

Ref: TIGO IOR/40/077

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Committee on the Elimination of Discrimination  
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Dear Ms Ameline,

Amnesty International has prepared this submission for the half-day of General Discussion on girls'/women's right to education organized by the United Nations (UN) Committee on the Elimination of Discrimination against Women (the Committee) to inform its consideration of a new General Recommendation on girls'/women's right to education. I would be grateful if you would distribute this letter to the other members of the Committee.

Amnesty International welcomes the concept note prepared by the Committee in light of state obligations arising from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). All the issues covered in the concept note are essential to a proper understanding of the underlying factors that need to be addressed in order to ensure girls'/women's access to the right to education free from discrimination. Amnesty International strongly supports their full examination in the forthcoming General Recommendation.

All individuals have the right to available, accessible, acceptable and adaptable education, free from discrimination.<sup>1</sup> Education is both a human right in itself and an indispensable means of realizing other human rights.<sup>2</sup> According to the Committee on Economic, Social and Cultural Rights (CESCR), "education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment...".<sup>3</sup> As observed in the concept note, women and girls face multiple barriers in accessing their right to education. Where they are able to access education, the quality of education they receive is often inadequate or not of the same standard as what is available for men and boys. Under article 10 of CEDAW states are obliged "to take all appropriate measures to eliminate discrimination against women to ensure to them equal rights with men."<sup>4</sup>

Amnesty International highlights the importance of human rights education in addressing discrimination against girls as a key obstacle in their right to education. Individuals, including women and girls, have the right to know, seek and receive information about all human rights and fundamental freedoms.<sup>5</sup> As a key aspect of quality education, human rights education offers a rights-based approach to education, and can be a means to attaining gender equality.<sup>6</sup> In rights-based education, the principles of equality, dignity, inclusion, accountability, participation, empowerment, and non-discrimination are integrated into all aspects of

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<sup>1</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment 13, The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10, Para 6.

<sup>2</sup> Ibid.

<sup>3</sup> CESCR, General Comment 13, Para 1.

<sup>4</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in force since September 1981, art. 10

<sup>5</sup> United Nations Declaration on Human Rights Education and Training, General Assembly resolution 66/137, 19 December 2011, Article 1.1.

<sup>6</sup> Katarina Tomasevski, *Human Rights and Poverty Reduction, Girls' education through a human rights lens: What can be done differently, what can be made better*, February 2005.

education, including the learning environment, the teaching/ learning process, the curriculum and extra-curricular activities, as well as the national policy. Implementing human rights education contributes to the prevention of human rights violations and abuses and to combating and eradicating all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful stereotypes and prejudices that underlie them.<sup>7</sup>

This submission draws on Amnesty International's research across several countries to provide evidence for how discriminatory attitudes based on gender stereotypes and the threat and existence of violence in and outside schools affect girls' and women's ability to attend and stay in school, and access education that is of a quality similar to what is available for men and boys. It also discusses the need for comprehensive sexuality education programs for realizing all human rights of women and girls, and the barriers faced by them in accessing such education and information, including when the provision of and access to sexual and reproductive rights information is criminalized in law. Finally, the organization addresses the importance of accountability and remedies for upholding the right to education of women and girls in particular.

### **Gender stereotypes and restrictions to equal participation in education**

Discriminatory gender stereotypes of what roles and behaviours are appropriate for women and girls in society limit their ability to access a range of rights. Article 5 of CEDAW requires states to take measures to modify existing social and cultural patterns of conduct, which are based on stereotyped roles for men and women. This Committee has called on states to take all necessary action "including the dismantling of patriarchal barriers and entrenched gender stereotypes" to ensure that girls can access their right to education.<sup>8</sup> In its General Comment, CESCR has clarified that "states parties are obliged to remove gender and other stereotyping which impedes the educational access of girls, women and other disadvantaged groups".<sup>9</sup>

Schools, in particular, are marked by asymmetrical power relations: teachers are entitled to regulate students' behaviour, administrators to make rules and hand out punishments, and older students often can exercise control over younger students. Abusive teachers and school employees are able to exploit these asymmetrical power relations, as are older students. Discriminatory gender stereotypes can be easily reinforced in such an environment. For example, girls may be expected to undertake certain chores, such as cleaning, which is not expected of boys while at the same time teachers may excuse fighting between boys and dismiss their teasing of girls, but expect modesty and demure interactions from girls.<sup>10</sup> In this context, the Special Rapporteur on the Right to Education has recognised that "gender stereotyping, threats to girls' emotional security and curricula that are insensitive to gender issues directly conspire against the realization of the right to education".<sup>11</sup>

Gender-based stereotyping can have significant impact on women's and girls' access to, and experience of, education. Certain stereotypes can act as barriers to women and girls accessing their right to education, and can be the reason why women and girls are forced to drop out of school. In Tajikistan, where the number of girls dropping out of education increased in older classes, Amnesty International found that the reasons for this included gender stereotyping, both at home and at schools, where boys were more encouraged to get a better education, while girls were expected to marry and care for their families.<sup>12</sup> Amnesty International was told that often families did not see a reason to invest in the education of their daughters as one day they would get married, move on to another family and not bring any income to the family.<sup>13</sup>

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<sup>7</sup> United Nations Declaration on Human Rights Education and Training – Article 4, General Assembly resolution 66/137, 19 December 2011, Article 4.

