup> It is, therefore, necessary to give further impetus to the EFA process, and engage in full advocacy of the equal right to education of men and women. This calls for urgent action for the elimination of gender disparities in access to education and greater emphasis on political obligations of Governments. This is vital for advancing the EFA agenda. In view of missed opportunities, there is need for all partners to work together towards the shared goals and to mutually reinforce their efforts, and to accelerate actions aimed at achieving gender equality goal by 2015.

#### (i) UNESCO's Action

UNESCO's action for promoting the right to education and equality of educational opportunities for girls and women is mainly covered in the application of the Convention and Recommendation against Discrimination in Education. The Organization monitors its implementation by way of periodic consultation with Member States. The results of the seventh Consultation (2000-2005) demonstrated the continuing challenges being faced by Member States in the implementation of the Convention and the Recommendation, both *in law and in fact*.<sup>22</sup> Special emphasis, in a significant number of reports, is placed on gender equality and equity (for example in those of Bangladesh, Benin, Burundi, Croatia, Cyprus, Jordan, Malawi, Mali, Nepal, Niger, South Africa, Tanzania, Turkey, Uganda and Zimbabwe). With regard to the provisions of Article 2 of the Convention, measures taken for ensuring gender parity in education have been applied in many reporting

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<sup>21</sup> The EFA Global Monitoring Report 2008, UNESCO, Paris (pp.4 and 65).

<sup>22</sup> "Results of the Seventh Consultation of Member States on the measures taken for implementation of the Convention and the Recommendation against Discrimination in Education (1960)", Documents 177 EX/36, and 34 C/56, and the decision adopted by UNESCO's Executive Board (177 EX/Decision 36), and the resolution adopted by the General Conference in October 2007 (34 C/Resol. 13). For the Seventh Consultation, UNESCO received 54 reports from Member States. On the basis of these reports, UNESCO prepared an analytical report. The analytical report focuses on (i) elimination of discrimination in education, (ii) promotion of equality of educational opportunities, and (iii) ensuring universal access to education of good quality.

Member States (Benin, Bangladesh, Burundi, Guinea, Ivory Coast, Mali, Tanzania, Zimbabwe, etc.).

Most States reported progress towards the elimination of gender discrimination in education. In countries where a broad balance of male and female enrolments in education has largely been achieved and girls' educational performances are in some cases observed to be superior to those of boys (e.g. Australia, Norway and the UK), there is concern over the persistence of gender discriminatory attitudes and behaviour among students. The persistence of gender stereotyping by field of study, especially at the upper secondary level of education, which is often determinant of future career opportunities, is signalled in several of the reports.<sup>23</sup>

Thus, the results of the Seventh Consultation demonstrated the actions being taken by Member States aimed at gender equity and gender parity in face of persistence of gender discriminatory attitudes and behaviour. Several reports submitted to UNESCO for seventh consultation are very rich in furnishing information as regards *practical examples* and measures taken by Member States for bringing about equality of educational opportunities for women. *Practical examples* reported by countries include:

- Bahrain provides non-coeducation in government schools (separate boys and girls) because of customs and traditions in the country, yet the educational system offers equal opportunities to education in all its stages and types for all, except the technical education, which is currently only provided for boys. The government of Bahrain has taken initiatives to introduce new specializations in technical and vocational education for boys and girls alike, which are being implemented;

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<sup>23</sup> Norway draws attention to measures aiming to encourage "untraditional educational choices" by both female and male students in secondary and higher education. In Germany, particular attention has recently been given to removing "gender stigmatizing" elements from vocational training. As regards ensuring gender equity, as the report from Côte d'Ivoire states, results obtained are biased by some socio-cultural factors.

