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REVISITING GENDER EQUALITY IN MILLENNIUM DEVELOPMENT GOAL 3:
ESTABLISHING EDUCATION FOR WOMEN AS A HUMAN RIGHT

Colleen R. Kahl

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The purpose of this thesis is to evaluate Millennium Development Goal 3 and to propose a new goal based in a human rights-based approach. This goal promotes gender equality and women's empowerment and is primarily measured by gender parity in education. For many countries in the developing world, this goal is far from being reached and has resulted in millions of children, particularly girls, out of school. The primary focus of this thesis will be on the secondary level of education as gender parity is far from being obtained. This thesis will review the goals and the human rights-based approach to define the right to education for girls. Using the African nations of Malawi, Burundi, and Chad as case studies, the thesis will use human rights indicators to measure the right to education for girls in these nations. It will use sources ranging from the work of the United Nations agencies to research in the fields of development and human rights to government action plans and policies. In conclusion, the thesis will propose a new goal based in the human rights-based approach as a more effective means to ensure the right to education and empowerment for girls throughout the world.

REVISITING GENDER EQUALITY IN MILLENNIUM DEVELOPMENT GOAL 3:
ESTABLISHING EDUCATION FOR WOMEN AS A HUMAN RIGHT

COLLEEN R. KAHL

A Thesis Submitted in Partial
Fulfillment of the Requirements
for the Degree of

MASTER OF SCIENCE

Department of Politics and Government

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REVISITING GENDER EQUALITY IN MILLENNIUM DEVELOPMENT GOAL 3:
ESTABLISHING EDUCATION FOR WOMEN AS A HUMAN RIGHT

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C.R.K.

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CHAPTER I

INTRODUCTION AND STATEMENT OF THE PROBLEM

The timeline for the targets of the Millennium Development Goals to be achieved is set for this year. With this deadline upon us, many of the goals have not nor will not be successfully reached. As of 2014, only four of the eight goals had been reported as reaching their target: eradicating extreme poverty, achieving universal primary education, increasing access to safe drinking water, and combating HIV/AIDs (United Nations Development Programme, 2014, UNICEF, 2014). The continuing disparities and inequalities in achieving the other goals are problematic.

The specific topic for this thesis is Millennium Development Goal 3. This goal is aimed at promoting gender equality and the empowerment of women. Its target is to “eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015” (United Nations Statistics Division, 2014). The goal is measured through progress indicators of gender parity at all educational levels, literacy rates by gender for 15 to 24 year olds, wage-earning jobs in the non-agricultural sector, and the proportion of seats in parliaments/representative governments (United Nations Statistics Division, 2014). As of June 2014, the United Nations Statistics Division indicated that most regions have achieved gender parity or are very close to

achievement on the primary education level, but there is a wide range across regions regarding employment and government representation. This same data indicates that there has been very little progress made in closing the gender gaps in secondary education and particularly at the university level (United Nations, 2014).

To think of the data in real numbers, there are approximately 58 million children of primary school age in the world out of school. More than one-fourth of children who do enter primary school in developing regions will drop out. As the trends for gender parity continue to falter since 2007, this has resulted in 781 million adults and 126 million youth lacking the basic literacy skills necessary to help move them out of poverty. More than sixty percent of these adults and youths are women (United Nations Statistics Division, 2014).

The thesis is designed to assess the progress that has been made towards MDG 3 and formulate a new goal for gender empowerment post-2015. The new goal will reflect the experience of the international community since the adoption of the MDGs and promote gender empowerment, particularly education, as a human rights issue. The significance of assessing MDG 3 is its specificity to the issue of gender. There is much research indicating that the development of women through education, empowerment, and equality are vital to the success of the original intention of the goals themselves-reducing human poverty. Poverty, however, continues to be “the main cause of unequal access to education, particularly for girls of secondary-school age” (United Nations, 2013). This thesis will explore the relationship between women and human rights. The exploration of this relationship, and how to continue to strengthen it, is very relevant as

the deadline for the goals approaches and a new vision needs to be adopted in order to make more significant gains for women and development.

The particular focus on education is important in that without the educational background and tools, women will continue to fall short of full equality and empowerment in the workforce and the political realm. Unlike Millennium Development Goal 2, which targets both genders, MDG 3 is specific to the significant progress shown for empowering women. As the goal's only target indicates, this empowerment is first founded on their access to all levels of education.

Eliminating gender disparity at all levels of education improves women's health and well-being, position in family and society, economic opportunities and returns, and political participation. A mother's level of education has also proved to have a strong positive effect on her children's education and family health. Women's education is also an important determinant of economic development. This indicator of equality of educational opportunities is a measure of both fairness and efficiency (United Nations, 2014).

The United Nations Development Programme is the scorekeeper of the MDGs. It reported in 2014:

Short-changing girls is not only a matter of gender discrimination but is bad economics and bad social policy. Experience has shown over and over again that investment in girls' education translates directly and quickly into better nutrition for the whole family, better health care, declining fertility, poverty reduction and better overall performance (United Nations Development Programme, 2014).

This thesis will examine the gender gaps in education and their effect on the empowerment and improvement of women's economic and social condition. While violence against women and economic crises have shown to slow the overall rate of progress for this target, some regions of the world have shown more gains than other

regions (United Nations Development Programme, 2014). It is important to study why and how these regions have shown success in order to better formulate a goal that can be achieved by all regions through the promotion of education for females as a human right. This thesis will argue that the countries which have made the most progress have adopted a human rights-based approach to education for girls.

The thesis will focus primarily on the region of sub-Saharan Africa. This region has shown the slowest progress in reaching the targets for the goals. Although the number of children in primary school doubled between 2000 and 2012, there remained 33 million children out of school, 56% female. This area houses over half of the world's out-of-school population. The reasons for this slow progress range from rapid population growth to armed conflicts and other states of emergencies to drastic drops in foreign aid specifically allocated towards education. Approximately 44% of all children living in conflict-affected areas and are out of school live in sub-Saharan Africa (United Nations Statistics Division, 2014). This region has a high population of rural communities, which is another factor affecting school enrollment as accessibility is harder and poverty tends to be higher. Only 23% of poor, rural girls in sub-Saharan Africa complete the primary level of education (United Nations Statistics Division, 2014). MDG 2 on universal primary education entails the enrollment and completion for achievement. Yet, only three out of five students in the region completed primary school, leading to even lower numbers enrolling and completing secondary education.

This thesis will compile research on the problems in achieving MDG 3 globally. Various sources have offered data indicating the target for the goal has not been reached

and other sources have evaluated the social, political, cultural, and economic problems which have resulted in fewer girls in school. However, these problems remain largely unsolved for the purpose of truly fulfilling gender equality at all levels of education and often overlook the issue of the right to education. Through evaluating the education policies implemented to fulfill this goal, the thesis will review these policies in an attempt to assess their effectiveness.

This thesis argues that the most effective strategies in achieving MDG 3 are rooted within a human rights-based approach. Using this theoretical model, the thesis will compile a literature review of the approach itself and its use in analyzing issues in education and gender studies. The intention of the paper is to argue that other approaches and theoretical explanations are flawed in their evaluation and solutions to addressing the problems with MDG 3 and its targets. The human rights-based approach evaluates the economic, social, and cultural problems limiting the number of girls in school. The approach accomplishes this with its focus on equality and non-discrimination and through documentation of rights being denied and duty bearers failing to comply with the obligation to help overcome such limitations. Other approaches and their focus on outcomes rather than causes are limited in their ability to achieve true poverty reduction without a concerted effort to overcome the root causes. Therefore, by framing the goal within a human rights-based approach, the paper will indicate how the goal can be better achieved.

A case study analysis will track the countries in sub-Saharan Africa that have had varying success with MDG 3 and its targets. This analysis will look at the approaches,

policies, and strategies that the countries have used to achieve more gender parity in secondary education. It will analyze the reasons for each country's success or failure, including the stakeholders, political and civil frameworks, and strategies for corresponding development outcomes. This review and analysis will utilize the human rights-based approach as a tool in which to evaluate and assess the success of these strategies and policies.

The thesis will conclude with the creation of new education targets based on a human rights framework for a new MDG 3. This new goal and targets will be structured by the perspectives and indicators that emerge from reviewing the human rights literature and country records in sub-Saharan Africa. It will aim to guide global efforts in promoting more gender equality and empowerment through education. The new goal will meet human rights standards and promote these rights, particularly the right to education, by learning from the world's experience with the original MDG 3. It will not only address the problems in realizing gender equity but also offer a more tangible, realistic goal that can offer hope to many girls around the world seeking an education for themselves and countries hoping to better their economic and development situation.

The thesis will begin with two chapters dedicated to reviewing literature on the Millennium Development Goals and the human rights-based approach. These chapters will shape the argument for the right to education and how rights in general have been overlooked by the MDGs. The longest chapter will analyze the three case study nations of Malawi, Burundi, and Chad. Using human rights indicators created by the Office of the High Commissioner on Human Rights, the chapter will evaluate these countries'

performances in ensuring the right to secondary education for girls. Chapter 5 will utilize the information gained from the three case studies and the literature reviews to propose a new goal for gender equality in education based in the human rights-based approach. The final chapter will review the information from the previous chapters in order to conclude why a new goal based in the HRBA would be more effective than the previous development goals in ensuring gender parity at all levels of education.

CHAPTER II

THE MILLENNIUM DEVELOPMENT GOALS

What are the Millennium Development Goals?

On September 18, 2000, A/Res/55/2, better known as the United Nations Millennium Declaration, was adopted by the General Assembly of the United Nations and has since been endorsed by 189 world leaders. This resolution committed the member nations of the UN “to a new global partnership to reduce extreme poverty and setting out a series of time-bound targets - with a deadline of 2015 - that have become known as the Millennium Development Goals” (United Nations, 2014). According to the resolution, the eight goals recognize the collective responsibility to form global policies and targets “which correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation” (United Nations, 2014). The first seven goals specifically target areas of need regarding poverty reduction, education, healthcare, and environmental sustainability. The eighth goal focuses on “a global partnership for development” (International Monetary Fund, 2014; United Nations, 2014). These goals are the manifestation of reflection on past work and achievements of the United Nations and benchmarks for the continuation of this work and improvements into the twenty-first century.

The development of the United Nations in 1945 was an effort to bring about international peace and security and promote social progress and human rights. Its charter and commitment of member nations focus on taking action to promote these goals and help alleviate many of the social and economic problems facing the international community now and tomorrow. To this end, the United Nations has negotiated more than 170 peace settlements, provided food to 90 million people, vaccinated 58% of the world's children, and protected and promoted human rights through 80 different treaties and declarations (United Nations, 2014). This list merely hints at the grand scale of the work of the organization in the last 70 years.

The efforts and goals of the United Nations are grounded in promoting global development. Such progress is dependent on the commitment of developed nations to financially assist those nations whose social and economic development has been slower and continues to struggle (United Nations Development Programme, 2001). A target set by the UN in the late 1960s, and reaffirmed since, asked for donor nations to allocate 0.7% of their GDP to official development assistance (ODA). This has historically been a hard target to achieve since nations, even developed ones, struggle with their own financial and social problems (Chibba, 2011; OECD, 2009). After the Cold War, institutions such as the World Bank and the International Monetary Fund pressured developing countries to scale back their spending on public programs in order to receive financial support. This mandate was intended to prompt these countries to focus on government efficiency and domestic prioritization since so much spending was not

actually going to the programs intended. However, this led to the foreign aid received by many of these countries to drop even more drastically (McArthur, 2013).

This decrease in aid coupled with the unchecked power of multinational corporations paved the way for social and economic stagnation as inequality and poverty continued to climb. Goals established in the 1980s by UNICEF and the WHO for reducing child mortality demonstrated the effectiveness of goal-oriented strategies for international mobilization for social progress as achievement levels were met. Between 1996 and 1998, the Organisation for Economic Co-operation's (OECD) Development Assistance Committee (DAC) established the International Development Goals through summits with the major donor nations in the OECD. These six quantitative goals created a framework which prompted a cooperative campaign between the OECD, the UN, the World Bank, and the IMF for monitoring and tracking purposes (OECD, 2009). Then, in 1999 at the G-8 Summit, a debt-cancellation policy was adopted. This policy stated that if countries allocated money to the sectors of education and health, they could receive debt relief. This new focus helped direct the purpose and agenda of the 2000 Millennium Summit in which the 149 heads of state and government present agreed to work together to assist the world's poor (United Nations, 2014; McArthur, 2013). "The leaders declared that the central challenge of today is to ensure that globalization becomes a positive force for all, acknowledging that at present both its benefits and its costs are unequally shared" (United Nations, 2014). The targets of the Millennium Declaration were shaped into the eight Millennium Development Goals (MDGs) in 2001 and launched in 2002 (McArthur, 2013).