<sup>8</sup> CEDAW Statement "Protection of Girls' Right to Education" Adopted on 19 October 2012 during the 53rd session, <http://www.ohchr.org/Documents/HRBodies/CEDAW/Statements/CEDAWstatementGirlsEducationAsAdopted.pdf>

<sup>9</sup> CESCR, General Comment 13, para 55.

<sup>10</sup> J. Mirsky, *Beyond Victims and Villains: Addressing Sexual Violence in the Education Sector*, PANOS, 2003, p21 cited in Amnesty International, *Safe Schools: Every Girls' Right* (Index: ACT 77/001/2008).

<sup>11</sup> Special Rapporteur on the Right to education, Mr V. Munoz Villalobos, *Girls' right to education* (E/CN.4/2006/45), February 2006, Para 98.

<sup>12</sup> Amnesty International, *Violence is not just a family affair: Women face abuse in Tajikistan* (Index: EUR 60/001/2009), pages 32 and 33, available at <http://www.amnesty.org/en/library/info/EUR60/001/2009>

<sup>13</sup> Ibid.

Stereotypes associated with other identities, as well as the effects of multiple and intersecting forms of discrimination, also interfere with accessing a quality education. For example, Romani children generally face several barriers in accessing education in many countries, and statistics suggest that Romani girls are less likely than Romani boys to have access to education.<sup>14</sup> Romani girls are sometimes prevented from going to school because they have to care for younger brothers and sisters or carry out other tasks at home.<sup>15</sup>

Access to education is also restricted when girls are denied the right to freely determine their gender identity or sexual orientation. In Cameroon, girls and young women suspected of lesbian sexual activity have been expelled from their secondary schools.<sup>16</sup> Reports also speak of Kenyan girls who have been perceived as acting 'too masculine' and as a result have been expelled from their schools or beaten up by other students.<sup>17</sup>

Educational materials, methodologies and curricula that are not gender-sensitive can also perpetuate and further entrench harmful stereotypes, behaviours, and expectations. This includes instances where teachers have low expectations of female students; the reinforcement of these expectations because of teaching materials in which no female figures appear; etc.<sup>18</sup> The Special Rapporteur on the Right to Education has said that "States have an unavoidable obligation to guarantee education that is free from prejudices and stereotypes".<sup>19</sup>

The use of restrictive quotas in education settings is a means of enforcing stereotypical understandings of the roles of women and men in society and denying women and girls equal access to education. In Iran, where in 2007 women comprised 58% of students at universities and other institutions of higher education, official efforts have been made to restore the balance in favour of men. The measures included quotas, which some universities imposed to limit the number of female students who could enrol on specific degree courses, while other courses perceived by the authorities as suitable only for men, such as mining engineering, were closed to female students. Furthermore, courses such as women's studies were reformulated away from any focus on women's rights under international law in order to give priority to women's "traditional" roles and responsibilities within the family as wives and mothers, and to emphasize "Islamic values" as the key factor determining the position of women in Iranian society, and their rules of behaviour.<sup>20</sup> Female students have told Amnesty International that, in their view, the university authorities' stricter enforcement of dress and conduct codes, coupled with the curriculum changes and quotas limiting female enrolment in particular courses, had a disproportionate, adverse impact on women and may have deterred some girls from pursuing higher education.<sup>21</sup>

In order to ensure girls' and women's rights to education without discrimination, states should:

- Take all measures to eliminate discriminatory gender stereotypes that act as a barrier to women's and girls' access to appropriate and quality education.
- Ensure that policies do not limit the participation of girls and women in education, including through

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<sup>14</sup> Amnesty International, *False starts: The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia* (Index: EUR 05/002/2006), available at <https://www.amnesty.org/en/library/info/EUR05/002/2006/en>  
For example, reports suggest that in the Tuzla Canton, primary school attendance figures for Romani boys and girls were consistently lower for the latter between 2001/02 and 2005/06. In the period between 2001/02 and 2004/05, 25 girls and 71 boys completed elementary school, and 2 girls and 11 boys completed secondary school.

<sup>15</sup> Ibid, p 43.

<sup>16</sup> Amnesty International, *Making Love A Crime: Criminalizing Same Sex Conduct in Sub-Saharan Africa* (AFR 01/001/2013), 25 June 2013, Pages 48-51, available at <http://www.amnesty.org/en/library/info/AFR01/001/2013/en>

<sup>17</sup> Ibid, p. 48.

