



Journal Homepage: - www.journalijar.com
**INTERNATIONAL JOURNAL OF
 ADVANCED RESEARCH (IJAR)**

Article DOI: 10.21474/IJAR01/2850
 DOI URL: <http://dx.doi.org/10.21474/IJAR01/2850>



RESEARCH ARTICLE

GENDER DISCRIMINATION IN EDUCATION: A VIOLATION OF HUMAN RIGHT.

Anthony Arul Pushpam L.

Ph.D., Research Scholar in Philosophy of Education, Satya Nilayam Research Institute (SNRI), Thiruvanniyur, Chennai-41.

Manuscript Info

Manuscript History

Received: 19 November 2016
 Final Accepted: 21 December 2016
 Published: January 2017

Key words:-

Human Rights, right to education,
 Gender discrimination, Challenges,
 Violation.

Abstract

The right to education is a core human right. It should be free and compulsory for every child without any discrimination. The Universal Declaration on Human Rights adopted in 1948 proclaims that “everyone has the right to education” (Art.26). Since then, this right has been affirmed in numerous global agreements and duly incorporated into various regional treaties. In practice, however, there are numerous obstacles to the realization of the right to education. This paper first outlines the legal framework for the right of girls’ to education, and then identifies the main challenges limiting girls’ access to education. Finally, the paper proposes a few recommendations aimed at ensuring the right of girls to education to be realized and fulfilled. The most important objective of this paper is to contribute to a better understanding of the status of access to education for girls worldwide and to ensure that all girls are able to go to school, raise their voices and realize their dreams.

Copy Right, IJAR, 2016., All rights reserved.

Introduction:-

Education is essential for all and is fundamental to their holistic development. Education has continued to evolve, diversify and extend its reach and coverage since the dawn of human history. Education has been formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. Since then, this right has been affirmed in numerous global human rights treaties. These treaties establish an entitlement to free, compulsory primary education for all children; an obligation to develop secondary education, supported by measures to render it accessible to all children, as well as equitable access to higher education. In practice, there are numerous obstacles to the realization of the right to education. Education continues to be denied to girls as a result of cultural and social norms and practices that perpetuate harmful stereotypes about appropriate roles for women and reinforce the idea that education is wasted on girls. Gender-related violence and other forms of discrimination within the schools also contribute to a high rate of school abandonment by girls. Besides the socio-cultural factors, there are other legal, political and economic obstacles that may limit the full implementation of the right to education for girls. The right to education must be effectively put into practice with clear implementation methods and strong monitoring systems.

The Legal Framework of Girls’ Right to Education:-

“The United Nations is committed to the principle of equality of men and women, meaning equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities”. The principles of

Corresponding Author:- Anthony Arul Pushpam L.

Address:- Ph.D., Research scholar in Educational Philosophy, Satya Nilayam Research Institute (SNRI), Thiruvanniyur, Chennai-41.

gender equality and non discrimination are at the core of all fundamental human rights treaties. There is a strong legal framework which protects and promotes the Girls' right to education.

Human Rights Obligations and Global Political Commitments:

International Human rights law prohibits discrimination against women in the area of education instead it guarantees the right to education as fundamental for all men and women. The Universal Declaration on Human Rights, adopted in 1948, proclaims that "everyone has the right to education" (Art.26). Since then, the right to education has been widely recognized and developed by a number of international instruments elaborated by the United Nations. The following are the important pronouncements of the global conventions on girls' right to education.

- i) The International Covenant on Economic, Social and Cultural Rights (1966) requires the States, "to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights" (Art.3) set forth in the treaty, including the right to education.
- ii) The Convention on the Rights of the Child (1989) in article 28, provides the States to recognize the right of the child to education, and in particular: (a) Make primary education compulsory and available free to all; (b) Encourage the development of different forms of secondary education, including general and vocational education; (c) Make higher education accessible to all on the basis of capacity by every appropriate means; (d) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- iii) The Convention on the Elimination of All Forms of Discrimination against Women (1979) in Article 10, details a number of measures which should be taken to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.
- iv) The United Nations Educational, Scientific and Cultural Organization's Convention against Discrimination in Education also bans discrimination in education on the basis of sex, referring to all types and levels of education.
- v) The Beijing Platform for Action in 1995 recognized education as an essential tool for achieving more equal relations between women and men and urged the States to ensure a number of strategic objectives, including: equal access to education, the closing of the gender gap in primary and Secondary education, development of non-discriminatory education and training by developing and using curriculums, textbooks and teaching aids free of sex-stereotyping.
- vi) United Nations Millennium Declaration, (2000) in goal 2 calls for Universal Primary Education and goal 3 to "Promote Gender Equality and Empower women".