- In Bangladesh, at the secondary level, a nationwide programme of stipends for female students, and a ten-year programme to motivate, train and employ female teachers in rural secondary schools (1995-2004), have helped to achieve gender parity in enrolment. Measures of gender equality and equity include construction of separate toilet; female stipend programmes; project for enhancing enrolment of female students;

- In Sri Lanka, overall gender parity in pupil enrolments has largely been achieved in primary and secondary education, but disparities remain in the choice of subject area specialization at the upper secondary level, where girls are more strongly represented than boys in the arts stream, and vice versa in the science stream;

- Benin recognizes that gender related discrimination and inequities in schools result from the lack of equality of opportunities in education and disparities between boys and girls. The country has therefore, defined a policy on equality of opportunities in education and retention in schools of girls and has adopted incentive measures and taken affirmative action to encourage access of girls to basic education;

- In Malawi, measures taken to guarantee equal access to all levels of education include anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action: government is putting in place a number of programmes to ensure equal access to education at all levels, as introduction of bursary schemes for girls and vulnerable children;

- In Mali, gender gap is recognized as being a major constraint as regards equity in access to education. As such, a national policy is being elaborated so as to accelerate girls schooling, and gender parity is a priority with the objective of reaching equality of opportunity;

- In Nepal, gender equality and equity are crucial in the EFA process: Girls Education Fund has been established to provide scholarships and incentives to poor and disadvantaged girls for the continuation of their higher education. Similarly, institutional integration programs have been launched to mainstream the religious schools under the EFA program 2004-2009;

- In Tanzania, the Education and Training Policy of 1995 aims at promoting, among others, access to and equity in education of all citizens regardless of sex; encouraging equitable distribution of educational institutions and resources and expanding and improving girls' education. The policy directs curriculum review in eliminating gender stereo-typing in textbooks and classroom practices; strengthening and encouraging the participation and academic achievement of girls. Various programmes have been developed in the process of implementation of this policy;

- In Zimbabwe, a National Gender Policy was launched in 2003 to facilitate the design and implementation of policies that redress gender imbalances and promote equality among women and men, and gender parity in teacher recruitment is being developed. Its objective is to eliminate all negative economic, social and political policies, cultural and religious practices that impede equality and equity of the sexes;

-In Colombia, due to the pursuit of policies on gender parity, the enrolment of girls outnumbers that of boys in schools. Government has developed programmes for elimination of stereotypes;

-In Guinea, gender equity and elimination of discrimination in schools remains persistent; Government has taken measures through national legislation aimed at girls' access to education and provision for bursaries for girls;

-In Ivory Coast, as in Benin, a number of actions are being taken to reduce disparities between boys and girls in access to schools and to advance towards equality of opportunity in education.

These *practical examples* demonstrate actions being taken in several important areas such as:

- Removal of disparities in education;
- Ensuring access to and equity in education;
- *Positive measures* and *affirmative action* for ensuring gender equity and equal opportunity for boys and girls; and,

- Removal of gender stereotypes and traditions and socio-cultural values and modes in which girls find themselves in disadvantageous positions.

*(ii) The United Nations System and Monitoring the Implementation of the Right to Equal Opportunities for men and Women in Education*

As mentioned above, States parties to the CEDAW have the international obligation to undertake a series of measures to eliminate discrimination against women in education. They are required to submit national reports to the United Nations, at least every four years, on measures they have taken to comply with their treaty obligations.<sup>24</sup> These reports, which may indicate factors and difficulties in implementation, are examined by the CEDAW-Committee which is composed of independent experts. While participating in the work of the CEDAW-Committee, UNESCO brings to bear its experience, especially in relation to main issues that are examined. Cooperation with the CEDAW-Committee principally covers the questions related to the right to education of girls, gender equity in education, and equality of educational opportunities in access to education, in accordance to the provisions in article 10 of the CEDAW. After examining the report submitted by State and constructive dialogue with State party concerned, the CEDAW-Committee adopts Concluding Observations on the state of implementation of the provisions of the CEDAW. UNESCO gives follow up to these Concluding Observations adopted by the CEDAW-Committee.