<sup>18</sup> Report submitted by the Special Rapporteur on the right to education, Mr V. Muñoz Villalobos, E/CN.4/2006/45, para 104. Other examples of stereotyping mentioned in the report include: Teachers give girls less feedback. It is claimed that girls have eight times less contact with teachers than boys; Teachers frequently report that they enjoy teaching boys more than girls; Girls have fewer expectations of themselves in and out of school; they think that their future consists primarily of being wives and mothers; Boys usually have sufficient space to practise certain sports; girls are not provided with similar space; Prizes won by girls and girls' achievements are not as widely reported or publicized as boys'; See also the Concluding Observations of this Committee on Slovakia (CEDAW/C/SVK/CO/4, 2008). The Committee called on Slovakia to "complete the review of school textbooks in order to remove gender stereotypes and promote egalitarian views of women's and men's roles in the family and in society".

<sup>20</sup> Amnesty International, *Silenced, expelled, imprisoned - Repression of students and academics in Iran* (Index: MDE 13/015/2014), p. 8, available at <http://www.amnesty.org/en/library/info/MDE13/015/2014/en>

<sup>21</sup> Ibid.

dress code requirements and quotas designed to restrict the participation of female students, and revoke any existing policies which do so.

- Ensure that all educational curricula, teaching methodologies, and materials are developed and implemented in a way which is non-discriminatory and which do not reinforce the stereotyping of women's and men's roles.

### **Violence against girls and the negative consequences for their right to education**

This Committee affirmed that “gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men”<sup>22</sup>. The Committee has emphasized that: “discrimination under the Convention is not restricted to action by or on behalf of Governments... Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.”<sup>23</sup>

Though violence in and around educational institutions may take different forms, with different levels of prevalence in different places, it is a global issue that constitutes a major barrier to exercising the girls' right to education, and indirectly their other human rights. While both male and female students may be affected by violence, gender inequality, stereotyping and discrimination results in girls and women experiencing disproportionately gender-based violence. Girls and young women are more often subjected to certain forms of violence, such as sexual harassment and sexual assault, which undermines their self-esteem, educational success and long-term health and well-being. As a result of violence, countless girls are kept out of school, drop out of school, or do not fully participate in school.

Sexual harassment of girls in school occurs around the world. A study in the USA found that 83 per cent of girls in grades 8 through 11 (aged around 12 to 16) in public schools experienced some form of sexual harassment.<sup>24</sup> According to a 2006 study of schoolgirls in Malawi, 50 per cent of the girls said they had been touched in a sexual manner “without permission, by either their teachers or fellow schoolboys”.<sup>25</sup> In Latin America, sexual harassment in schools has been found to be widespread in the Dominican Republic, Honduras, Guatemala, Mexico, Nicaragua, and Panama, among other countries.<sup>26</sup>

Girls may be assaulted on their way to school, pushed and hit in school grounds, teased and insulted by their classmates, and humiliated by having rumours about them circulated through whisper campaigns, mobile phones or the internet. Some are threatened with sexual assault by other students or offered higher marks by teachers in exchange for sexual favours.<sup>27</sup> In a survey in Zimbabwean junior secondary schools, 50 per cent of girls reported unsolicited sexual contact on the way to school by strangers, and 92 per cent of girls reported being propositioned by older men.<sup>28</sup> Students in Jamaica reported that sexual harassment, pressure to engage in sex, and touching of breasts and buttocks by peers is so common that it is seen as ordinary by both girls and boys.<sup>29</sup>

Women and girls face particular vulnerabilities in situations of war or armed conflict, which can create further barriers and obstacles in accessing education. The recent abduction of more than 240 girls by the Nigerian armed Islamist group Boko Haram is an example of this. For Palestinian girls in the Occupied Palestinian

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<sup>22</sup> CEDAW, General Recommendation No. 19 on Violence against Women, 1992, para 1.

<sup>23</sup> Ibid. para 9.

<sup>24</sup> American Association of University Women, *Hostile Hallways: bullying, teasing, and sexual harassment in school* (Washington D.C., American Association of University Women, 2001), cited in Secretary-General's in-depth study on all forms of violence against women (UN Doc: A/61/122/Add.1), 2006.

<sup>25</sup> Action Aid and UNICEF commissioned survey on gender violence in Malawi cited in IRIN News report, “Malawi: Abuse of women a national shame”, United Nations Office for the Coordination of Humanitarian Affairs, cited in Secretary-General's in-depth study on all forms of violence against women (UN Doc: A/61/122/Add.1), 2006.

<sup>26</sup> Independent Expert for the United Nations Secretary-General's Study on Violence against Children, Paulo Sérgio Pinheiro, World Report on Violence against Children, 2006, p. 121.

<sup>27</sup> Amnesty International, *Safe Schools: Every Girl's Right* (Index: ACT 77/001/2008), available at <http://www.amnesty.org/en/library/info/ACT77/001/2008>

<sup>28</sup> F. Leach, P. Machakanja, J. Mandoga, “Preliminary Investigation of the Abuse of Girls in Zimbabwean Junior Secondary Schools – Education Research Paper no. 39”, DFID, 2000 cited in Amnesty International, *Safe Schools: Every Girl's Right*.

<sup>29</sup> DevTech Systems, USAID, The Safe Schools Program Jamaica Assessment Program, April 11-22, 2005, 2005, p22 cited in Amnesty International, *Safe Schools: Every Girl's Right*.