The MDGs establish the framework for developed nations to develop support mechanisms and financial aid budgets “to help poor countries committed to good governance” meet the targets of the goals. The commitment to the MDGs was again tied to the benchmark of 0.7% of gross national income as ODA (McArthur, 2013; International Monetary Fund, 2014). Used as a tool to advocate for economic and social development, the MDG framework is political, economic/operational, and ideological in its context and purpose (Chibba, 2011). They are a framework for development as they provide a guide for countries on what needs to be achieved for development and poverty reduction while using human rights indicators as measurements to assess achievement of the goals. It is within these contexts and framework that the planning and implementation of the goals is set at the national, rather than international, level. This makes the MDGs the “first global framework anchored in an explicit, mutually agreed-on partnership between developed and developing countries” (McArthur, 2013).

The Millennium Development Goals are to: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development (Millennium Project, 2006). Among these eight goals are 21 targets to be achieved. The Millennium Project was commissioned in 2002 to develop the action plan for achievement of the MDGs and their targets. This work fell to over 250 global experts divided into ten thematic task forces, which presented their recommendations in 2005. The implementation of the recommendations focused on the creation of national

development strategies to achieve the quantified targets within the timetable established. The thesis will later argue that human rights are integral in implementation of these strategies in order to effectively measure the achievement of the goals. Grounding the goals in human rights will make them more achievable with their specific indicators as to what is obligated by the states and what is to be addressed to meet the objective of poverty reduction. The United Nations Development Programme (UNDP) is tasked to continue the overseeing and advising for national achievement of the MDGs (Millennium Project, 2006; United Nations Development Programme, 2014).

As outlined by the Secretary-General in 2001 as the roadmap for MDG achievement, “It is crucial that the millennium development goals become national goals and serve to increase the coherence and consistency of national policies and programmes. They must also help reduce the gap between what needs to be done and what is actually being done.” He continued to stress that the goals must be tackled simultaneously and focus on the poorest and most vulnerable citizens. To ensure these strategies are in place, the combined work of agencies such as the UNDP, United Nations Statistics Division, the World Bank, the IMF, and the OECD, monitor the eight goals and their 21 targets along with 60 indicators to measure progress (United Nations Statistics Division, 2014).

A world summit in 2005 asked for a strengthened agreement by all countries to work hard and budget for achievement of the goals and targets. A high-level event on the MDGs in 2008 generated an additional \$16 billion in support from governments, businesses, foundations, and civil society groups (United Nations, 2014). This event demonstrated that “the MDGs have mobilized government and business leaders to donate

tens of billions of dollars to life-saving tools, such as antiretroviral drugs and modern mosquito nets. The goals have promoted cooperation among public, private, and nongovernmental organizations (NGOs), providing a common language and bringing together disparate actors” (McArthur, 2013). Then, a summit on the MDGs in 2010 led to the adoption of a global action plan, which put into place many integral initiatives against disease, hunger, and poverty and again included an array of crucial actors in pledging over \$40 billion in resources until the 2015 deadline. Finally, a special event hosted by the President of the UN General Assembly in 2013 concluded in the planned establishment of a high-level summit set for September of 2015 to adopt a new set of goals, taking into consideration the achievements of the MDGs and working to diminish their flaws. Also during that time, the Secretary-General held a high-level forum to assess the MDG successes and generate an additional \$2.5 billion monetary commitment (United Nations, 2014).

The commitments of the various actors do not just include monetary contributions. The World Bank has developed country-driven models using an evidence-based, systematic approach to achieving the goals. It then compiles country lending summaries and releases the annual Global Monitoring Report (jointly with the IMF) to assess the progress made toward the MDGs (The World Bank, 2014). The International Monetary Fund provides “policy advice, technical assistance, financial support, and debt relief” to developing countries but also monitors the policies of developed countries to ensure they are supportive of the development plans of low-income countries. The IMF is on the UN taskforce working to create a post-2015 agenda and has developed a six-

point agenda to accelerate progress toward the MDGs (International Monetary Fund, 2014). The UNDP uses an MDG acceleration framework to initiate poverty reduction strategies and goal-oriented action plans (such as for education or food security) in developing countries. These plans allow for the countries to develop their own plans and strategies based on their past progress and their existing needs and resources (United Nations Development Programme, 2014). The summits and events have kick-started initiatives linked to the MDGs through cooperative efforts between international development organizations such as the World Bank, multilateral organizations such as the GAVI Alliance, private-sector aid such as the Gates Foundation, developed government agencies, and business and NGO leaders (McArthur, 2013). Through the commitment of so many parties to a systematic framework, the MDGs have seen their share of successes.

Achievements of the Millennium Development Goals

With only a few months left to fulfill the eight Millennium Development Goals, it is imperative to see what targets have been met to assess how far the world still needs to go. Each year, the United Nations releases a report of statistical data and policy and case study examples of achievement. Before looking at the specific data, one overall achievement that has been noted by agencies and individuals is the mere attention the MDG framework has brought to the issues of poverty and development. The Organisation for Economic Co-operation and Development (OECD) notes that the framework, as intended for public understanding of the issues concerning developing countries, does focus on “a manageable number of issues” (OECD, 2009). The number, in the opinion of the agency, does not oversimplify the development process and rather

helps keep the focus on areas of high concern (OECD, 2009). The OECD also points out that since the MDGs have been more visible than previous goals set by the international community, it would indicate “a degree of parsimony in the selection of goals, targets, and parameters” (OECD, 2009).

This attention and visibility of the MDGs has spurred action on the part of many countries, both developed and developing. The 15-year timeline has allowed for momentum to develop as attention and resources have been focused on issues that had long been neglected (OECD, 2009; McArthur, 2013). The action has been evident through new policies constructed to drive progress around universal benchmarks. These policies have been both international and national, prompting cooperation among every stakeholder invested in reducing poverty and improving global conditions. These stakeholders range from the governments responsible for improving the lives of their citizens to the private citizen demanding that government accountability. This group also includes NGOs and international agencies. The goals have become a rallying point for this community of stakeholders to develop action plans for developmental progress, particularly in regions which have indeed now demonstrated progress in areas previously lacking any such as health and economic growth (McArthur, 2013; Lay, 2012; McArthur, 2012; OECD, 2009; United Nations, 2014; Chibba, 2011).

The benchmarks and emphasis on outcomes are also considered achievements for the MDGs. Although these are not without flaws (as will be discussed later), they “have encouraged world leaders to tackle multiple dimensions of poverty at the same time and have provided a standard that advocates on the ground can hold their governments to”

(McArthur, 2013). Since progress on the benchmarks is reported annually by the United Nations and other agencies, they are a useful tool by which developing nations can compare their policies and progress to both regional neighbors and similar countries tackling the same issues they are (OECD, 2009). The targets indicate where resources are lacking and collaboration is most needed. They help direct the policies and efforts of countries and organizations as to the areas of development most needed on a global and national scale. For example, the need to track progress for the MDGs has led many developing countries to produce guidelines and data collection systems for comparable indicator estimates, helping them prioritize and strategize their policies (United Nations, 2014). These efforts have helped lead to matching resources and monetary contributions to aid in achievement of the targets (McArthur, 2013; Lay, 2012; Chibba, 2011).

It is these benchmarks and indicators which have been the basis for progress monitoring for the United Nations and its agencies. The year 1990 was the baseline used by agencies such as the OECD and the United Nations for tracking development data. It was this data that helped formulate the targets and outcome indicators for the International Development Goals and then the MDGs (OECD, 2009). These benchmarks and indicators are not only a measurement of progress but also an indication of where continued focus and resources need to go. Thus, these measurements will continue to shape policies and international agendas beyond 2015.

The extreme poverty line as established by the World Bank and the United Nations is currently expressed as the number of people living below the purchasing

power parity of \$1.25 per day (The World Bank, 2014; United Nations, 2010). In 1990, nearly half of the population in the developing countries lived below that poverty line. By 2010, this number dropped to 22%. This reduced the number of people living in extreme poverty by 700 million, thus reaching the target before the 2015 deadline (United Nations, 2014; UNDP, 2014). As with all the goals, some regions have made more progress than others, however the focus remains on the developing countries. To that end, regions such as sub-Saharan Africa and eastern and southern Asia have seen considerable improvements in reducing extreme poverty. There does remain substantial room for more improvement since even with such progress there is still an estimated 1.22 billion people living in extreme poverty, many of whom live in sub-Saharan Africa and south Asia (United Nations, 2014; The World Bank, 2014).

The number of people without access to safe drinking water was also halved by 2010. “In 2012, 89 per cent of the world’s population had access to an improved [drinking] source, up from 76 per cent in 1990. Over 2.3 billion people gained access to an improved source of drinking water between 1990 and 2012” (United Nations, 2014). Other notable goal achievements include efforts in fighting against disease having saved 3.3 million lives from malaria since 2000, 22 million from tuberculosis since 1995, and 6.6 million through access to antiretroviral therapy for HIV since 1995 (United Nations, 2014; UNDP, 2014). Initiatives linked to MDG progress such as the Global Partnership for Education by the World Bank have helped in achieving gender parity in school enrollment throughout the developing regions (United Nations, 2014; UNDP, 2014; McArthur, 2013; The World Bank, 2014). The political participation of women, an

indicator of MDG 3 for female empowerment, has continued to increase, and the amount of ODA in 2013 was the highest level ever recorded (United Nations, 2014; UNDP, 2014). As stated in the Millennium Development Goals Report of 2014, “The MDGs brought together governments, the international community, civil society and the private sector to achieve concrete goals for development and poverty eradication” (United Nations, 2014). This does not mean the work is complete or that the MDG framework has not known its share of criticism.

Critiques of the Millennium Development Goals

The first stream of criticism of the MDGs centers on methodological weaknesses. One such weakness highlighted is that they are not adequately designed to measure progress against poverty. One reason for this, as noted in research, is the difference between a universal standard of absolute poverty and relative poverty, which takes into account the inequalities within a given society. This raises awareness that the goals may be achieved without truly impacting those most in need of their focus and resources since progress can be shown by focusing on those who fall just short of the target rather than those who fall far below (Easterly, 2009; OECD, 2009). This weakness may (and some argue it does) lead to some regions looking better than others and being able to fare better than others due to incomparable starting points and acting as performance evaluations rather than the advocacy tool intended (Easterly, 2009).

This speaks to another methodological weakness mentioned. Within a universal framework to encourage international cooperation in reducing poverty and promoting economic growth, the MDGs do not necessarily take into account “national capacity and

developmental context” (Chibba, 2011). Therefore, for certain regions the goals and targets may not be realistic since their development agendas are dependent on individual economic, political, organizational, cultural, and ideological contexts (Chibba, 2011; OECD, 2009; Easterly, 2009; Glick, 2008). For example, the economic crisis of 2008 did not impact all countries and regions equally, which has led to some developing areas stagnant in their MDG progress while others were able to rebound and refocus on progress much sooner (Chibba, 2011; OECD, 2009).

A final methodological concern focuses on the framework and timeline. As mentioned previously, there is critique that some of the timelines for target achievement are too ambitious and/or arbitrary (OECD, 2009; King, 2007). One example of this is the first seven goals mainly involve actions of the southern governments, and they all have timelines. However, the eighth goal, which involves all nations, does not (King, 2007). Others have mentioned the lack of time constraints on some targets (Fukuda-Parr, 2009; McArthur, 2012). Still others raise concern over the targets themselves not being equal regarding the need for national governments to prioritize its resources for achievement (Lay, 2012; Fukuda-Parr, 2009). Some critics have even suggested there should be no timeline so that countries can more adequately deal with unexpected circumstances such as the economic downturn of 2008 (Chibba, 2011). Or, one suggestion offered that each level of government sets and tracks its own targets with local partners in order to encourage all stakeholders in establishing their own goals with check-in years as timelines (McArthur, 2012).

This leads to another critique. The goals, through their universal and general nature, advocate for increased efforts on the part of developed countries to aid in reducing the poverty impacting the developing regions. The goals were initiated by an international team but are expected to be met on the national level. This process, as critics note, has not been determined by those very countries in the spotlight but is rather driven by donors and global initiatives. This has limited some countries in their ability to develop their own strategies to tackle the issues highlighted in the MDGs and negates many of these countries' desire to reduce their dependency on foreign aid (OECD, 2009; Chibba, 2011). Also, the generality of the goals does not provide an effective tool for adequately guiding the donors to prioritization of their investments to ensure sustainable development and progress (OECD, 2009).

Another problem noted throughout this stream of criticism is the MDG framework's lack of focus on sustainability and growth. As various obstacles (such as the 2008 financial crisis mentioned earlier) are confronted by developing regions, thus slowing their progress toward MDG achievement, sustainable developmental and financial assistance is needed. This means a shift in developmental paradigms and adoption of unconventional economic agendas at the national level may be the key to helping the developing regions overcome such obstacles. However, the goals do not advise them on how to do this (Chibba, 2011). Without distinct focus on growth and sustainability over time, the fear is that any progress made towards the goals will be only short-term and may only make developing regions that much more dependent on continued long-term aid (OECD, 2009; King, 2007).