The above mentioned global pronouncements about the right to education has been incorporated into various States' treaties and enshrined as a right in the vast majority of national constitutions.

The 4A Scheme:-A tool to achieve gender equality:

The former UN Special Rapporteur on the right to education, Katarina Tomasevski developed the 4A framework, and it was adopted by the CESCR in 1999. Many elements in this scheme are focus points to guide States in overcoming the many hurdles for girls' right to education.

i) Availability

Availability means the establishment of schools and the availability of free primary and affordable education for all school age children. There should be an adequate infrastructure and trained teachers for the delivery of education.

ii) Accessibility

Educational institutions and programs have to be accessible to everyone without discrimination. The CESCR committee distinguishes the non-discrimination principle, the physical accessibility and the economic accessibility as the triple elements of education accessibility.

iii) Acceptability

Acceptability requires a guaranteed quality of education, minimum standards of health and safety, and professional requirements for teachers which are set in a standardized manner, monitored and enforced by the Government.

iv) Adaptability

Adaptability means that education should be adaptable to "the changing needs of the society and contribute to challenging inequalities, such as gender discrimination, and that it can be adapted locally to suit specific contexts".

The above 4A scheme can assist States Parties to fulfill their obligations under international human rights law to implement the right to education. Implementation of this scheme adequately accommodates the right to education for girls.

States' Obligations to the right of girls to education:

States have the primary responsibility for delivering and protecting the right to education. They should undertake all appropriate legislative and administrative measures for the implementation of the right to education for all children. In the context of the denial of education for girls States should take all appropriate measures to change discriminatory behaviors, such as strategic planning, legislation, and monitoring, awareness-raising, education resource allocation and information campaign. States should also include all stakeholders in their programmes to achieve gender equality within education.

Responsibilities of the Stakeholders:

In order to adequately implement the right to education for all children, the role of the stakeholders is very important. The role of the multilateral intergovernmental agencies, such as UNESCO, OHCHR, UNICEF, is of importance in providing technical and financial assistance. Civil society plays a crucial role in holding the State accountable for its obligations. Parents have the responsibility to direct and guide girls to exercise their right to education and have the obligation to contribute to the achievement of gender equality.

Gender discrimination in education is a violation of human right:-**The Status of Gender Equality in Practice:-**

There is a strong international legal framework which affirms girls' rights to have access to education. This access to education for girls is promoted through many initiatives such as Millennium Development Goals and the Education for All movement led by UNESCO. But the world continues to face many obstacles to achieve the MDGs. Within primary education alone, gender equality remains a serious challenge, 68 countries still need to achieve this goal. Globally, there are still 57 million children out of primary school, of whom 32 million are girls. Again worldwide, 123 million youth of the aged between 15 to 24 lack basic reading and writing skills, of whom 61 percent are young women. Of the 774 million adults who cannot read and write in the world, about 70 percent are female. Despite the many international, regional and local regulations and programmes on gender equality, a lack of translation of these commitments into practice persists, limiting many girls' ability to achieve to their fullest potential.

Rising violent attacks on girls who pursue the right to education:-

According to United Nations' sources, attacks on schools in at least 70 different countries were documented during the period 2009-2014, with a number of these attacks being specifically directed at girls, parents and teachers advocating gender equality in education. Hundreds of schoolgirls have been abducted by Boko Haram Militants in Nigeria and more than 100 children, including girls died in a Taliban on their school in Peshawar, Pakistan. In Somalia, the girls were forced in 2010 from their schools to become "Wives of Al Shabaab rebels. In India girls were abducted and raped at a Christian School in 2013.

The removal of girls from education due to the fear of their safety may result in additional human right violations such as child and forced marriage, domestic violence, early pregnancy, female infanticide, trafficking, sexual and labor exploitation. Thus "Failure to respect and protect the rights of girls to education violates their rights as human beings".