Territories, Israeli army checkpoints, blockades and other restrictions on movement continue to severely hinder their access to education. The increased costs, the increased length of the journeys and the risk that students may be unable to return home due to closures and curfews has left female students open to vulnerability. Some families are unwilling to allow their daughters to be exposed to the risks of being stranded at a closed checkpoint and unable to return home at night.<sup>30</sup>

Girls living in refugee or displaced people's camps are at high risk of sexual abuse and exploitation. A 2002 report by UNHCR/Save the Children UK highlighted how teachers were taking advantage of their positions and their authority over girls in camps in West Africa, offering good grades and other school privileges in return for sex.<sup>31</sup> In 2013, Amnesty International interviewed students in the Yida refugee camp in South Sudan. Students raised concerns about teachers' qualifications and availability of textbooks and other materials as well as about the harassment at the hands of the SSPS who provide security for the camp. Female students had asked for a female police officer to be based at the camp and fencing to be erected around their compound as they had numerous instances of unwanted men, including from the adjoining village of Pariang, entering the female compound at night, but no measure has been taken to guarantee their security.<sup>32</sup>

Certain girls may face an increased risk of violence at school because of discrimination based on gender and sexual identity. Lesbian girls, for example, experience both sexism and homophobia combined. They are more frequently subjected to sexual harassment and threatened with sexual violence than their heterosexual peers, and the harassment they experience takes different forms from the abuse faced by gay and bisexual boys. "Gay men get more physical threats; female students are more likely to get sexually harassed and be threatened with sexual violence. We'll hear things like, 'I can make you straight' or 'Why don't you get some of your girlfriends and we can have a party,'" a young lesbian in Texas, USA, told a human rights NGO.<sup>33</sup> In a related phenomenon, girls who complain of sexual harassment may find that their sexual orientation is questioned. Surveys carried out by an NGO in South Africa found that 14 per cent of gay men and lesbian women in Gauteng province and 19 per cent in KwaZulu-Natal province reported sexual violence at school, because of their sexual orientation.<sup>34</sup>

Girls with disabilities face both gender and disability discrimination, making them targets for teasing, physical abuse and sexual violence. Rates of abuse are higher for girls with disabilities, and the forms of violence they face may be more severe.<sup>35</sup> Other aspects of girls' identity, including whether they are migrants, orphans or refugees, as well as their HIV status, caste, ethnicity and race, also increase their risk of abuse and shape the nature of the violence they experience. In 2006, it was reported that a 16-year-old Bulgarian girl in Greece was sexually assaulted for an hour in the washroom of her school by four boys, while three girls looked on and one filmed it on her mobile phone. The girl says that the rape was accompanied by racist and homophobic insults.<sup>36</sup>

Violence at the hands of fellow students is the extreme end of a range of behaviour that often begins with verbal insults and threatening gestures. If less severe abuses are not challenged by those in authority, acts of violence often follow. Violence by teachers or other adults is the extreme end of another range of conduct – abuse of power. Teachers and other adults wield immense power over the lives of children, a power that they sometimes exploit.<sup>37</sup>

Violence against girls is generally under-reported. For example, in Haiti Amnesty International documented that everyone they interviewed believed that violence in schools was widespread, but there was no specific

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<sup>30</sup> Amnesty International, *Israel and the Occupied Territories: Conflict, occupation and patriarchy – Women carry the burden* (Index: MDE 15/016/2005).

<sup>31</sup> UNHCR / Save the Children, "Sexual Violence & Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone", 2002.

<sup>32</sup> Amnesty International, *Sudan: Civilians caught in unending crisis in Southern Kordofan* (Index: AFR 54/009/2013).

<sup>33</sup> Human Rights Watch, *Hatred in the Hallways: Violence and Discrimination against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools*, 2001, p50 cited in Amnesty International, *Safe Schools: Every Girl's Right*.

<sup>34</sup> Amnesty International, *Safe Schools: Every Girl's Right*, page 45.

<sup>35</sup> UNESCO, *Education For All, Global Monitoring Report, 2003/4, Gender and Education for All: The Leap to Equality*, p134.

<sup>36</sup> Amnesty International, *Safe Schools: Every Girl's Right* (Index: ACT 77/001/2008).

<sup>37</sup> See Center for Reproductive Rights briefing on Ecuador to CESCR, September 2013, available at [http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/EQU/INT\\_CESCR\\_NGO\\_ECU\\_13986\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/EQU/INT_CESCR_NGO_ECU_13986_E.pdf)

information on how prevalent it was. Although physical punishment is banned in Haitian schools, corporal punishment was commonly reported, including the use of whips, beatings with electric cables, and forcing children to kneel in the sun. Other forms of violence described by interviewees included food deprivation, sexual abuse of girls by teachers and administrative staff, and insults and psychological abuse of girl pupils. According to local NGOs, teachers and students ostracize girls that were victims of sexual violence and often girls change schools due to the shame associated with being a victim of sexual violence.<sup>38</sup>

When mechanisms for reporting, monitoring and responding to violence against girls in school are not in place and impunity is prevalent, gender-based violence is more frequent. Even when they are in place or when girls report cases of violence, particularly sexual violence, too often it is their behaviour that is being judged rather than that of the perpetrator because they had allegedly behaved flirtatiously, wore provocative clothing or were in the wrong place. Victims will be less likely to report abuse if they fear further victimization, ridicule or inaction, and as long as perpetrators believe that they can commit their crimes without fear of punishment, the pattern of violence will not be interrupted.