The OECD also raises concerns that the MDGs do not do enough to directly address global public goods such as minimizing climate change, thus leading to the suggestion for a distinction of goals that are specific to the developing regions and those that are more for the global level (2009). A more clear distinction may aid in countries and international agencies to focus more on growth and sustainability and better shape national level planning for prioritization purposes. Along a similar vein, the OECD and Jann Lay highlight the issue of mutual reinforcement. The goals, although divided into eight distinct categories each with their own targets and indicators, are often contingent upon the achievement of another. For example, as Jann Lay points out, there is strong correlation between educated mothers and better healthcare for their children (2012). As the OECD reports, “The MDG framework is, from this point of view, too ‘tidy’ to reflect the complex realities of the world in which the poor actually live, and it lacks a more overarching perspective on what sustainable, pro-poor development means” (2009). Therefore, the framework should better address the mutually reinforcing nature of the goals and targets for more accurate data and progress monitoring in order to assess what additional resources are needed for allocation and how these resources should be disseminated.

Another critique again raises the issue of accountability at the national level. Due to their various contexts mentioned earlier, each nation differs in its ability to achieve the goals’ targets. The achievement of the goals relies on factors such as leadership, the robustness of government institutions, the quality of policies, budgetary issues, and cultural contexts (Chibba, 2011; OECD, 2009; McArthur, 2012; King, 2007; Glick,

2008). These factors again indicate that although the goals are framed for development, the utilization of human rights indicators will more effectively facilitate measurement of achievement and make them more achievable since the indicators help assess the economic, social, and cultural limitations of nations in achieving the goals.

As top-down targets, the MDGs are often criticized by local and civil society organizers who fail to see their role in achieving them. Therefore, the MDGs must be accompanied by the necessary financial resources, communication with all stakeholders, common global vision agreed to and based on the cooperation, engagement, and accountability of all actors, and guidance for policies that offer real-world solutions, such as getting more girls into school (McArthur, 2012; Chibba, 2011; Glick, 2008). Through communicating to all the actors that help in achieving and are affected by these goals the importance of the necessary funding, common framework for measurement, and practical plans for such achievement, the new goals to be proposed this year can be more easily attained and sustainable. Through these mechanisms, the goal-setting process can become more decentralized and can encourage all stakeholders to establish their own goals and timelines according to their national and local contexts and needs. This may lead to many countries' leaders to unburden themselves with the sole responsibility for progress and establish a more collaborative effort among all those involved (McArthur, 2012). This will also hopefully give middle- and lower-income countries more of a voice in setting the global agenda and inspire more innovative measures to tackle the issues set forth in the goals (McArthur, 2013).

Along these same lines, Sakiko Fukuda-Parr brings up the issue of timing and resource priorities when it comes to national planning for achievement of the targets. Regarding integration of the MDG targets into national planning, she states, “Doing so runs counter to institutionalised practices in priority setting, budgeting, data gathering and other national government procedures” (2009). When she studied the post-MDG development programs and poverty reduction strategies of twenty-two low- and middle-income countries, she found that although the rhetoric was a commitment to the MDGs, there was very little mention and actual action regarding global partnerships and equality and more of a focus strictly on economic growth (Fukuda-Parr, 2009). The timelines for each strategy and program varied widely in comparison to those set by the MDG framework; some were set to achieve targets sooner and some later dependent on their individual resources, budgets, and priorities. Her conclusion is that the MDGs and their targets are useful as normative goals and evaluative benchmarks but are problematic to use as planning goals at the national level; there is too much adaptation that needs to take place within the national and local contexts for them to be too formative for that purpose (Fukuda-Parr, 2009).

What is consistent throughout the conclusion of Fukuda-Parr and others is the lack of focus on human rights. For Fukuda-Parr, she believes this is the reason that planning for equality measures is lacking in many poverty reduction strategies and development programs (2008). Many have argued that the targets do not adequately stress the importance of rights, empowerment, and good governance as necessary measurements for achievement and progress (OECD, 2009; King, 2007). Any mention

of human rights as outlined in the road map for the MDGs set forth by the Secretary-General is not associated with any time-bound targets. Due to this omission, standards and outcome indicators with a focus on quality are lacking and again do not address the root of the inequality within the social structures of the developing regions (OECD, 2009). Good governance is usually a required component of measurement for human rights issues; this is not mentioned in any MDG indicator (OECD, 2009). The thesis will later argue that framed within an HRBA, the new goals will better evaluate the factors necessary for achievement.

A final stream of criticism centers on the data itself. Data is tracked through a self-reporting process. Due to the planning taking place at the national level, it is dependent upon the nations themselves to track and report their data to the international agencies tasked with statistically organizing and disseminating that data (United Nations, 2014). Much of this data is missing due to varying circumstances in the nations (i.e. economic crisis, violent conflicts, lack of necessary budgets or resources to track data) (United Nations Statistics Division, 2014). Since there are no repercussions for countries reporting late (or in some cases not at all), there is little accountability for actual goal achievement. The data also does not disaggregate between all social and income groups, so there is concern of misrepresentation and exclusion which could result in skewed data (OECD, 2009; Easterly, 2008). Suggestions have been made to include more tools to better monitor the data in order to truly aid in creating economic and social policies regarding the MDG targets. These would include the Consumer Price Index, studies from the policies and agendas of the emerging new economies, business expectations

surveys, and better tracking of the spending patterns of the poor (Chibba, 2011). In conclusion, there are enough concerns regarding data tracking that a post-2015 agenda will have to reassess how it monitors progress.

Although the MDGs have received much criticism, they have also garnered attention and support from stakeholders at all levels of society. They have led to an international focus and increased resource allocation to the lofty and honorable goal of reducing extreme poverty. The goals have helped to raise awareness of the issues that are limiting a large portion of global citizens from achieving full development. The eight goals focus the strategies of the global community and developing countries on the underlying effects of poverty, such as the lack of access to quality education and healthcare. The MDG framework offers a hopeful and optimistic ambition to realize the original intentions of the United Nations and many individual nations. Some of these goals may have been too ambitious in their time restraints or too arbitrary in their progress indicators and targets, but the world has seen improvement. The chapter will now turn its focus on MDG 3 in particular since it is the primary focus of the thesis and has seen varying success throughout developing regions, bearing to light both the criticisms and achievements mentioned previously.

Millennium Development Goal 3

As stated in Chapter I, Millennium Development Goal 3 is aimed at promoting gender equality and the empowerment of women. Its target is to “eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015” (United Nations Statistics Division, 2014). The goal is

measured through three progress indicators. The first indicator, measuring gender parity, tracks the ratio of girls to boys in primary, secondary, and tertiary education. The second indicator measures the percentage of women in non-agricultural wage-earning employment. The final indicator records the “proportion of seats held by women in national parliament” (United Nations Statistics Division, 2014).

As of the 2014 MDG report, the data indicates that most regions are at parity on the primary education level. This indicator is usually measured hand-in-hand with MDG 2, the goal to achieve universal primary education. As much as gender parity at this level is exemplary, there has been very little progress at the secondary and tertiary levels. There is also a wide range across regions regarding employment and government representation (United Nations, 2014).

Gender parity in education is measured on a scale of 0 to 1.0, with 1.0 indicating an equal ratio of girls to boys enrolled in school at the targeted level. Out of 57 countries in developed regions and 161 countries in developing regions reporting in 2012, the data indicator is 0.97 for gender parity in secondary education. This means there are 97 girls for every 100 boys, which falls within the gender parity range. This data is according to gross enrollment ratios, most of which have been provided by the country itself. From 1990 to 2000, the ratio increased from 0.83 to 0.92, but only increased to 0.97 in the following 12 years. At the tertiary level, the overall gender parity data indicator is 1.08, illustrating in most regions more significant gains than at the secondary level. The developed regions are 0.99 for secondary and 1.29 for tertiary levels. However, since the main focus of this thesis is to look at the lag in MDG achievement of developing regions,

the data specific to those regions is more telling. Among the least developed countries, the secondary level is 0.86 and the tertiary level is only 0.62. The leading regions showing the most significant lag in achievement are sub-Saharan Africa, southern Asia, and western Asia. Overall, the rate of progress has slowed, indicating a prediction that the target will not be met by 2015 (United Nations, 2014).

To assess the effectiveness and intention of the goal, it is important to take a step back to see how gender issues came to the forefront of the MDGs. At the Fourth World Conference on Women in Beijing in 1995, all UN member states ratified an agenda for the empowerment of women. The Platform for Action drafted in Beijing led to “the establishment of gender mainstreaming as a global strategy for advancing women’s empowerment” (North, 2010). In practice, this gender mainstreaming has been defined and incorporated quite differently throughout policies and agendas such as the Dakar framework for Education for All (EFA) and the MDGs, both adopted in 2000. These varying definitions have influenced how policies are framed. North points out that the linking of gender equality with empowerment, as seen in MDG 3, does “highlight the need to consider the interconnections between schooling and the gendered social, political and economic context within which it is located” (2010). The goal, according to North, allows for a measurement and counting of gender equality rather than just an item on an agenda to be discussed by providing a focus on the experiences and opportunities for girls, not just mere numbers (2010).

Both the Education for All initiative and the MDGs have engaged international organizations in helping to implement these frameworks. The organizations have

participated in national policy dialogues, helped track and review the progress data, aided in financing, created collaborative partnerships such as the UN Girls Education Initiative (UNGEI) and the EFA Fast Track Initiative in order to spur action and garner resources (North, 2010). A number of these organizations have lauded MDG 3 “as providing an advocacy tool, used for pushing action on gender by other agencies and within the international community as a whole” (North, 2010). There has, however, been criticism that MDG 3 does not go far enough for gender empowerment.

Since MDG 3 policies focused first on providing girls access to school, once the 2005 parity target at the primary level was achieved, some organizations and national policy-makers let gender equality slip to the wayside. This is also due to the trend for national governments to include in their education plans only that which will be funded, so access to school has superseded other goals for gender equality since progress is indicated by enrollment rather than content or quality. Also, some critics point out that parity should be the starting point rather than the end goal since parity in schools does not help shape policies on adult literacy, employment which helps pull people out of poverty, or participation in representative governments (North, 2010). By moving beyond simple parity and broadening policies on gender equality, connections between education and women’s organizations can engage the voices of women at local and global levels to enact real change and empowerment to realize the full intent of MDG 3 (North, 2010).

Researchers have suggested that MDG 3, like the other goals, would be more effective if they more directly involved the domestic and regional bodies imperative to the implementation of the education policies. By allowing these actors a voice in the

drafting of new goals and policies, there would be more accountability and mutual responsibility in reaching the goals (McArthur, 2012; King, 2007; Glick, 2008). More solutions propose that the goal needs to incorporate better indicators. These indicators should focus on learning, quality, the pursuit of higher levels of education, and involvement of the family (King, 2007; Lay, 2012; Glick, 2008). These indicators will be a focus in a later chapter in the thesis.

The actual intent of MDG 3 raises issues as well. The connection between gender empowerment and education has developed over time. The World Conference on Education for All at Jomtien in 1990 was sponsored by the UNDP, UNESCO, UNICEF, and the World Bank. This conference focused on “basic education,” which was defined as “early childhood education, primary schooling, adult literacy, essential skills for youth and adults, and access to knowledge and skills via the mass media” (King, 2007). This definition essentially left out any form of secondary or tertiary education by name, thus narrowing basic education to the universal access to primary education by 2000. Seeing this as the most accessible target, UNICEF and the World Bank focused their funding principally on the primary level (King, 2007; Vaughan, 2010). The six dimensions framed at Jomtien only minimally included the voices of governments from the southern regions, education researchers, and NGOs. They did, however, emphasize access and completion of basic education and formulated a measureable learning outcome (King, 2007; Jones, 2008).

As mentioned previously, the OECD and its Development Assistance Committee played an instrumental role in tying all the global issues together as a focus for poverty

elimination. The six International Development Targets (IDTs) that were produced emphasized the importance of country development and ownership of individualized strategies rather than a universal approach, thus targeting universal primary education in all countries without a measureable learning outcome (King, 2007). The Dakar framework in 2000 attempted to broaden the definition again to include more levels of education such as early childhood and secondary education and emphasized the *quality* of education rather than just access. It did still maintain the stress on country ownership and leadership, however, as did the MDGs that same year (King, 2007; Jones, 2008). King suggests that future research may indicate that the narrowing of education goals and targets has “constrained external aid to secondary, technical and higher education, and especially in the most aid-dependent countries” (King, 2007). The MDGs lack in addressing this issue.

Phillip W. Jones argues that universal primary education is the strategy for connecting education to poverty reduction that has the most potential. However, he argues that without a broader focus on all aspects and levels of education, these strategies and goals cannot produce a fully literate society that can adequately take on poverty (2008). He continues by stressing that history has shown such an approach to education as one-dimensional. Full literacy has been linked mostly to the rapid development of secondary education in the West, which was significantly lacking in the areas most low in educational achievement and literacy progress now (Jones, 2008). This is where MDG 3 has the most potential to be a game changer for global literacy, by truly focusing and expanding upon the broadening, accessing, and funding of secondary education and a

renewed focus on quality schooling. This will ensure more involvement of national and international partners and “diversify their educational outlook, aspirations, and efforts” (Jones, 2008).