Challenges in Girls' Education:-

In order to overcome gender inequality and ensure access to education for girls, the challenges such as cultural customs, religious practices, poverty, insecurity, low quality of education and political unrest need to be addressed by States and other Stakeholders.

i) Cultural and Religious Customs:-

Cultural and religious customs mean that in many parts of the world, the role of women in society is largely limited to the domestic sphere. As a result, many parents would prefer to send their sons to school, then sending their daughters to school. Parents may not be convinced of the benefits of girls' education, as boys will become responsible for the income and care of the family, whereas girls will likely go to another family through marriage. Such perceptions of the role of the women can present a serious obstacle for girls to have access to education.

ii) Poverty:-

Poverty is another important factor contributing to the denial of access to education for girls in many parts of the world. A state of poverty may lead the parents to make decisions which result in their daughters being involved in child labor and or being subjected to child marriage. Due to living in a state of poverty, children in many parts of the world are taking some menial jobs to provide for the primary needs of their families. In some cultures and regions of the world, girls may be subjected to child marriage due to financial reasons and cultural practices. Both child labor and child marriage blocks the access to education. Another factor which prevents access to education is the cost of education which forms an additional burden on poor families; therefore it is very important to make school affordable for all families.

iii) Safety risks for girls:-

The above mentioned brutal attacks and harassment on girls going to school clearly show the insecurity for the girls to education. Compared to boys, girls are more likely to be victims of discrimination, sexual abuse, punishment and social intolerance. The safety issue is even more challenging in rural areas where schools are established in geographical locations which are difficult to reach and appropriate transport is lacking. Many parents in such areas may choose to keep their girls at home rather than risking their safety.

Recommendation for girls' right to education:-

- a) There should be a national vision for girls' education and the Government must engage with the community, media, states, and other stakeholders to create an environment and mechanism to ensure implementation at every level for girls' education.
- b) Education must be child-centered, child friendly and empowering, and that education goes beyond formal schooling to embrace a broad range of life experiences through which positive development and learning occur.
- c) To ensure the safety of girls accessing to education and to protect girls' hygiene, there must be facilities like safe transport, separate female only sanitation, appointment of adequately trained teachers and establishment of separate girls only school.
- d) To discourage child labor, Governments can provide family grants on the condition that all girls in the family attend the school.
- e) Re-dedication of global community and the State Parties to the commitments that they have made to achieve the goals related to education and gender equality.

Conclusion:-

"If we invest in girls, we invest in our humanity" says Hauwa Ibrahim. It is clear that long term investment is essential to enable girls to go to school, raise their voices and realize their dreams. As outlined in this paper, many key international human right instruments affirm the importance of ensuring that girls have access to education. Failure to ensure this access cannot be justified on any ground, including gender, religious or cultural grounds. The 4A scheme can be used to detect the hurdles that each society encounters when implementing gender equal education. When the obstructions to access to education are attended to and lifted, parents often have no objection to sending their daughters to school. Educated girls are better informed and therefore better equipped to build an independent and strong future for them.

References:-

1. Tomasevski, Katarina, *Education denied; Costs and Remedies*, Zed Books: London & New York, 2003.
2. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Company, Lucknow, 2012.
3. Martinez, Elin, *Attacks on Education: The impact of conflict and Grave Violations on Children's Future*, Save the Children, 2013.
4. Kids rights Report, *Access Denied: Girls' Equal Right to Education in a Global Context, with a focus on Pakistan*, Leiden University, 2013.
5. Patrick Maigua, *Right to Education still not a reality for many women and girls*, United Nations, Geneva, 7th July, 2014.
6. IDLO, *Accessing Justice: Models, Strategies and Best practices on women's Empowerment*, IDLO, Rome, 2013.
7. UNESCO, *Girls' and Women's Right to Education, Overview of measures supporting the right to education for girls and women* reported on by the member States, UNEDCO,(Paris), 2014.

8. CEDAW, '*CEDAW Statement: protection of Girls Right to Education*', adopted on 19th October 2012 during the 53rd Session.
9. CESCR, *General Comment No.20 on Non-Discrimination in Economic, Social, and Cultural Rights* (2009), E/C12/GC/20.
10. OHCHR, "*Education unlocks the doors to all other rights*", 5th August 2014, www.ohchr.org.
11. Amnesty international, "*Safe Schools, Every Girls' Right*" ACT 77/001/2008, 6th March 2008.
12. Global Campaign for Education, *Gender Discrimination in Education: the violation of rights of women and girls*, GEC, Feb.2012.
13. Navaneetham Pillay, *Women and Rights to Education*, UN Rights, Key note speech, Oct.2010.
14. Soumi das, *Understanding Education as Right*, Action Aid, 2013.
15. Ramachandran, V., *Girls' and women's Education: Policies and Implementation Mechanisms, (a case study in India)* Bangkok, UNESCO.