Violence and discrimination against girls constitute a key barrier to their right to education but they have not been systematically factored in educational policy and programmes. The Millennium Development Goals relating to education measure progress towards universal primary education and gender equality by measuring the number of girls in class, without seeking to address violence and discrimination that affect both the quality of girls' educational experience and their access to education. States have duties to ensure that none of their agents (including teachers and administrators) commit violence; that appropriate policies are in place to prohibit and deter violence; and that redress is provided if violations occur. The failure to meet these obligations cannot be justified by lack of resources. The right of children to protection from violence is explicitly guaranteed in the Convention on the Rights of the Child and is a key component of the general guarantee in the International Covenant on Civil and Political Rights of the right of children "to such measures of protection... required by [one's] status as a minor."<sup>39</sup> As the Human Rights Committee notes, this provision requires that "every possible economic and social measure should be taken... to prevent [children] from being subjected to acts of violence and cruel and inhuman treatment."<sup>40</sup>

In order to ensure girls' right to education, states should:

- Enact and enforce appropriate laws, policies and procedures to prohibit and tackle violence against women and girls in and around educational institutions, including corporal punishment, verbal and emotional abuse, harassment, physical violence, and sexual violence and exploitation, and ensure that women and girls have effective access to justice and remedy.
- Respond to incidents of violence against girls through confidential and independent reporting mechanisms, effective investigations, criminal prosecutions when appropriate, and provide services for victims and survivors. All incidents of violence against girls should be reported and recorded, and the criminal records of school personnel employed should be sufficiently checked.
- Adopt national plans of action to address school-related violence against girls. These should include guidelines for schools, compulsory training for teachers and students in early intervention strategies to address harassment and violence against girls, the designation of a government official responsible for preventing and investigating incidents of violence, adequate public funding to address the problem, and codes of conduct for all school staff and students.
- Ensure that sex-segregated toilets and washrooms are available in all schools and that schools have secure dormitories, and supervised playgrounds and sports fields.
- Provide support services for girls who have suffered violence, including counseling; medical treatment; HIV/AIDS information, medication and support services; comprehensive information on sexual and reproductive rights; and support for reintegration into the school system of girls who are living with HIV or are pregnant, married or mothers.

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<sup>38</sup> Amnesty International, *Don't turn your back on girls. Sexual violence against girls in Haiti* (AMR 36/004/2008).

<sup>39</sup> Convention on the Rights of the Child, Article 19; International Covenant on Civil and Political Rights, Article 24.

<sup>40</sup> Human Rights Committee, General Comment No. 17: Rights of the Child, 1989, para 3.

## Sexuality Education

Accurate and objective sexuality education is critical to advancing public health and promoting human rights. In order to make informed decisions about sexuality and reproduction, individuals need accessible, quality, comprehensive information.<sup>41</sup> However, inadequate counselling tools and services, limited or no sexuality education in and out of schools, misinformation about sexual and reproductive health issues, including abortion, the safety and effectiveness of contraceptives, and discriminatory information about gender and sexual orientation<sup>42</sup> hinder people's ability to make informed decisions and to exercise their human rights. These challenges have been exacerbated in recent years with some countries criminalizing the dissemination of sexual and reproductive health information.

With regards to girls, one of the root causes underlying the challenges they face in exercising their rights is persistent gender discrimination and inequality in society. Stereotypes around women's primary role as mothers and girls as potential child-bearers, attitudes around sexual activity before marriage and adolescent sexuality, permeate attitudes of some health care providers, educators, families and societies in many of countries. These beliefs and attitudes can negatively influence the development of laws, policies and programmes, resulting in negative health outcomes, as evidenced by the high levels of maternal mortality among girls, and compromising their human rights.<sup>43</sup> Compounding gender discrimination and inequality are factors such as poverty, race and disability. For example, adolescent childbearing and unsafe abortion is more prevalent among poor women than among the better off.<sup>44</sup>

The Office of the High Commissioner for Human Rights has specifically identified lack of comprehensive sexuality education as an underlying cause of adolescent pregnancy.<sup>45</sup> Pregnancy-related deaths are the leading cause of death for adolescent girls in developing countries.<sup>46</sup> The Committee on the Rights of the Child (CRC) notes that sexuality education should aim to transform cultural views against adolescents' access to contraception and other taboos regarding adolescent sexuality.<sup>47</sup> Research has shown that egalitarian gender attitudes are associated with safer sexual behaviours such as consistent use of contraceptives, especially condoms.<sup>48</sup>