The role of organizations such as UNESCO, UNICEF, and the World Bank were mentioned previously. Together, these organizations helped shape policies and fund the Education for All agendas formulated in Jomtien, Dakar, and then the MDGs. Through their work, the link between education and women’s role in development took hold. Initially, women’s education “was to aid economic growth through the improvement of women’s nurturing roles and economic activities relating to their existing domestic social roles” (Vaughan, 2010). Education projects for women, as developed by UNESCO, funded by the World Bank, and adopted by national institutions, were initially still differentiated from the vocational projects for men. However, these projects led to further research, which in turn contributed to linking education of women to equality. By defining gender in “terms of unequal power relations,” equal access to education was broadened to ensure equal rights in other spheres of life as well such as employment (Vaughan, 2010).

The two organizations primarily responsible for EFA, UNESCO and the World Bank, held very different views on women’s role in development and thus varied in their focus and prioritization of female education. Their sponsoring of the Education for All initiative tried to minimize controversy by linking access to education with poverty reduction and basic needs rather than policies which called for the redistribution of resources and power (Vaughan, 2010). Social change was going to be initiated slowly

through measurements to reduce poverty and provide for basic needs such as primary education. These measurements do not go far enough in ensuring full access to all levels of education. The right to education, and its void in MDG 3 and the other Millennium Development Goals, is where the thesis will now turn its focus.

CHAPTER III

THE HUMAN RIGHTS-BASED APPROACH AND THE RIGHT TO EDUCATION

What is the Human Rights-Based Approach?

To answer this question, it is imperative to understand the meaning of a human right. “Human rights reflect a global moral conscience in human dignity. They are inherent to all human beings, regardless of nationality, sex, national or ethnic origin, colour, religion, language, or any other status. They cannot be given or taken away” (Right to Education Project, 2014). UNICEF, a leading agency in the promotion and protection of human rights, adds that human rights are the foundation for all the normative and operational work of the United Nations and that they are relevant to everyday life and so must be practiced. UNICEF continues by defining human rights as the basic procurement of dignity for human beings which stand for clear values and concerted commitment (UNICEF, 1999).

According to the Universal Declaration of Human Rights, a human right is one in which “the dignity and worth of the human person” has been recognized and secured. This includes equal rights of men and women “to promote social progress and better standards of life in larger freedom” (United Nations, 1948). The Declaration then provides 26 articles pertaining to the rights which are to be considered universal and legally upheld. These rights include civil, political, economic, social and cultural rights

which range from equal protection under the law to the right to education. These rights, according to McCowan, are “justified because they protect those aspects most fundamental to our humanity- our survival, wellbeing and dignity as people” (2013). McCowan goes on to say that the basic role for rights is to protect individuals from those few who in their self-seeking actions oppress others for their own personal gain. These rights, he defines, are “a threshold that is not acceptable to cross even in the event of maximizing overall utility” and relate both to the welfare and agency (ability to make decisions) of individuals (2013). He further differentiates between the legal rights of a national citizen and human rights, which need to be globally upheld for those living in countries which are not guaranteeing them and rely on the nature of humanity (McCowan, 2013). These rights, therefore, must be able to be realized by each individual and society organized around that realization. This chapter argues that the Millennium Development Goals will best be achieved by reframing them within a human rights-based approach.

The human rights-based approach (HRBA) originally evolved from the right to development. The Declaration on the Right to Development was adopted in 1986 to foster within the international community the cooperative spirit to work together in order to solve global economic and social problems (Salomon, 2007; McCowan, 2013). Within this declaration, the right to development was recognized as a human right. This recognition put into language the concept that development is “a process aimed at the creation of an international environment, and national environments, conducive to the realization of human rights, and it is through the exercise of their human rights that

people will be able to develop in ways that are meaningful to them” (Salomon, 2007). This definition recognizes people as right-holders and the states and non-state actors as duty-bearers (UNICEF, 1999; Salomon, 2007; Carmona, 2011; Fukuda-Parr, 2009; undg, 2014; McCowan, 2013). Within this relationship, both the people and those with the obligation to ensure these rights are active participants in making progress toward more equitable development.

The approach has been further defined and incorporated by the United Nations and its agencies over the years through its focus on human rights since they are recognized as “the foundation of freedom, justice, and peace” (undg, 2014). The Office of the High Commissioner for Human Rights defines the approach as a normative conceptual framework based on human rights standards and dedicated to the operational promotion and protection of these rights. The Office explains that the approach “seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress” (Office of the High Commissioner for Human Rights, 2006). This office was established in 1993 to coordinate all human rights efforts of the United Nations. The coordinated efforts of the OHCHR along with the 1997 UN Programme for Reform have rooted the use of the human-rights based approach as the foundation for the developmental work of the international community (Lauren, 2011; Carmona, 2011; undg, 2014). The Programme for Reform in 1997 mandated that all UN agencies incorporate human rights in their programs, mandates, and initiatives (Carmona, 2011;

UNDG, 2014). This was intended to ground the activities of the United Nations in the principles for which it was created.

Many international organizations and civil society groups also frame their work within the HRBA. The Right to Education Project outlines the importance of the approach by stating, “A human rights based approach (HRBA) combines development theory and practices with the human rights legal framework to operationally promote and protect human rights and address the inequalities that lie at the heart of development problems” (2014). The Project points out that the use of the HRBA refocuses development programs and policies from a call for charitable aid to an empowerment process in which people know and claim their rights and where duty-bearers are held accountable (2014). The Project summarizes the PANEL principles necessary in every development initiative in order to put the HRBA into practice. The first principle is the participation of rights-holders in the active claiming and development of their rights and the policies in which they are fulfilled and protected. The second principle is accountability on the part of the states, which are to make their decision-making process transparent and involve the rights-holders themselves. The third principle is defining non-discrimination and equality, particularly for the most marginalized groups. The fourth principle is empowerment, defined as providing the rights-holders with the capacity to know and understand their rights and the tools and skills to claim them. This involves the help of civil society organizations to ensure grassroots advocacy. The final principle is the linkage to international human rights legal frameworks to provide credibility and a universal frame and method of redress if necessary (Right to Education

Project, 2014). This promotes a reciprocal relationship between rights-holders and duty-bearers in that rights need to be known and claimed by the holders in order to be protected, respected, and fulfilled by those obligated to do so.

According to the United Nations Development Group (UNDG) and its strategic programme framework, the human rights-based approach is one of the five core principles in country programming and policy framing. This framework and its transition into national programs is based on the 2003 Common Understanding among UN Agencies in regard to applying the HRBA to their training, coordinated work, and common country programming (UNDG, 2014). The three mandates of the Common Understanding are: all development programmes are to further the realization of human rights as outlined in the Universal Declaration of Human Rights and international treaties, these rights are to be the guide for all development programs and cooperative efforts in all sectors and phases, and “development cooperation contributes to the development of the capacities of ‘duty-bearers’ to meet their obligations and/or ‘rights-holders’ to claim their rights” (UNDG, 2014). The key human rights principles which guide the implementation, monitoring, and evaluation of country programs are: a) universality and inalienability. This refers to the entitlement of rights to all human beings and cannot be voluntarily given up; b) indivisibility, which refers to the lack of hierarchical ranking of rights; whether social, economic, political, civil, or cultural, all rights are deemed equal; c) interdependence and inter-relatedness. This means that rights are dependent, in whole or partially, upon the realization of other rights; d) non-discrimination and equality. This principle states that all individuals are equal as human beings and are entitled to their

rights without discrimination; e) participation and inclusion, which speak to the understanding and claiming of rights by the holders of those rights; and f) accountability and the rule of law. This refers to the obligation of the states and other duty-bearers in observing the rights and allowing for redress for violations (UNDG, 2014). These guidelines and principles are an attempt to better coordinate UN interagency work at the global, regional, and country levels.

The next step is to put into place the capacity for the realization of rights. There are nine principal human rights treaties drafted by the UN, and more than 80% of the member nations have ratified four or more of them. These treaties and cooperative work of the UN agencies have upheld the international legal obligations for human rights. “All UNCTs [UN Country Teams] must use a human rights Based Approach (HRBA) to support country analysis, advocate for priorities in the national development framework, and prepare an UNDAF [United Nations Development Assistance Framework] that demonstrates a strategic use of UNCT resources and expertise” (UNDG, 2014). The legal obligations that are critical to the effectiveness of the human rights treaties and their transition into country programs are only binding, however, if there is a commitment on the part of the national governments to respect, protect, and fulfill those rights (McCowan, 2013). This has been one of the challenges for implementation of the HRBA.

The HRBA can be utilized at every level of engagement and by every actor involved. According to the former UN High Commissioner for Human Rights, Mary Robinson, “In each situation we confront, a rights based approach requires us to ask: What is the content of the right? Who are the rights claim-holders? Who are the

corresponding duty-bearers? Are claim holders and duty-bearers able to claim their rights and fulfil them? If not how can we help them to do so? This is the heart of a human rights based approach” (Right to Education Project, 2014). By asking these questions, this approach attempts to link the development initiatives to social movements’ demand for inclusion of rights and link development to the legal power and dialogue of human rights (Nelson, 2007). The agency of the rights-holders, the accountability of the duty-bearers, and the focus on the causes of social and economic problems distinguishes the HRBA from other development frameworks (Nelson, 2007). However, there have been challenges in transitioning the use of HRBA from theory into development initiative practice, especially in regard to the Millennium Development Goals.

Limitations of the HRBA

It is important to review the limitations and challenges of this approach. As Carmona, the Independent Expert on the question of human rights and extreme poverty, reports, “each agency has tended to have its own interpretation of approach and how it should be operationalized” (2011). As cited before, there was the development of a Statement of Common Understanding so that the bodies of the UN and their work can be operationalized according to one definition and application of the human rights-based approach. This continues to be a work in progress at the UN as each agency conceptualizes human rights differently according to their specific agendas and tasks, and the countries themselves prioritize the realization of the rights according to their own cultural, geographic, and historical contexts (Carmona, 2011; McCowan, 2013). There is still much work to be done on streamlining the use of the approach at all levels.

The categorization, and therefore prioritization, of the different types of rights has been a challenge. The use of this approach in the field of development has helped put economic, social, and cultural rights on the international agenda and these rights are conceptualized as equal to all other rights according to the PANEL principles, but these rights continue to show slower growth and uneven progress than civil and political rights (Clarke, 2012; Fukuda-Parr, 2009; Goodhart, 2009). For some critics, only legal rights exist and thus have legitimacy. Regarding the inclusion of cultural rights as a human right, others point to cultural values that are “inimical to rights” or that human rights only reflect the norms of western society (McCowan, 2013; Goodhart, 2009; Clarke, 2012). For some countries, the realization of economic and social rights are often limited by their capacities and resources and are often prioritized below the civil and political rights (Carmona, 2011; McCowan, 2013; Goodhart, 2009; Clarke, 2012; Salomon, 2007; Fukuda-Parr, 2009). This categorization often makes it hard to unilaterally define and obtain buy-in that all human rights are equally fundamental.

Another limitation of the approach is the monitoring, enacting, and enforcing at the national and domestic levels, holding the countries accountable for the policies to protect, respect, and fulfill rights. This is due to various reasons. Research indicates that the duties of the states to ensure such rights does not “determine the status of the right” in that some states still do not have the means to guarantee some rights (Salomon, 2007; Fukuda-Parr, 2009). Some countries view human rights as moral obligations, which are founded in moral values that have been imposed by one group or state over another. Those states which do not adhere to the same moral values feel obligated to uphold them

nonetheless (Goodhart, 2009). Thus, others resist HRBA programs because it obligates the governments to uphold and respect the rights, even if they do not agree with them (Clarke, 2012; McCowan, 2013). Without strong enforcement of the legal obligations to uphold and secure these rights, or the budgets to support them, the countries and their policies often fall far short.

This lack of rights realization is confounded by the lack of effective international law and treaty-making infrastructure. McCowan points out that international law is based primarily on the concept of human dignity, which has an indeterminate meaning within various contexts (2013). Strong language in the treaties and their enforcement are needed in a world where the delineation between domestic and international is blurred in that most policies regarding human rights are adopted at an international level but implemented at a domestic one (Salomon, 2007; Chandler, 2009; Goodhart, 2009). As Carmona, independent expert on human rights and extreme poverty, states, “Human rights do not dictate what policy measures States should take. States have the discretion to select and take policy measures according to their specific economic, social, and political circumstances” (2011). She continues to say that the rights are still nonetheless a legal obligation for these States despite economic hardship (2011). McCowan takes that a bit further by also arguing that a State’s economic constraints do not give that the State the power to veto a right it considers morally invalid or just simply difficult to uphold (2013). However, since there is no global government, there are minimal ways to force compliance by the States. This makes bodies such as the OHCHR and Human Rights Council so important in that they can at least monitor and make recommendations

regarding human rights violations (Carmona, 2011; McCowan, 2013; Goodhart, 2009). The effectiveness of these bodies relies on States' willingness and cooperation, and regional systems are often more successful at ensuring compliance than the international one. Disputes regarding human rights violations are still best remedied at the national level as it is their obligation to fulfill and therefore their policies to align with the international law (Goodhart, 2009). This raises the concern over who are the duty-bearers and who are the rights-holders.