In its Concluding Observations, the CEDAW-Committee recognizes the key role of education for the advancement of women. These Concluding Observations express abiding concern with the low level of education of women and girls and about limits and obstacles to their access to education at all levels, especially at the secondary and tertiary levels. This remains one of the most serious impediments to their full enjoyment of human rights and the

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<sup>24</sup> The CEDAW carries obligation for the States parties to submit to the Secretary-General a report on the legislative, judicial, administrative or other measures that they have adopted to implement it within a year after its entry into force and then at least every four years thereafter or whenever the CEDAW-Committee so requests.

achievement of women's empowerment. Women and girls in vulnerable and marginalized situations - such as indigenous, minority and ethnic women, women living in rural areas, Roma and aboriginal women, immigrant and refugee women, women with disabilities - suffer from multiple forms of discrimination, especially with respect to equal enjoyment of their human right to education. The CEDAW-Committee has also underlined that in view of the disadvantaged position of rural women, in particular with regard to access to education, it is necessary to ensure equal access of girls and women to all levels of education in both urban and rural areas through the adoption of comprehensive programmes of formal and non-formal education and to improve the literacy level of girls and women, particularly in rural areas.

The CEDAW-Committee encourages the States parties to the CEDAW to eliminate *de jure and de facto* discrimination. In its Concluding Observations, it calls on the State party to strengthen implementation of its efforts to tackle, through the education system, the structural causes of the persistent discriminatory attitudes against women, and to overcome expeditiously the gender-based segregation in educational fields. The CEDAW-Committee also encourages the States parties to the CEDAW to actively promote diversification of educational and professional choices for women and men and offer incentives for young women to enter traditionally male dominated fields of study. Moreover, the Concluding Observations call upon the State party to ensure adequate investment in education for girls and women and provide further resources in programmes addressing obstacles to girls' and young women's equal educational opportunities.

These Concluding Observations express concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society and persistent stereotypes found in school curricula and textbooks. These stereotypes present a significant impediment to the implementation of the Convention and are a root cause of the disadvantaged position of women.

The CEDAW-Committee, therefore, urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role stereotypes and the continuing gender role

stereotyping in the area of education and vocational training for girls and boys. It has underlined the need for targeted educational programmes and of a revision of curricula and textbooks, as well as the lack of teacher training to eliminate such stereotypes. It encourages the State party to continue its efforts to eliminate gender stereotyping, and to strengthen the mainstreaming of gender perspectives in curricula and textbooks. A major cause of girls dropping out of school resulting in their high dropout rate is due to pregnancy and early and forced marriage. Discrimination in girl's access to education persists in many areas, owing to customary attitudes, early marriages and pregnancies, inadequate and gender-biased teaching and educational materials. As such, the CEDAW-Committee urges States parties to the Convention to implement further measures to support pregnant girls and enhance its measures to raise awareness in secondary schools about teenage pregnancy prevention.<sup>25</sup> The CEDAW-Committee recommends to the States parties to the CEDAW to take steps to prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention, including through the use of temporary special measures by giving incentives to parents and scholarships to girl students.<sup>26</sup>

Questions relating to access to education and gender equality are also covered in UNESCO's collaboration with the United Nations Committee on Economic, Social and Cultural Rights (CESCR). UNESCO gives follow up to the Concluding Observations adopted by CESCR. Women and girls are frequently excluded from education. In such cases, CESCR reminds States parties of the obligation to achieve gender equality in the access to education

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<sup>25</sup> It is important to note that the action agenda in the Communiqué issued at the end of the third meeting of the High Level Group on EFA organized in New Delhi (India, 10-12 November 2003) contains commitments by the Ministers who urge to give prominence, inter alia, to "enacting national legislation to enforce children's right to free and compulsory quality education, prevent and progressively eliminate child labour, and prohibit early marriage."