In addition, some educational materials promote discriminatory and negative stereotypes around sexual orientation. The European Social Committee of the Council of Europe has addressed this issue in a collective complaint, finding violations of the right to non-discrimination on grounds of sexual orientation. It found that information in Croatian educational materials - such as that parents are to be blamed for the sexual orientation of their children and that 'homosexuals' are promiscuous – "stigmatize homosexuals and are based on distorted, reprehensible and degrading stereotypes...such statements serve to attack human dignity and have no place in sexual and reproductive health education...."<sup>49</sup> The Committee further reasoned that this content is not just discriminatory on grounds of sexual orientation, but also presents a distorted picture of human sexuality to all children exposed to this material.<sup>50</sup>

Addressing the increasing prevalence of ideologically driven programs that often put forth medically inaccurate and biased information, CESCR and CRC have clarified that the rights to health and information require States to refrain from censoring, withholding or misrepresenting health-related information.<sup>51</sup>

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<sup>41</sup> CEDAW, *General recommendation no. 21: Equality in marriage and family relations*, 1994, para 22.

<sup>42</sup> Report of the United Nations Special Rapporteur on the Right to Education 23 July 2010 (A/65/162).

<sup>43</sup> *International Conference on Population and Development – ICPD – Programme of Action*, Cairo, Egypt, United Nations 1994; United Nations Special Rapporteur on the Right to Health, Report to the Human Rights Council on the Criminalization of Sexual and Reproductive Rights, October 2011.

<sup>44</sup> UNFPA *State of World Population 2013, Motherhood in Childhood: Facing the Challenge of Adolescent Pregnancy*; New York: UNFPA; The Guttmacher Institute and International Planned Parenthood Federation, *Demystifying Data: A guide to using evidence to improve young peoples' sexual health and rights*, 2013. New York: Guttmacher Institute and IPPF.

<sup>45</sup> Office of the High Commissioner for Human Rights (OHCHR), *Technical guidance on the application of a human rights- based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality* (2012) para 59).

<sup>46</sup> UNFPA *State of World Population 2013, Motherhood in Childhood: Facing the Challenge of Adolescent Pregnancy*; New York: UNFPA

<sup>47</sup> Committee on the Rights of the Child. *General comment no. 4. Adolescent health and development in the context of the Convention on the Rights of the Child*, United Nations, 2003.

<sup>48</sup> The Guttmacher Institute and International Planned Parenthood Federation, *Demystifying Data: A guide to using evidence to improve young peoples' sexual health and rights*, 2013. New York: Guttmacher Institute and IPPF

<sup>49</sup> *Interights v Croatia*, Complaint NO 45/2007, March 2009, European Social Committee, para. 60.

<sup>50</sup> *Ibid*, para. 61

<sup>51</sup> CESCR, *General comment no. 14: The right to the highest attainable standard of health (article 12)*, 2000; CRC, *General comment no. 4. Adolescent health and development in the context of the Convention on the Rights of the Child*, 2003.

According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), comprehensive sexuality education programs include information on the following: growth and development; sexual anatomy and physiology; reproduction, contraception, pregnancy and childbirth; HIV and AIDS; STIs; family life and interpersonal relationships; culture and sexuality; human rights empowerment; non-discrimination, equality, and gender roles; sexual behaviour; sexual diversity; sexual abuse; gender-based violence; and harmful practices.<sup>52</sup>

### **Criminalization of Sexual and Reproductive Health Information**

Some states have also criminalized the provision of sexual and reproductive health information, an essential component of individuals' enjoyment of their right to education. Overbroad application of anti-pornography or "obscenity" laws or other administrative and public health laws or policies is often used to impede individuals' exercise of their sexual and reproductive rights, stifle discourse around sexual and reproductive health, including sexuality education. They also fuel stigma and discrimination; often with a disproportionate impact on women, young people and those with non-normative sexual orientations and gender identities.

Research conducted by Amnesty International in Indonesia documented that laws and practices that restrict access to sexual and reproductive health information and services (including information about prevention and interruption of pregnancy), combined with criminalization of abortion may have led to high numbers of unsafe abortion.<sup>53</sup> Moreover, Indonesia's pornography law which criminalized the production, dissemination, funding or use of material that "contravenes norms of community morality" contributed to the "chilling effect" of other legal restrictions on provision or dissemination of sexual and reproductive health education and information.<sup>54</sup>

Information-related restrictions can also make it harder for adolescents to protect themselves from sexually transmitted infections and early and unwanted pregnancies, and to exercise informed and autonomous sexual and reproductive health decision-making, in accordance with their "evolving capacities." Along similar lines, laws which censor discussions around non-normative sexuality and gender expression can be used to punish teachers for discussing "inappropriate" sexual matters with their students, and as recognized by the UN Special Rapporteur on the Right to Health, "perpetuate false and negative stereotypes concerning sexuality, alienate students of different sexual orientations and prevent students from making fully informed decisions regarding their sexual and reproductive health."<sup>55</sup>