Under international agreements, the States have the obligation as duty-bearers to respect, protect, and fulfill the human rights of their citizens. This obligation is an attempt to address "the inequalities, discriminatory practices and unjust power relations which are often at the heart of development problems" (UNDG, 2014). The States and their national development programs are supposed to thus center their programs and estimation of capacities on this obligation. As mentioned previously, some States find this obligation a burden and a mere suggestion to prioritize rather than a mandate. The reality of rights fulfillment indicates that the duty-bearer role extends beyond the State to all parties involved with that specific right (e.g. health care providers, teachers, parents) and that the development process is locally owned. Therefore, sometimes the duty-bearer to monitor and evaluate is not always clear and needs to be coupled with identification of the *structural* causes of non-realization from both a top-down and bottom-up analysis (McCowan, 2013; UNDG, 2014).

The HRBA requires participation (agency) on the part of the rights-holder in order to hold the duty-bearers accountable. It is within ownership of rights, that accountability

becomes operationalized (Clarke, 2012). In regard to the rights-holders, many in the developing world do not even fully know their rights, which in turn leads to the need for the programs to first assess the rights-holders capacity to claim them and then help build that capacity (McCowan, 2013; UNDG, 2014). This assessment does take time and resources that may further prolong the non-realization of the rights. It is also imperative for the programs to take the values inherent in human rights and gradually assimilate them in local and national policies in order to overcome cultural resistance (Clarke, 2012). Carmona argues that social protection mechanisms (such as minimum wages, non-regressive taxation, and food subsidies) must accompany these HRBA programs in order for people to have the security necessary to advocate for their rights and ensure the protection of these rights even in times of economic and social hardship (2011). It is a two-way process to fully realize human rights.

The movement to a human rights-based approach has impacted the non-state actors by granting them more decision-making powers over who and how aid is given. For example, the activities of many NGOs on the ground in the most least developed nations directly impact these individuals by providing them with what they most often need (e.g. food, medical care, etc.) in order to fulfill the human rights obligations the countries themselves cannot or will not do (Chandler, 2009). Thus, the language of HRBA is often unclear in whether policies address rights or needs since the concept of rights still differs contextually and among agencies tasked with securing them (McCowan, 2013). So, the language, the context, the enforcement, the necessary

funding, the meaning of the rights themselves, and the stakeholders' obligations have raised some concerns for the use of the HRBA.

How Have These Limitations Impacted the MDGs?

In regard to the MDGs, they do not reference rights. Although the Millennium Declaration itself refers to rights eight times, the goals themselves are not framed within human rights rhetoric or application. As Nelson argues, “they are a donor country interpretation of the key issues, for a donor-country audience” (2007). Therefore, the UN agencies, the Millennium Project, and the Millennium Campaign tasked with operationalizing and monitoring the MDGs are working within an inferred human rights framework that is neither expressly conveyed in the goals themselves nor interpreted by the countries committed to the purpose of the goals.

The lack of direct expression regarding rights within the MDGs exacerbates the issue of categorization of rights. Although the overall objective of the MDGs is to reduce poverty and improve development (which include social and economic needs), the MDGs are framed to avoid obligations with economic and social rights through their vague language and targets. It is argued that the OECD summit shaped the MDGs, which makes it seem that simply throwing money at the problems of development will fix everything rather than looking for sustainable development initiatives rooted in human right guarantees (Nelson, 2007; Alston, 2005). The MDGs and their benchmarks do mobilize tools to help alleviate economic and social needs (such as education and healthcare) through donor pledges, goals, reports, and UN agency monitoring. However, since the MDGs are reliant on markets and financial aid with its primary monitoring done

by the World Bank and IMF, there is little mobilizing force or political leverage for the grassroots advocacy necessary in the HRBA to hold governments accountable (Nelson, 2007). Alston also points out that economic and social rights are not usually regarded as customary law on the international level and are therefore lacking in the MDGs, although the Universal Declaration of Human Rights, the ICCPR, and the ICESCR all include social and economic rights in their language. Traditionally, these rights are protected at the domestic level but domestic initiatives driven by the MDGs need only target those individuals right below the benchmark to show quantifiable progress without sustainable growth rather than guaranteeing them inherent human rights (2005). Again, the donor-driven development framework of the MDGs ensures this. “Indeed, the nature of many of the targets is that the least costly way of achieving progress is to tackle the problems of those groups that fall just short of the target in question” (OECD, 2009). This problem is closely related to the accountability on the part of the countries.

The language of the MDGs does not tie the indicators for progress to good governance. Each country tracks its own progress and sends in national reports to the appropriate UN agencies responsible for monitoring the progress. These reports do not utilize human rights language since the goals themselves have not been framed in that context. Although this self-reporting mechanism is supposed to establish accountability, it has limited capabilities. Since the HRBA focuses its attention on the structural causes and all dimensions of the problems (social, economic, etc.), which is lacking in the MDGs, the real change can only come from within the domestic initiatives adopted and put into practice. The country reports do not indicate the reality of addressing the causes

but rather where the money has gone and the data it has produced. The strategies/benchmarks established through the MDG framework are truly not societal or systematic, so they favor a quick impact by donors rather than offering complex solutions and changes to social structures (Nelson, 2007; Alston, 2005; OECD, 2009). The policies and reforms that are necessary to achieve the MDGs should put into place the legislative and legal framework needed for success since there is nothing that holds the countries accountable for the good governance required to respect, protect, and fulfill the human rights obligations *inferred* in the MDGs.

Contributions of the HRBA: Why Is It Better Than Other Approaches?

While the approach has its limitations, it is a critical component in solving international problems in so far as literature indicates its strengths outweigh its weaknesses. Clarke argues that the HRBA does “give credence to the notion that process is as important as outcome” (2012). She and others point out that unlike other approaches, it aims to address the structural inequalities at the national level, which in turn will produce longer-lasting and more powerful results (Clarke, 2012; Fukuda-Parr, 2009). Evaluation of the underlying causes of the non-realization of rights may bring to the attention of the UN agencies and actors involved in the implementation of national policies the direct problems which must be addressed for full effectiveness of the programs. These causes, among others, may be non-participation by rights-holders, cultural resistant norms, capacity problems, lack of resources, lack of political will, or bad governance practices (McCowan, 2013; UNDG, 2014; Carmona, 2011). The

acknowledgement of the causes then guides the United Nations Development Assistance Framework (UNDAF) created to incorporate human rights into national policies.

Other research points out that the HRBA aligns the founding principles of the United Nations with its programming processes (Clarke, 2012; Carmona, 2011). This gives the United Nations more validity and legitimacy in its promotion and protection of human rights. The United Nations has risen to this challenge with its development of a training package developed in 2006 and updated in 2011 by the Action 2 Global Programme on human rights strengthening. This training falls to the undg, which unites 32 funds and programs of the United Nations. This package facilitates the necessary education and guidance on how to apply the HRBA to common country development programs. The guide provides information on country experiences, analyses of development program budgets, participatory and example-based activities, and a manual facilitating cooperation and dialogue between the UNCT and the national policy-makers (undg, 2014). This learning and training package has been used by over 60 countries and has promoted a UN system-wide approach to operationalizing human rights principles in the work of the UN agencies and bodies, country teams, and the national policy-makers (undg, 2014; Clarke, 2012). This cooperation and dialogue have allowed for situational analysis at the country level and ensured the participation of all the stakeholders in the process of identifying the problems, proposing the solutions, and making decisions on their own behalf (Clarke, 2012). Assessments from these trainings have led to the assignment of more human rights experts to UNCTs, more inter-agency work with treaty bodies, more engagement with the needed financial institutions,

and including more NGOs and civil society groups in the implementation (Clarke, 2012). This has helped identify the necessary adaptability of the work of the UN over time in order to enact sustained and positive change through human rights frameworks.

Another positive aspect of the HRBA is its strengthening of the work and active participation of rights-holders in pursuing and achieving their own developmental progress. The people themselves contribute to identifying the problems and proposing the solutions that actually impact them. By engaging the participation of the rights-holders, these individuals become their own agents of welfare, dignity, and change rather than mere beneficiaries of charity that is “as uncertain as it is disempowering” (McCowan, 2013; UNDG, 2014). It has shifted priorities at both the international and national levels with its focus on a people-centered discourse, accountability, structural inequality, and exclusion (Clarke, 2012; Carmona, 2011; Salomon, 2007; Fukuda-Parr, 2009; Van Ginneken, 2011; UNESCO and UNICEF, 2007). It has given voice to the most marginalized, disadvantaged, and excluded groups, which has been a guiding principle of human rights treaties and law (UNDG, 2014; Carmona, 2011; McCowan, 2013; Clarke, 2012). This has allowed for not just top-down mandates of human rights but also bottom-up ownership and accountability of those rights.

The approach also encourages reforms and the advancement of more effective international law. This will aim at balancing national sovereignty and the obligation to cooperate by promoting ownership of the standards themselves and accountability of their application. With further research, common understanding, and education on the HRBA, this approach will be more responsive to the experiences of each country and

allow for more adaptability by the UN and non-state actors (Clarke, 2012; Carmona, 2011; Salomon, 2007; Van Ginneken, 2011). The HRBA instructs that both processes and outcomes are monitored and evaluated and promotes the partnerships that will best help develop and sustain effective programs (UNDG, 2014). The approach also highlights the tasks that are most important and urgent in this rights-based agenda and promotes these rights as unconditional (McCowan, 2013). This has allowed for international law and treaties to be implemented and adapted to address the problems (both country or region specific and global) that have hindered the realization of the fundamental rights for all individuals.

UNESCO and UNICEF, through their Education for All movement, provide a summary of the advantages of the HRBA in obtaining rights such as education. One of the primary benefits is the mutually-reinforcing relationship between rights within the HRBA framework. For example, the agencies argue that granting the right to education aids in framing and drawing attention to the right to freedom from discrimination, protection from exploitative labor and various forms of abuse, and provides a better standard of living. The agencies also list the following as pros of the HRBA: social cohesion, integration, stability, respect for peace and non-violence, positive social transformations, cost-effectiveness, sustainability, production of better outcomes for economic development, and capacity-building (UNESCO and UNICEF, 2007). The agencies argue that since the HRBA is dependent on the agency and participation of the rights-holders, it can strengthen social cohesion and respect for one's own values and those of others. As a normative framework, the approach is founded on the UN

principles of peace and non-violence, which can promote the greater good of society. It also empowers the rights-holders to transform their societies and develops the capacities of governments to fulfill the obligation and of individuals to claim those rights. Since rights are considered mutually reinforcing, working to fulfill one helps in the fulfillment and meeting the needs of others; over time, this will be more cost-effective and sustainable for development purposes (UNESCO and UNICEF, 2007; Office of the High Commissioner for Human Rights, 2012).

In comparing the HRBA to other approaches commonly associated with development, the HRBA seems to have noteworthy advantages. Inherent in its structure and intentions, the HRBA places intrinsic value on the fundamental rights, provides universality, and specifies a duty-bearer (Barrett, 2011; McCowan, 2013). In contrast, the human capital theory focuses primarily on economic rights rather than social, cultural, and political rights as well. It is also argued that it falls victim to a utilitarian focus on the will of the majority at the expense of the needs and interests of the minority (McCowan, 2013). Fukuda-Parr analyzes the conceptual frameworks, operational approaches, and policy priorities of the HRBA, human development/capabilities approach, and neoliberalism. She points out that although similar to the human development/capabilities approach through its people-centered concern for freedom, equality, and dignity, the HRBA promotes active participation, empowerment, and accountability while utilizing international human rights norms (2009). She faults the neoliberal approach with its focus on economic policy over others, its definition of development and the well-being of humans (utilitarian in nature), and role of the actors

themselves as mere economic agents rather than rights-holders with claims. She believes that the HRBA is critical not just in its structure and parameters but also in its challenge to the mainstream theories and policy agendas (Fukuda-Parr, 2009).