<sup>26</sup> As regards the Concluding Observations adopted by the CEDAW-Committee, see the website of the Office of the High Commissioner for Human Rights, <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>.



in different regions.<sup>27</sup> In some countries, this disparity between women and men can even be greater in rural areas.<sup>28</sup> The obligation of State parties in this regard has also been interpreted to comprise the elimination of traditional attitudes which frequently prevent girls and women from the enjoyment of their right to education.<sup>29</sup>

As regards effective implementation of, women's right to education, it is important to note that the Report on girls' right to education by the Special Rapporteur on the Right to Education addresses the socio-cultural context of gender discrimination and denounces its negative impact on education, and especially on girls' education. The Report draws attention to aggravating factors and highlights the key role of human rights education and its concrete implementation at the classroom level to combat gender discrimination and stereotypes.<sup>30</sup>

Among the United Nations monitoring mechanisms, the Commission on the Status of Women (CSW), created to monitor the implementation of the Beijing Platform for Action, as mentioned above, also plays an important role in promoting women's right to education. The Commission's work focuses on actions and initiatives to implement the Beijing Declaration and Platform for Action, i.e. the "outcome document", adopted by the United Nations General Assembly at its twenty-third special session in June 2000. Such an approach requires an assessment of the implementation of the Beijing Platform for Action, in view of current challenges and with forward-looking strategies for the advancement and empowerment of women and girls. Emphasis is put on the effective implementation at national level, on gaps and challenges and areas where actions and initiatives are most urgent. UNESCO participates in the Sessions of the CSW, and in the Inter-Agency Network on Women and Gender Equality (IANWGE). Actions centre around linkages between Beijing

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<sup>27</sup> Concluding Observations, El Salvador, E/C.12/SLV/CO/2 (2007), para. 28; Morocco, E/C.12/MAR/CO/3 (2006), para. 30

<sup>28</sup> Concluding Observations, Morocco, E/C.12/MAR/CO/3 (2006), para. 57

<sup>29</sup> Concluding Observations, Zambia, E/C.12/1/Add.106 (2005), para. 32

<sup>30</sup> Economic, Social and Cultural Rights, Girl's Right to Education: Report submitted by the Special Rapporteur on the Right to Education, Commission on Human Rights, sixty second session, Economic and Social Council, E/CN.4/2006/45, 8 February 2006.

Platform of Action and the Millennium Declaration; synergies between national level implementation of the Beijing Declaration and the Platform of Action and the CEDAW, with a focus on achieving gender-related EFA goals.

#### **IV. Challenging Tasks and Way Forward**

In view of the fact that the 2005 targets in MDG's relating to education and gender equity have not been achieved, it is crucial to put greater focus on efforts for promoting women's advancement and gender equality in education. The results of the seventh Consultation of Member States on the measures taken by them for the implementation of the Convention and Recommendation against Discrimination in Education and the Concluding Observations adopted by the CEDAW-Committee, mentioned above, throw light on the progress made, obstacles encountered, and actions needed in future in order to meet the daunting challenge of eliminating the gender-based disparities and achieving gender equality in education.

First and foremost, the importance of intensifying normative action with a view to bringing about *de facto* equality of opportunities for women must be underlined. UNESCO's action for promoting normative action for right to education aims at creating greater awareness of State obligations, and policy and strategies for universalizing access to education for all.<sup>31</sup> Creating greater awareness about the right to education of women and the normative framework is indeed crucial. In this, emphasis needs to be placed on State obligations under international conventions and their fulfillment as well as political responsibility of Governments to advance EFA. Governments must be urged to live up to their collective political commitments made at the World Education Forum, and the *core* responsibility they bear. While doing so, critical importance of incorporating State obligations and political

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<sup>31</sup> UNESCO has designated gender equality as one of its global priorities. The Organization recognizes the importance of integrating a gender perspective into all areas of its work. Its endeavours are aimed at mainstreaming gender considerations across its entire programme. Under its Medium-Term Strategy for 2008-2013, UNESCO remains at the forefront of the UN agencies in elevating gender equality to a high strategic priority. The Priority Gender Equality Action Plan bears evidence to this.

commitments by Governments in national legislation must also be emphasized. The current developments in national legislation and promotional measures for bringing about *de facto* equality of educational opportunities in education for women deserve to be publicized.