Laws criminalizing sexual and reproductive health information pose grave implications for public health. As noted by the UN Special Rapporteur on the Right to Health, public health and empowerment programmes and activities such as educational campaigns on HIV/AIDS and STI prevention, family planning, domestic violence, gender discrimination, female genital mutilation, sexual diversity, overall sexual and reproductive health, may be prohibited or censored under such legislation.<sup>56</sup> Notably, "[w]omen and girls are most likely to be affected by this gap in available services and programming because they are exposed to a higher risk of HIV/AIDS and sexually transmitted infections, maternal mortality, unsafe abortion and unwanted or unplanned pregnancies."<sup>57</sup> States that implement and enforce such criminal or other laws actively reduce access to information and thus fail to meet their obligation to respect the right to health.<sup>58</sup>

As part of state obligations under the right to right to education and the highest attainable standard of health, states have an obligation to ensure that all individuals have access to comprehensive sexuality education,

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<sup>52</sup> UNESCO, *International Technical Guidance on Sexuality Education, United Nations*, December 2009.

<sup>53</sup> See Amnesty International, *Left Without a Choice: Barriers to Reproductive Health in Indonesia* (Index: ASA 21/013/2010), p. 10, 30.

<sup>54</sup> *Ibid.*, p. 30.

<sup>55</sup> See Report of the Special Rapporteur on the Right to the Highest Attainable Standard of Health, U.N. General Assembly, 66<sup>th</sup> Sess., U.N. Doc. A/66/254, para. 59 (3 August 2011) (2011 Report of the Special Rapporteur on the Right to Health) (citing International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Croatia; Human Rights Watch, Rights at Risk, Executive Summary (2011)).

<sup>56</sup> See 2011 Report of the Special Rapporteur on the Right to Health, para. 62.

<sup>57</sup> *Ibid.*, para. 62.

<sup>58</sup> See 2011 Report of the Special Rapporteur on the Right to Health, para. 64.



both within and outside the formal educational system.<sup>59</sup> States should:

- Make comprehensive sexuality education programs part of the standard school curriculum, provided throughout schooling in an age-appropriate manner and without parental consent.<sup>60</sup>
- Make sexuality education programs also available outside of formal school setting, such as through community based organizations, so as to reach individuals excluded from the educational system, including child brides and street children.
- Develop public education campaigns to raise awareness about sexual and reproductive health issues, such as risks of early pregnancy and prevention of STIs, thorough medical and other alternative forums.<sup>61</sup>
- Include instruction on comprehensive sexuality education programs in teacher training programs, to ensure that teachers can provide comprehensive and accurate information in a safe learning environment.<sup>62</sup>
- Decriminalize the provision of information relating to sexual and reproductive health, including evidence-based sexual and reproductive health education.<sup>63</sup>
- Develop educational materials that reflect quality, scientifically accurate, and accessible comprehensive sexuality education programs.<sup>64</sup>
- Health-related information should be physically accessible, understandable and appropriate to children's age and educational level.<sup>65</sup>
- Ensure that all sexuality education programs, both in and out of school do not censor or withhold information or disseminate biased or factually incorrect information, such as inaccurate information on contraceptives<sup>66</sup> are non-discriminatory both in content and in teaching methodologies.<sup>67</sup> States should develop curriculum materials that do not perpetuate harmful or discriminatory stereotypes, including on gender and on sexual orientation, and which pay special attention to diversity and gender issues, including gender role stereotyping.<sup>68</sup>

### **Accountability and Remedies**

Accountability and remedies are essential to ensuring that the right to education is implemented in all countries, and that all groups and communities are equally protected by this right, without discrimination. According to the Special Rapporteur on the right to education, "all providers of education – public or private –

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<sup>59</sup> Committee on the Rights of the Child, *General Comment 15: On the Right of the Child to the highest attainable standard of Health* (2013); Committee on the Rights of the Child, *General Comment 4 on Adolescent Health*, paras 26, 28, 39(b) (2003); CEDAW, *General Recommendation 24: Article 12 of the Convention (women and health)*, para 18 (1999).

<sup>60</sup> Report of the UN Special Rapporteur on the Right to Education, para 87(c), A/65/162, July 2010. [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR\\_Sexual\\_Education\\_2010.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf); Committee on the Rights of the Child (CRC Committee), *Concluding Observations: Ireland*, para. 52, 2006.

<sup>61</sup> Committee on the Rights of the Child, *General Comment 15: On the Right of the Child to the highest attainable standard of Health* (2013); Committee on the Rights of the Child, *General Comment 4 on Adolescent Health*, para 28, (2003).

<sup>62</sup> CEDAW, *General Recommendation 24: Article 12 of the Convention (women and health)*, para 7 (1999); Center for Reproductive Rights and United Nations Population Fund, 2012, *Reproductive Rights: A Tool for Monitoring State Obligations*. <http://reproductiverights.org/en/document/monitoring-tool-human-rights-state-obligations>.

<sup>63</sup> 2011 Report of the Special Rapporteur on the Right to Health, para. 65(e).