Although the MDGs had not been drafted within an HRBA framework, there are many things they do well. Advocates have listed the limited selectivity of needs to be met as a clear agenda that is designed to be measured and institutionalized by the UN agencies, development agencies, and national policy-makers (Alston, 2005). Others have pointed out the effectiveness of financial interventions that have considerably aided in countries making progress in achieving several goals (Nelson, 2007). However, framing the MDGs through the HRBA will only enhance these. Rather than viewing individuals as objects of the goals, the HRBA makes them agents, building the capacity to understand and claim their rights and partake in the decision-making process. This agency will help promote the necessary bottom-up advocacy and mobilizing force to hold governments accountable and enact real change through their institutional policies and initiatives with input from those most impacted. By using an HRBA lens to call attention to the causes and dimensions of the social and economic problems addressed by the MDGs, the causes should drive the focus of policy (Nelson, 2007; Office of the High Commissioner for Human Rights, 2012). The MDGs have driven aid and resources to be provided, but coupled with the HRBA even more groups (such as the civil society organizations and NGOs) and resources can be engaged with a focus on economic and social rights as legal obligations. The appropriate policies can be individualized to meet the needs of each society, and monitoring and follow-up can be analytically reviewed much as the

commitments to other human rights treaties and initiatives are. The approach can lend credibility to the MDGs by promoting and securing non-discrimination and equality along with truly empowering individuals and holding governments more accountable (Alston, 2005; Office of the High Commissioner for Human Rights, 2012).

As Bergstrom stated, “Language of rights helps us to sharpen our appreciation of the moral boundaries which relate people to each other, emphasizing the appropriateness of seeing other persons as independent and autonomous” (2010). The thesis will use this research to argue that the HRBA is the best foundation for the procuring of necessary social, political, and economic structures that will help end global poverty and make gains in all aspects of development. As a people-centered rather than growth-centered framework, the HRBA promotes equality and participation as priorities for development programs. It is this promotion that ties the HRBA to the right to education, particularly for females.

Human Rights and Education

This area of focus will be the relationship between human rights and the issue of the right to education. Having established the HRBA as a valid method in the study and implementation of development programs, particularly the MDGs, the right of individuals to education can be analyzed through this lens. As Carmona defined in her report, the principles of human rights guide every phase in all programs of the UN in every sector, including education (2011). This also accounts for the inclusion of all individuals, not just males.

The right to education on an international level is spelled out in Article 26 of the Universal Declaration of Human Rights. According to this declaration, education at the elementary level will be free and compulsory. It also states, “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms” (United Nations, 1948). This right has been firmly established through human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) and Articles 13 and 14 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966, which extended free education to the secondary and higher education levels. Unfortunately, there is nothing binding or obligating the States to actually provide education at these levels; the focus of most international treaties and the MDGs is on primary education first. With 160 states/parties ratifying the ICESCR, the right to education became legally binding and widely accepted. It was influenced by the Convention against Discrimination in Education in 1960, which applies directly to minority ethnic, religious, and linguistic groups and calls for an even quality of education. The language, however, makes it harder to apply to race, gender, or social class (McCowan, 2013). It is important, then, that ICESCR and ICCPR were followed in 1979 by the Convention on the Elimination of Discrimination against Women (CEDAW) –specifically Article 10 in regard to education (UNESCO and UNICEF, 2007; McCowan, 2013). The Convention on the Rights of the Child (CRC) in 1989 furthered the concept to include underlying principles that recognize the agency of children in their own learning and an education that promotes and respects their rights. As the most ratified human rights treaty in history, the CRC

calls for the protection, provision, and participation of children regarding their rights (McCowan, 2013). This includes non-discrimination, the best interests of the child, the right to life, advancement of survival and development, and the right for children to express their views (UNESCO and UNICEF, 2007). It also lists the aims of education and addresses issues such as attendance, dropout rates, and the necessity for discipline (UNESCO and UNICEF, 2007; Cole, 2012; McCowan, 2013).

Education has been (and remains) a gradual right. As Bergstrom notes, it is known as a “second-generation right” since it emerged as a social right in the national normative documents of the nineteenth century before being incorporated into the international declarations and conventions of the twentieth (2010). In many western nations during the nineteenth century, elementary education system was aimed primarily at the working classes, with the middle classes given access to secondary education as well. These systems were founded upon sex-differentiated curricula and intended to prepare children to earn their own livings and be useful citizens (Martin, 2012).

Education systems began to expand after the Second World War due to the belief that it would benefit economies and as a means of nation-building (McCowan, 2013). It would be a coalition of delegates from 155 countries and 125 non-governmental organizations brought together by four UN agencies in Jomtien, Thailand to establish the importance of the right to education (McCowan, 2013; UNESCO, 2014). This was the beginning of EFA.

The Education for All (EFA) movement of UNESCO and UNICEF was launched in 1990 and applies the HRBA to education. According to these two bodies, this

approach is “inclusive and provides a common language for partnership.” Based on research by these two bodies, the right to education has shown to lead to the realization of other rights as well. EFA argues that the HRBA to education promotes democracy, social progress, and understanding of cultural diversity, creates learning environments that promote peace and non-violent conflict resolution, empowers the actors involved in achieving social justice, improves educational outcomes and is fiscally responsible, produces a functioning workforce and widens the economic base, and realizes the capacity- building relationship of governments and their citizens (UNESCO and UNICEF, 2007). Research by the World Bank indicating a higher economic return from universal primary education than from secondary or higher led to the prioritization of the EFA movement of the primary level (McCowan, 2013).

The human rights framework used by the Education for All movement distinguishes the realization of three rights. These rights include the right of access to education, the right to quality education, and the right to respect in the learning environment. These rights consist of elimination of discrimination, the establishment of standards, and improvements in quality. Including the HRBA principles listed previously, the EFA movement also includes empowerment as an aim for education. This empowerment “may be an aspect of any strategy, such as advocacy, capacity- building or service delivery” (UNESCO and UNICEF, 2007). Through this framework, situation assessment and analysis are key in order to evaluate capacity, set goals, respond to children’s basic needs, ensure participation of all stakeholders, and measure outcomes and processes. This framework is then used to identify state obligations and government

responsibilities and outline the role of other duty bearers such as teachers, families, local communities, civil society organizations, and the international community. The HRBA also highlights the need to broaden the focus from just an economic investment in girls' education to the actual causes leading to the inequality of access to education (UNESCO and UNICEF, 2007). This movement coupled with global commitments such as the Millennium Development Goals calls for the use of the maximum resources available on the national and international levels, ensures the minimum essential levels for securing an adequate standard of living, ensures non-discrimination and equality, and allows for participation, transparency, and accountability (UNESCO and UNICEF, 2007; Carmona, 2011; McCowan, 2013). The HRBA also aids in distinguishing between the inability to uphold human rights and the simple unwillingness to do so since their protection and fulfillment are a legal obligation of the States. A lack of capacity and resources help determine an individualized timeline and monitoring plan for human rights commitments; unwillingness to do so is a violation of human rights treaties (Carmona, 2011). It also frames rights such as education as an immediate obligation to be fulfilled (or begin to be fulfilled) rather than a goal for a future time (McCowan, 2013).

Some research indicates that the international and national communities are often divided on the definition of the right to education. Unfortunately, the EFA has been criticized for framing "education as a 'human need' rather than a 'human right'" since it is important to so many other sectors of life. This brings to question the obligatory status of the right on the part of the duty-bearer (McCowan, 2013). Also, the differences in the definition of the right to education vary from a development-based approach in policy-

making in which emphasis is on the socialization purposes of education and a focus on curriculum and culture while the HRBA is more focused on whether education is actually serving its function and its outcome on the final product(s) (McMillan, 2011; McCowan, 2013). Another differentiation over the right to education is whether it is classified as a social right or a civil right. This distinction impacts how policy programs are drafted to balance education as a private right to be exercised at the parents' discretion (civil) or a social right that is implemented through governmental regulation of compulsory education. If education is uniformly viewed as a universal human right, it means it is both personal and public in its ownership and exercising of the right to education. It is not simply for the benefit of any one individual; it is an "ideal of a humanity" (Bergstrom, 2010).

This right also begs the question regarding the type of education system that is obliged to be provided. McMillan, in review of education literature, lists three types of systems: formal (structured), non-formal (semi-structured), and informal (extracurricular and after-school). He points out that all education initiatives only truly recognize and fund formal education for purposes of development and human right fulfillment, although all systems aid in the development of each individual (2011). McMillan argues that the HRBA can and needs to redefine education to include all forms of educational systems in order to better promote quality education and maintain mindfulness of the individual (2011).

Review of research by McCowan justifies the right to education for purposes of public interest, individual dignity, individual development, and individual welfare. Other

research he uses signifies the intrinsic importance of the “knowledge, skills and dispositions developed through education” and its role in socialization and development of autonomy (2013). McCowan himself adds the elements of understanding and agency as pivotal components of education. He argues that humans have both the capacity and right to understand the world around them and themselves *and* the potential for actually exercising that right and pursuing their own goals and purpose in life (2013). “It is not just a question then of being able to function in the world and make informed choices, but to understand and be able to transform it” (McCowan, 2013). Every human, then, is born with that inalienable right.

Various initiatives have been enacted to work toward the universal right to education (even if this is just the formal system). The creation of a Special Rapporteur on the right to education in 1998 by the Human Rights Commission of the UN evolved into the Right to Education Project, an advocacy tool which not only monitors violations of the right to education but also evaluates the availability, accessibility, acceptability, and adaptability of this right as promoted through policies and rights frameworks. The research, case law database, and over 200 education indicators have been applauded. The Project creates a “governance framework” through which education policy-makers can utilize for their job and for budgeting and monitoring purposes (McCowan, 2013). The RTE Project and Millennium Development Goals then jumpstarted the move from bilateral efforts to a more global, coordinated movement which brought together states, UN agencies, INGOs, and an increase in resources for educational purposes (McCowan, 2013). The World Bank funded the Fast Track Initiative (now the Global Partnership for

Education) in 2002 to provide necessary resources for low income countries in their goal for universal primary education. This top-down assessment of needs has led the World Bank to focus on learning outcomes and other bilateral and INGO donors to primarily fund the national education policies consistent with their own vision. UNESCO established the Education for All Global Monitoring Report in the same year to provide statistical analysis for policy-makers and other stakeholders “on which to base initiatives.” These reports focus on the quality of education from analysis of the characteristics of the learners to context to the outcomes *and* inputs (McCowan, 2013). All of these initiatives have produced varying results, particularly in regard to the MDGs.

Education is addressed in both MDG 2 and 3. MDG 2 entails achieving universal primary education. MDG 3 includes gender parity in education but also promotes empowerment of women through higher levels of education, employment in non-agricultural jobs, and in government representation and leadership. However, as stated previously, the *right* to education is not language used in the MDGs or its measurable indicators. The annual Global Monitoring Reports on the MDGs each year are produced by the World Bank and exclude the *right* to education as well (Alston, 2005). Progress, as reported by the countries themselves, gauges mere numbers of children in attendance rather than bringing attention to the obstacles preventing some children, particularly girls, from attending. The MDGs, as mentioned before, mobilize donor aid and resources to help get kids in schools (for example, by allowing for fees to be waived), but without the legal obligation to grant education as a right, governments are not obliged to address each structural barrier that prevents children from achieving that right.

The reality of the right to education involves accepting the fact that about 58 million primary age children are still out of school (UNESCO, 2014). Since data is often skewed or not available, this number may still be on the lower side since it does not account for spotty attendance, children over age for their grade, or dropouts. Over half of these 58 million children are in sub-Saharan Africa, where 22% of children are not in school (UNESCO, 2014; McCowan, 2013). These numbers do not even account for the number of children who do not have access to preschool education, enroll or complete secondary education (69 million), or illiterate adults (774 million) (UNESCO, 2014). Each year, the funding for education falls short. UNESCO estimated in 2010 that this shortfall was roughly \$17.6 billion for the 46 low-income countries (about 1.5% of the defense spending of the United States) (McCowan, 2013). These numbers become even more startling when you separate them out between genders.

The Right to Education and Gender

The exclusion of females in many levels of education is notable. The numbers speak for themselves: 54% of the children out of school are girls, two-thirds of illiterate adults are women, universal primary education for girls in sub-Saharan Africa is not expected to be achieved until 2086, and in low-income countries only about 20% achieve gender parity at the primary level, 10% at the lower secondary level, and 8% at the upper secondary level (UNESCO, 2014). As nations develop their education programs that should carry with them the obligation to educate all equally, the reality is contingent upon each nation's individual economic, social, and cultural experiences. As true as this is,

more and more research indicates that there has been a gap in analyzing this right as a global issue, particularly in regard to gender parity and equality.

There are various factors limiting a global analysis of the right to education for girls. One of these factors is the differing models of gender equality as evidenced in the international education agenda. Some international agencies working toward more gender equality adhere to the Women in Development (WID) model while others that work closely with them draft initiatives rooted in the Gender and Development (GAD) model. The goals of the WID model, which are championed by the World Bank, promote economic productivity as a reason for increasing female education. Thus, the main objective is to get more girls into school since their education is more of a benefit to others, not themselves (Vaughan, 2010; Unterhalter, 2005). On the other hand, the GAD model used by UNESCO, is more worried about providing equal access to all levels of education for girls and the gender power relations within society that have often prevented that access or led to the ineffectiveness of education for girls. The aim of this model is rooted in an HRBA framework and promotes empowerment and agency which involves more than just equality of resources but also the removal of the barriers that prevent the realization of that equality (Vaughan, 2010; Unterhalter, 2005). With different goals established and resources attached, these two models have led to contrasting frameworks in which to assess gender equality and thus have led to challenges in compiling data which will aid in creating more uniform programs aimed at promoting equality (Vaughan, 2010). These two models also bear witness to the differences in the global monitoring reports. The World Bank issues the report for the

MDGs in general, which excludes the language of rights (Alston, 2005). UNESCO produces an annual report on education. This report is grounded in the HRBA and thus offers data on not just outcomes, monetary resources, and numbers in attendance but also focuses each report on a specific component of the right to education. Examples of this include literacy, early childhood education, marginalized groups, and quality education (UNESCO, 2014).

