

The right to education – violence against women and girls in schools

Human rights obligations and global political commitments

The norms and principles of gender equality and non-discrimination are at the core of all fundamental human rights treaties. International human rights law prohibits discrimination against women in the area of education.

- In accordance with Article 26 of the Universal Declaration of Human Rights, “(e)veryone has the right to education”.
 - Article 3 of the International Covenant on Economic, Social and Cultural Rights requires States parties to undertake “to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights” set forth in that treaty, including the right to education.
 - Article 13 of the International Covenant on Economic, Social and Cultural Rights provides “the right of everyone to education. “ To this end, “primary education shall be compulsory and available free to all”. Secondary education in its different forms, including technical and vocational secondary education, and higher education, on the basis of capacity, shall be made generally and equally accessible to all, and in particular by the progressive introduction of free education.
 - According to Article 19 of the Convention on the Rights of the Child “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”
 - Article 24 of the International Covenant on Civil and Political Rights recognizes the right of every child, without any discrimination, to receive from his family, society and the State the protection required by his status as a minor. In its General Comment no. 17 on the rights of the child the Human Rights Committee elaborates that “the implementation of this provision entails the adoption of special measures to protect children” and that “such measures, although intended primarily to ensure that children fully enjoy the other rights enunciated in the Covenant, may also be economic, social and cultural”.
 - General Recommendation no. 19 on violence against women of the Committee on the Elimination of Discrimination against Women states that “The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.”
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The United Nations study on violence against children published in 2006 highlighted that “(f)or many children educational settings expose them to violence and may teach them violence”.

Violence in schools affects both girls and boys. Sexual and gender-based violence directed to girls is a particular concern. A related concern is the lack in all regions of reliable and comparable data of violence against girls in or related to schools and education. Studies from certain European countries indicate that boys are generally subject to violence more often than girls, but that girls to a larger extent than boys are victims of certain severe forms of violence, including sexual violence. Between 15 – 20 percent of girls are estimated to have experienced such violence before the age of 16.

The types of violence range from assault and harassment on the way to and from school to bullying, sexual harassment and mental and physical abuse in education facilities, including as means of corporal punishment. Violence is not limited to primary and secondary schools but is also reported from tertiary education, often in the form of sexual coercion and harassment. Demand for sexual “favors” by teachers and classmates in return for covering school transport, education fees or other school-related costs are regularly reported from countries where education is not free in accordance with international human rights law. Even without such enticements girls and young women may feel coerced and fear the consequences of refusing advances.

Sexual and gender-based violence in schools and beyond is facilitated by Governments’ failure to enact and implement laws that provide students with explicit protection from discrimination. Discrimination against girls in education leads to the debasement of their status as women. Violence against girls in schools is a form of discrimination globally, of varying nature and prevalence but with far-reaching impact on girls’ education.

The direct impact on girls’ education, and indirect impact on their enjoyment of other human rights, have been identified in several national contexts. The threat or risk of violence may discourage parents from sending their daughters to school. This is particularly true for conflict-situations and areas where the journey to education-facilities is long, and there is a risk for assault and abductions on the way to school. Drop-out levels and learning difficulties are significantly higher among victims of violence, thus a serious obstacle to gender equality and empowerment of future generations of women.

“States should ensure that anti-violence policies and programmes are designed and implemented from a gender perspective, taking into account the different risks facing girls and boys in respect of violence; States should promote and protect the human rights of women and girls and address all forms of gender discrimination as part of a comprehensive violence-prevention strategy”

United Nations study in violence against children to the General Assembly
(UN doc A/61/299)