<sup>64</sup> Center for Reproductive Rights and United Nations Population Fund, 2012, *Reproductive Rights: A Tool for Monitoring State Obligations*. <http://reproductiverights.org/en/document/monitoring-tool-human-rights-state-obligations>. See also UNESCO, *International Technical Guidance on Sexuality Education, United Nations*, December 2009. According to UNESCO guidelines on note that effective programs are ones that provide scientifically accurate information and should be taught over a period of years.

<sup>65</sup> Committee on the Rights of the Child, *General Comment 15: On the Right of the Child to the highest attainable standard of Health*, para. 59 (2013).

<sup>66</sup> Committee on Economic Social and Cultural Rights, *General Comment 14 on the Right to the Highest Attainable Standard of Health*, para. 34, 2000; Report of the UN Special Rapporteur on the Right to Education, para. 39, A/65/162, July 2010. [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR\\_Sexual\\_Education\\_2010.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf)

<sup>67</sup> The UN Special Rapporteur on the Right to Education has noted that states take steps to ensure that programs are free from harmful sex or gender based or heteronormative stereotypes of those based on mental or physical ability. Report of the UN Special Rapporteur on the Right to Education, para 63, A/65/162, July 2010. [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR\\_Sexual\\_Education\\_2010.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf)

<sup>68</sup> Report of the UN Special Rapporteur on the Right to Education, paras 21-23,87(d), A/65/162, July 2010. [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR\\_Sexual\\_Education\\_2010.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf); *Interights v Croatia*, European Social Committee, Complaint No. 45/2007, paras. 45, 47 Mar. 2009

remain accountable for respecting the right to education in its various dimensions".<sup>69</sup> States must collect data on how this right is being implemented, and this data should be disaggregated on grounds of gender, region, and other dimensions that are relevant to specific contexts. This is essential to assess whether education programs are benefiting everyone, including marginalised groups, and if not, what barriers might be faced by particular groups.

In order to respect girls' and women's rights to education, states should:

- Ensure the right to remedy in cases where there has been a violation of the right to education, and other related human rights, of women and girls, including equal and effective access to justice and reparations.<sup>70</sup>
- Monitor the implementation of girls' and women's right to education and collect disaggregated data on its implementation on grounds of gender, region, and other dimensions.

### **Conclusion**

Amnesty International welcomes the opportunity to provide input in advance of the half-day of General Discussion on girls'/women's right to education organized by this Committee. The organization looks forward to contributing to the dialogue informing the consideration of a new General Recommendation on girls'/women's right to education, and cooperating with the Committee on these issues going forward.

Please find enclosed a list of Amnesty International publications that address aspects pertinent to women's and girls' right to education.

Yours sincerely,



Tania Baldwin-Pask

International Advocacy Programme

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<sup>69</sup> Report of the Special Rapporteur on the right to education, Kishore Singh, A/HRC/23/35, 10 May 2013, para 2, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/135/64/PDF/G1313564.pdf?OpenElement>

<sup>70</sup> See paras 58 & 59 for illustrations on what violations of the right to education can be: Committee on Economic, Social and Cultural Rights, General Comment 13, The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999).

## Enclosed

“Silenced, expelled, imprisoned: Repression of students and academics in Iran” MDE 13/015/2014, 2 June 2014 *available at* <http://www.amnesty.org/en/library/info/MDE13/015/2014/en>

“‘Keep away from schools or we’ll kill you’: Right to education under attack in Nigeria” AFR 44/019/2013, 4 October 2013 *available at* <http://www.amnesty.org/en/library/info/AFR44/019/2013/en>

“Civilians caught in unending crisis in Southern Kordofan” AFR 54/009/2013, 17 April 2013 *available at* <http://www.amnesty.org/en/library/info/AFR54/009/2013/en>

“Choice and prejudice: Discrimination against Muslims in Europe”, EUR 01/001/2012, 24 April 2012 *available at* <http://www.amnesty.org/en/library/info/EUR01/001/2012>

“Realizing sexual and reproductive rights: A human rights framework” ACT 35/006/2012, 28 June 2012, *available at* <http://www.amnesty.org/en/library/info/ACT35/006/2012/en>

“Left Without a Choice: Barriers to Reproductive Health in Indonesia” ASA 21/013/2010, 4 November 2010, *available at* <http://www.amnesty.org/en/news-and-updates/report/indonesia-left-without-choice-barriers-reproductive-health-indonesia-2010-11>

“Violence is not just a family affair: Women face abuse in Tajikistan” EUR 60/001/2009, 24 November 2009 *available at* <http://www.amnesty.org/en/library/info/EUR60/001/2009>

“Don’t turn your back on girls. Sexual violence against girls in Haiti” AMR 36/004/2008, 27 November 2008, *available at* <http://www.amnesty.org/en/library/info/AMR36/004/2008/en>

“False starts: The exclusion of Romani children from primary education in Bosnia and Herzegovina, Croatia and Slovenia” EUR 05/002/2006, 16 November 2006 *available at* <https://www.amnesty.org/en/library/info/EUR05/002/2006/en>

“Safe Schools, Every Girl’s Right” ACT 77/001/2008, 6 March 2008, *available at* <http://www.amnesty.org/en/library/info/ACT77/001/2008>