The WID and GAD models are indicative of the cultural conflict defense which has led to disagreements over upholding human rights agreements. Resolutions to this cultural conflict that have been proposed include more involvement of women throughout the entire process of achieving gender equality, addressing the possibility of cultural changes, and respecting cultural diversity as a right in itself. This cultural conflict is evidenced by various indicators assessing why girls do not attend school or stay in school for long. Some of these barriers have included son preference, early marriage, violence and abuse in schools, expenses, household work, distance to and the number of public schools, failure to protect many of the basic rights of girls and ensure their dignity, and failure to motivate or encourage girls (Global Campaign for Education, 2005; Monkman & Hoffman, 2013). Other factors include differences in the prioritization of girls' education in national and regional policies, a divergence between feminist agendas and economic theories on development and education, and lack of proper attention and data compilation on the inequality to the right to education for all females across cultural and class categorizations, and the incorporation of family and school characteristics into the analysis (Monkman & Hoffman, 2013; Fennell & Arnot, 2008; Lewis & Lockheed,

2007). Regional factors specific to the lowest-performing areas for girls' education, specifically in Africa and Asia, include income, percentage of the population in agricultural employment, colonialism, and religious heterogeneity (Cooray, 2012). The research of Cooray also concludes that gender inequality in education negatively affects economic growth, child mortality, and fertility (educated women tend to have fewer children and seek prenatal medical care) (2012). All of these factors, along with the lack of agency and voice given to girls, have limited the effectiveness of many education policies and further research on how best to get and keep girls in school. All of these issues, as discussed previously, are better addressed and resolved through an HRBA framework.

It is this inequality in girls' access to, quality of, and respect in the learning environment that has led to many global and national initiatives such as the Education for All movement. It is also the foundation for many NGOs and grassroots initiatives such as Amnesty International, Oxfam International, and the Right to Education Project. These organizations utilize the HRBA in securing the right to education and the fight against poverty. Since these organizations work within the communities and regions they serve, they are invaluable resources in documenting the prevalent disconnect between the rights of girls and their access to education. Their work has also been instrumental in the evaluation of the failures and achievements of the Millennium Development Goals. This is why the post-2015 MDGs should be framed and driven by the HRBA in order to better address the shortcomings of the goals and promote the guarantee of the freedoms and rights that will make poverty reduction more sustainable.

Utilizing the HRBA to Measure the Right to Education

The initial step in evaluating Millennium Development Goal 3 and developing a new one for the purpose of this thesis is to connect the MDGs to human rights in measurable terms. Wouter van Ginneken argues that although it is the duty of the states to achieve the targets listed in the goals, the cooperation of NGOs, international organizations, and transnational corporations is necessary to monitor and gauge accountability according to the four main principles of human rights as defined by the Office of the High Commissioner for Human Rights (OHCHR) (Van Ginneken, 2011). Again, these principles are availability, accessibility, adaptability, and acceptability.

The work of Todd Landman and Edzia Carvalho has been an integral source in guidance on the operationalization of human rights. As Landman and Carvalho state, “The content of human rights as established in international law is dependent on the creation and adoption of legal standards by states; norms that enable the human rights community to hold states accountable for those actions that violate the dignity of individuals residing within their jurisdictions” (2010). The concept of human rights, particularly for the purpose of application of the human rights-based approach, is to extend the theoretical meaning of a human right (as examined previously) in order to examine its constitutive elements which can then be operationalized and thus measured (Landman and Carvalho, 2010). The constitutive elements consist of rights-in-principle, rights-in-practice, and rights-as-policy. For the first, an analysis must examine the commitments made by states to respect, protect, and fulfill human rights. The rights-in-practice scrutinizes the execution of policies which allow for the enjoyment of rights.

Finally, the rights-as-policy assesses the impact of the policies on that enjoyment (Landman and Carvalho, 2010). These elements can be studied within the conceptual framework of the 4 As contributed by Katerina Tomaševski, the former UN Special Rapporteur on the right to education. To review, these four concepts are availability, accessibility, adaptability, and acceptability. Thus, each policy or practice regarding a human right can be evaluated through each of these concepts such as in the right's availability to citizens.

In the next chapter, each country will be analyzed through the following format. Based on the similar construction of a working paper from Cornell, the concepts of the 4 As will provide the framework as the OHCHR indicators will be applied according to their operationalization of the concepts (Robert F. Kennedy Center for Justice & Human Rights, 2014). In the paper from Cornell, the authors separated the indicators according to whether they best measured the availability of education for indigenous peoples, the accessibility of education for these peoples, the adaptability of the education policies to the needs of the indigenous population, and the acceptability in relevance and quality of education for them. In this same manner, this thesis will utilize all 24 of the indicators developed by the OHCHR and has chosen which of the structural, process, and outcome indicators best measure the availability, accessibility, adaptability, and acceptability of secondary education for girls in each of the three case study nations. The selection of which indicator best measured each concept of the 4 As was guided by the Cornell working paper and through review of the human rights-based and right to education literature. The structural indicators for the right to secondary education involve analysis

of the ratification of the appropriate human rights treaties which outline the right to education, constitutional provisions, domestic law, and registration of education NGOs. This also involves evaluating the time frame and coverage of the national education policies for girls and the appropriate curricula. The process indicators evaluate the investigation and remedy of rights violations and the public expenditure on education, including donor assistance. They also entail looking at the transition, enrollment, and dropout rates at the secondary level, share of household costs for education, and teacher qualification and training. The outcome indicators study the gender ratio, completion and graduation rates, and literacy rates (Office of the High Commissioner for Human Rights, 2012). These indicators and the 4 A conceptual framework utilize the human rights-based approach to operationalize the right to education for girls.

Education indicators had been developed by various international agencies over the years alongside other developmental indicators. The Right to Education Project argues that these indicators do not truly measure the right to education for three reasons. First, indicators in indices, such as the Universal Human Rights Index, used by some agencies as measurements do allow for cross-country comparison, but “it would require to calculate how many times one kind of human rights violation is worth another one.” Second, the indicators do not adequately address discrimination because they lack disaggregation by target group, such as gender. Using data specific to the target group in question will aid in discerning if discrimination has prevented that group from enjoying the right to education. Strategies can then focus on how to remedy this problem. The third problem described is that the indicators do not measure quality education nor that

the education conforms to human right standards. To accomplish this, education must also teach human rights through a promotion of tolerance and respect. “One of the advantages of right to education indicators is thus that these indicators can also measure rights in education and rights through education” (Right to Education Project, 2009). The project does suggest utilizing some education indicators to disaggregate by target group to measure the right to education.

The Right to Education Project suggests that using the 4 A framework as the conceptual foundation for right to education indicators ensures the indicators are based on international human rights law and can track progress in the realization of the right (Right to Education Project, 2009). This framework can then be applied to the indicators using both quantitative and qualitative data. These indicators are both context-specific in order to measure compliance and universal for country comparison. The project recommends the indicators be used as a toolbox; the appropriate indicators to be used are specific to the situation of the state being analyzed. Targets and benchmarks can then be set based on the needs and capacities of each state. The project concludes by advising that the indicators need to be clearly defined and have set parameters for measurement. For states and the international agencies that measure compliance, there needs to be a consistent data collection (Right to Education Project, 2009).

To accomplish this, the use of the 24 human rights indicators developed by the OHCHR will be used to operationalize measurements of success for the target to secondary education in MDG 3. The framework created by the OHCHR also indicates which measurement is used by the MDGs. Of the 24 indicators created by the

organization, only two of them relate to MDG 3. This signifies that the MDGs, not currently based in a human rights-based approach, do lack adequate measurement of the right to education. As mentioned previously, these lack of measurements do not then sufficiently address the causes of girls not being educated, such as discrimination and lack of access. The OHCHR indicators are structural, process, and outcome. The ten structural indicators measure the commitment of the state in realizing human rights through its ratification of international treaties, incorporation into its national policies, and adoption of a similar timeframe. The ten process indicators measure the “efforts and resources that the duty-bearer uses to achieve the enjoyment of human rights.” The four outcome indicators measure the achievement of these rights (Van Ginneken, 2011; Office of the High Commissioner for Human Rights, 2012; Landman and Carvalho, 2010). As the OHCHR reported in 2008:

...Human rights indicators have as purpose to hold duty-bearers accountable for their human rights obligations. They do not aim to evaluate whether populations have access to basic needs, but to which extent states respect, protect and fulfil human rights. Furthermore, human rights indicators focus on discrimination, by requiring that the data they use be disaggregated by vulnerable groups. They also evaluate whether states use participatory approaches when implementing human rights. Lastly, human rights indicators examine whether states have established accountability mechanisms to implement human rights (2012).

Since the OHCHR has finished Phase I in the development of human rights indicators, the right to education can be measured according to the framework (Office of the High Commissioner for Human Rights, 2012).

The Right to Education Project does acknowledge the advantages and limitations of these indicators. It is a uniform method to monitor human rights and can be used to

evaluate the protection of these rights. It is limited in measuring every complexity of any given human right (the role of the various actors, the varying capacities of states) and some indicators only measure compliance in theory. The indicators suggested by the project are, however, many of the same outlined by the OHCHR. The project mainly differentiates by a framework that can be used for the general right to education and not as specifically to various components of that right such as accessibility to secondary and higher education as outlined by the OHCHR (Right to Education Project, 2009; Office of the High Commissioner for Human Rights, 2012). The indicators developed by the Right to Education Project are intended to be applied to measure compliance with a specific international treaty. The intention of this thesis is to analyze the right to secondary education for girls in specific states in Africa.

The Robert F. Kennedy Center for Justice and Human Rights worked with various actors including human rights researchers from Cornell Law School to prepare a report on the right to education for indigenous peoples in the Americas. The report concludes that States' education strategies need "to address structure discrimination that impacts access to quality education." For this purpose, the report recommends that compliance monitoring of human rights "need to articulate the well-established division between immediate and progressive obligations of States to realize the right to education" with an emphasis on clear recommendations for how to immediately implement mechanisms to ensure the right. It is also states that strategies for high poverty states need to stress the importance of retention and tertiary education for full fulfillment in order to help people out of poverty. The Center stresses that the right to education indicators should be used

both for monitoring compliance but also as a guide for States to implement truly effective education strategies in their obligation to fulfill the right (Robert F. Kennedy Center for Justice & Human Rights, 2014). The Center supported the Cornell Law School in preparing a case study in 2009 on Columbia's compliance with the right to education under the ICESCR (Kalantry, Getgen, & Koh, 2009). This working paper is a guide for how this thesis will analyze the three states of Malawi, Burundi, and Chad using the conceptual framework of the 4 As as developed by the special rapporteur on the right to education in the OHCHR and applying it to the indicators later created by the OHCHR.

The various measurements developed over the years have been utilized to determine governance conditions for many donor-assisted programs and as a way to determine needs in the developing countries. The indicators and benchmarks used for these measurements are often impractical and are often relied on too heavily regarding meeting an absolute target without relative analysis or cultural factors taken into account. However, there is no one single framework that has been used by all actors involved in donor assistance and human right protection (Landman and Carvalho, 2010; Right to Education Project, 2009). Utilizing the indicators drafted by the OHCHR within the framework of the 4 As in this thesis may not only measure compliance by the case study nations, but can also determine non-discrimination, the active participation of rights-holders in ensuring their own rights, progressive realization by States, and accountability of the duty-bearers to respect, protect, and fulfill the right. They can offer a foundation for comparison between states and identification of the broad concept of the right to secondary education for girls (Landman and Carvalho, 2010).

Through this analysis, recommendations for the new Sustainable Development Goals will be made to ensure that not only does this right indeed be realized but also that it leads to better governance, more transparency, and accountability on part of the states and the more active participation and empowerment of females in order to fully achieve the spirit of the EFA movement and MDG 3. It is the intention of this thesis to use this framework and indicators to assess the experiences of three countries in sub-Saharan Africa regarding the secondary education of girls since the adoption of the MDGs. They will then be used as a framework in which to operationalize the new goals for compliance and realization as rooted in the HRBA.

CHAPTER IV

CASE STUDIES OF COUNTRIES IN SUB-SAHARAN AFRICA

This chapter will use the human rights-based approach to assess the right to education in three countries in sub-Saharan Africa. The countries in sub-Saharan Africa are the lowest-performing regions concerning the achievement of the Millennium Development Goals. The three countries chosen for analysis are in the lowest economic group according to the World Bank. Therefore, their capacities and resources necessary for achievement are significantly lacking in comparison to other regions and countries. None of the three countries were used for piloting the African Gender and Development Index of the UN Economic Commission for Africa (UNECA, 2009). Therefore, the data used for analysis will be pulled from several varying sources.