The CEDAW-Committee systematically underlines in its Concluding Observations the need to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It encourages the States parties to use its educational and training systems systematically for enhancing knowledge about the Convention and women's right to equality and non-discrimination. Moreover, in order to make the provisions of the CEDAW better known, UNESCO has issued the "Passport to Equality" which contains the articles of the CEDAW. The Passport is being widely distributed to Member States and exists in more than 25 languages. The celebration of the International Women's Day also provides the occasion to raise greater awareness about key challenges in identifying the issues and creating equal opportunities for men and women in the field of education to drive progress forward. It is important to raise further awareness about the right to education of girls as part of the EFA process and to work towards the full realization of women's right to education. Greater advocacy involving all stakeholders and human rights activists is required for women's right to education, both as *entitlement* and as *empowerment*. As is stated in the Beijing Declaration and Platform of Action, this would enable them to acquire the knowledge, capacities, aptitudes, skills and ethical values, needed to develop and participate fully under equal conditions in process of social, economic and political development.

An important area of national action relates to integrating a gender perspective in policy, planning, programming, implementation and evaluation with a view to promoting women's empowerment and achieving gender equality throughout education system. Literacy of women is an important key to improve health, nutrition and education in the family and to empower women. As a World Bank study shows, it is possible to improve gender equality in education, if right policies and interventions are put in

place.<sup>32</sup> The dissemination of *practical examples* in promoting education of girls and women, mentioned above, is important for Member States to draw upon one another's experience. In these efforts, UNESCO National Commissions have an important role to play in promoting actions aimed at empowerment and advancement of girls and women. Strategies for gender equality in education must be integrated into a broader development agenda, as promoting people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training and primary health care for girls and women has become necessary.

Equality of access of girls to education has emerged as a major concern in the context of the poverty reduction strategies. Poverty is the greatest obstacle to realizing the right to basic education. It is women and girls who suffer disproportionately the effects of poverty. Education is a powerful tool for the poverty reduction strategies. Making quality basic education accessible to all the poor children calls for radically new policy and legal approaches in the context of globalization which "carries with it the danger of creating a market place in knowledge that excludes the poor and the disadvantaged".<sup>33</sup> In a globalized world, allowing a situation to persist where there were educational 'haves' and 'have-nots' would not only be unacceptable but dangerous.<sup>34</sup> The struggle against social exclusion and growing poverty requires to be intensified, so that the children from poor families, in particular girls, are not relegated to the most disadvantaged schools. It is necessary to build effective and imaginative strategies for educating such children. Efforts to reduce poverty and advance human rights cannot succeed without the systematic and concerted support of women's rights, women's empowerment and gender equality.

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<sup>32</sup> "Girl's Education in the 21<sup>st</sup> Century: Gender equity, empowerment and economic growth", by Mercy Tembon and Lucia Fort (editors), The World Bank, 2008 (p. 279).

<sup>33</sup> Education for All: Meeting Our Collective Commitments – Expanded commentary on the Dakar Framework of Action, prepared by the World Education Forum Drafting Committee, Paris, 23 May 2000 (para. 26).

<sup>34</sup> An International Strategy to put the Dakar Framework for Action on Education for All into operation, UNESCO, 2002 (p. 7).

As the results of the Seventh Consultation showed, ensuring *de facto* equality of educational opportunities remains a continuing challenge, and equal access to education by boys and girls is a critical issue. The gender equity is a key question in striving to ensure equal educational opportunities, as women constitute a very important segment of those who remain deprived of or underserved in education. They deserve equitable treatment and must become beneficiaries of positive discrimination. According them a priority as disadvantaged and vulnerable group, promotional measures are highly necessary in order to eliminate existing inequities and disparities in education. It is, therefore, crucial to monitor women's right to education more effectively, promote equitable and universal access to education by women and encourage Member States to adopt effective measures to that end. The challenging tasks consist in expanding educational opportunities for women in order to give them wider access to education. Strengthening national legal systems with emphasis on right to education, in general, and on equality of opportunity in particular, is vital for universalizing access of all girls and women to quality education. In this respect, the significance of key word in the CEDAW - *recognition, enjoyment or exercise of equal rights by women* – must be reiterated.