Of the three countries chosen as case studies, one of them is performing fairly well despite its limited finances and capacity-building. This country, Malawi, will be assessed in order to evaluate and hypothesize what policies they have put in place and actions they have taken in order to ensure respect, protection, and fulfillment of the right to secondary education. Although Malawi still has a distance to go for achievement of full gender parity in education, particularly at the secondary level, they have performed better than many of their counterparts. Of the other two countries, Burundi has

performed well regarding some human rights more than others. Burundi has faced difficulties in governance and capacity that Malawi has not. In regard to education, it has fared decently. It is still behind Malawi and other countries in achievement of many of the MDGs and has dealt with some human rights issues, but it is making progress. The final country, Chad, has repeatedly performed poorly in achieving almost all the MDGs. Chad and its struggle to fulfill the right to education will be assessed in order to evaluate what it is not doing in contrast to Malawi and Burundi and to formulate a new plan of action to respect, protect, and fulfill the right to education for similar countries post-2015.

As mentioned in the previous chapter, the indicators used in this chapter to measure each country's performance in ensuring the right to education have been developed by the OHCHR. The framework of indicators "embodies cross-cutting human rights norms or principles, such as non-discrimination and equality, participation, access to remedy, access to information, accountability, the rule of law and good governance. These cross-cutting norms are expected to guide the State and other duty bearers in their implementation of human rights" (Office of the High Commissioner for Human Rights, 2012). Analyzing the data from the universal periodic reviews of the Human Rights Council and the recommendations from the nine human rights monitoring bodies, the OHCHR compiled the human rights indicators. According to the OHCHR, these human right indicators provide "specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights" (Office of the

High Commissioner for Human Rights, 2012). These indicators have been used by governmental and non-governmental actors and have been disseminated in the form of a guide that policy-makers, researchers, and other actors involved in development initiatives may utilize (Office of the High Commissioner for Human Rights, 2012). It is for the reason that this is a uniform and universal framework for measurement of human rights that these indicators will be used.

These indicators have been paired with a corresponding concept in the 4 A framework developed by the special rapporteur to the right to education from the same office. The pairing of the indicators and 4 A concept have been done through reviewing other researchers' use of the same method and the HRBA and right to education literature. By pairing the human rights indicator framework with the 4 A conceptual framework, the analysis ensures the application of a human rights-based approach as developed by actors and agencies in the human rights field.

As directly outlined by the Office of the High Commissioner for Human Rights, the 4 A framework exhibits the following criteria:

- *Availability* – Educational institutions and services must be present in sufficient quantities at all levels in every region and there should be adequate infrastructure and trained teachers to support its delivery.
- *Accessibility*– The education system is non-discriminatory, physically and economically accessible to all. Positive measures must be taken to include the most marginalized.
- *Acceptability*– The content of education is non-discriminatory, relevant, culturally appropriate, and of good quality; human rights education is provided, along with comprehensive health and sexuality education; schools are safe and teachers adequately trained and professional.
- *Adaptability*– Education is dynamic and meets the changing needs of society, including by highlighting and challenging inequalities, such as gender-based discrimination; education adapts to suit specific local contexts (2015).

This framework will then use the following indicators for operationalization of the right to education:

Structural indicators:

1. Ratification of international human rights treaties to the right to education
2. Force and coverage of right to education in the constitution and other superior laws
3. Force and coverage of domestic laws to implement the right to education
4. Force and coverage of domestic law on freedom of individuals and groups to establish and direct educational institutions
5. Number of registered and/or active NGOs involved in protection and promotion of right to education
6. Coverage of national policy on education for all
7. Coverage of national policy on vocational and technical education
8. Force and coverage of regulatory framework including standardized curricula for education at all levels
9. Proportion of education institutions teaching human rights/number of hours in curricula on human rights education
10. Proportion of education institutions with mechanisms for student participation

Process indicators:

1. Proportion of received complaints on the right investigated and adjudicated by the government
2. Public expenditure on all levels of education as proportion of GNI and net official development assistance for education as proportion of public expenditure on education
3. Transition rate to secondary education by girls
4. Gross enrollment ratio for secondary and higher education by girls
5. Dropout rate for secondary education by grade for girls
6. Proportion of students enrolled in public secondary or higher education
7. Share of annual household expenditure on education per child for secondary and higher education
8. Proportion of girls receiving public support or grant for secondary education
9. Proportion of secondary or higher education teachers fully qualified and trained
10. Proportion of students enrolled in vocational education programs at secondary or higher levels

Outcome indicators:

1. Ratio of girls to boys in secondary or higher education by grade
2. Proportion of children completing secondary education

3. Number of graduates at tertiary level per 1000 population
4. Youth (15-24) and adult (15+) literacy rates
(Office of the High Commissioner for Human Rights, 2012)

Together, the 4 As and the right to education indicators will assess the human rights commitment each case study country has made to the right to secondary education of girls.

Malawi

Malawi became an independent nation in 1964. A former British protectorate, the landlocked country is a multiparty democracy. Its population of 16 million speaks two official languages, English and Chichewa but also has a number of diverse local languages (United Nations, 2014). The country has a primarily agricultural-based economy, and with its \$3.7 billion GDP is classified as a low income country. Over half (61.64%) of the population live on less than \$1.25 a day (UNDP, 2014; The World Bank Group, 2014). Located in sub-Saharan Africa, the global region lagging the furthest behind in achievement of the Millennium Development Goals, Malawi has still made more gains than its low income and regional counterparts.

Regarding the data on girls' education, Malawi has made considerable strides. According to the United Nations statistics, there are more girls (96.7%) enrolled in primary school than boys (90.1%). In Malawi, primary school extends from grade one to the eighth grade. Of those enrolled, however, only about half of boys or girls actually complete all eight years of primary school (United Nations, 2014). Primary education became free in 1994 after the creation of a new government and constitution when the former regime was ended, prompted by many human rights sanctions (Right to Education Project, 2014). This increased the enrollment, but students are still required to buy their

own supplies and uniform. These costs can create a burden on many families. Although education is compulsory for children ages 6-13, this is not enforced in practice (Right to Education Project, 2014; Education Policy and Data Center, 2014). The government's economic capacities do not allow it to sufficiently provide textbooks and trained teachers, let alone monitor school attendance. The government could not properly fund the necessary resources to equip the schools for the influx of new enrollees. Many schools do not have electricity, and the temporary additions built to house the increased number of students are not sufficient to withstand the weather during the rainy season (RIPPLE Africa, 2014). The percentage of repeaters (girls and boys) is about 20% (UNESCO Institute for Statistics, 2009). There is an average of 74 students per teacher (some as high as 93), and a number of these teachers are not properly trained or certified. The combination of many variables such as these listed have led to a primary school dropout rate of 50.88% and the average number of years for children in Malawi spent in primary school as 4.19 (UNDP, 2014; UNESCO Institute for Statistics, 2009). The number of students in primary school did double between 1990 and 2012, a considerable improvement for a developing country (United Nations, 2014). Possible reasons for this improvement will be analyzed through the human right measurement framework after an overview of secondary education in Malawi.

Secondary education, which is a primary focus of this thesis, is not free for students in Malawi. There are community day schools, which serve the local populations for lower fees, and private boarding schools, whose tuition is much higher. Secondary education consists of two levels: "junior secondary" is for two years, and "senior

secondary” is another two. Tests are required for advancement at the end of primary, the end of the junior secondary level, and again after the senior secondary level (Education Policy and Data Center, 2014).

There are fewer secondary schools than primary ones, so the distance to one often prohibits attendance. It is estimated that about half of the teachers themselves did not attend university, and many schools are not equipped with the necessary supplies and resources (e.g. science labs, supplemental books, libraries) (RIPPLE Africa, 2014; Right to Education Project, 2014; UNICEF, 2014). The age for admission to employment in Malawi is 14, but data indicates that about 25.7% of children between ages 5 and 14 work since there is no minimum age limitation for “light work” (most agricultural work) (International Labor Organization, 2014; UNDP, 2014). Although data by the ILO does indicate that employed children are more likely to also attend school than those who do not work, employment can be a barrier for many (2014). Specific to female secondary age students, early marriage and pregnancy are also prohibitive factors regarding school attendance and completion (RIPPLE Africa, 2014; Right to Education Project, 2014; World Economic Forum, 2014). These factors have indicated that only an estimated 13% of secondary school-aged children actually attend school (UNICEF, 2014).

According to data from the Demographic and Health Survey (DHS) of the Education Data and Policy Center in 2010, children in poverty at the primary level are 4.4 times more likely to be out of school than children in higher income levels and that those in rural areas are 1.9 times more likely to be out of primary school than those children living in urban areas (five times more at the secondary level) (2014). On a

positive note, there are now fewer girls at the primary level out of school than boys (Education Data and Policy Center, 2014). Using information from the DHS disaggregated in 2010, for youth ages 15-24, 5% have had no education at all and 57% did not complete primary school. For the other 38%, 11% ended their education after completion of primary school, 19% achieved some secondary education, 7% completed secondary levels, and 1% have some varying amount of education at the post-secondary level (Education Data and Policy Center, 2014). Approximately 32% of females of secondary school age are out of school compared to 23% of males of the same age. Wealth also plays a significant role at the secondary level since school is not free (Education Data and Policy Center, 2014). The data shows that the highest dropout rate is in the fourth year of secondary education (60%). The gender disparity numbers are much higher for females at the secondary level than at the primary (Education Data and Policy Center, 2014). However, the data does indicate progress. Although only 36% of women ages 45-49 can read, 78% of women ages 15-19 can. This number is higher in urban areas than rural areas, which lack more significantly in secondary schools (Education Data and Policy Center, 2014).

As discussed in a previous chapter, there are many reasons for the low attendance of girls in secondary education. Child marriage remains one of the largest factors for females to drop out of school. According to the UNICEF State of the World's Children 2014 Report, 12% of girls in Malawi are married by age 15, and 50% are married by age 18. This ranks Malawi as having the 9th highest prevalence of child marriage in the world (UNICEF, 2014). Although the constitution of Malawi establishes 18 as the minimum

age without parental consent, girls can be married with parental consent between the ages of 15 and 18. Girls under 15, according to the constitution, are to be “discouraged” by the state from marriage (Girls Not Brides, 2014; International Center for Research on Women, 2014; Constitution of the Republic of Malawi, 1994). The traditional practice of marrying off daughters in order to improve economic status or repay a debt has been a challenge for the state to eradicate among those living in poverty as this is one way to help themselves since the state is limited in its capacities to do so (Girls Not Brides, 2014; International Center for Research on Women, 2014). Girls in poor households are twice as likely to be married younger than those in wealthier households. Girls with secondary schooling are six times less likely to marry before 18, and educating girls has been an indicator of a rise in median marriage age (International Center for Research on Women, 2014). Pregnancy in young females, married or unmarried, has also been an obstacle in Malawi. About 1 in 4 teenage girls already has a child, and many schools will not allow pregnant girls to attend (Girl Up, 2014). Girls who marry younger are also more likely to die in childbirth, contract HIV, experience domestic violence and sexual abuse, and suffer from mental ailments such as depression. These variables, domestic work, and social norms become impediments for married girls to continue their schooling (International Center for Research on Women, 2014). It becomes a vicious cycle in that girls with less education are more likely to be married younger, and then young brides are less likely to continue their education. “It is closely linked to girls dropping out of school, denying children their right to the education they need for their personal development, their preparation for adulthood, and their ability to contribute to their

family and community” (Girls Not Brides, 2014). Poverty is the highest indicator of child marriage, yet education, as the key to improve their socioeconomic status and secure more positive economic developments, is impeded by the continuing practice of child marriage.

Gender-based violence in schools is also still prevalent. Data from the Malawi Ministry of Gender, Children and Social Welfare indicates that one in five girls are sexually abused before the age of 18, and a third of those between 13 and 17 report that the abuser was a school or classmate. Between 10-20% of sexual abuse reported occurred at school. Surveys indicate that there is also still a prevalent number of rapes, harassment, and unwanted sexual touching happening in schools. These incidents restricting a gender-friendly environment coupled with improper sanitation facilities for secondary-age girls have contributed to the issue of girls’ lack of attendance (2014).

Much work needs to be done to foster a more gender-friendly environment for girls in schools. There also needs to be more economic opportunities for girls, and that should begin with getting them into and keeping them in school longer. “Educated girls develop skills, knowledge and are empowered to claim their rights” (Girls Not Brides, 2014). Data from this same organization indicates that an additional year of secondary level education can boost girls’ earning potential by 15-25% (Girls Not Brides, 2014). To achieve this, education has to be respected, protected, and fulfilled as a right.

HRBA Analysis of Malawi and Secondary Education for Females

Availability

Structural Indicators

Indicator 2: “Date of entry into force and coverage of the right to education in the constitution or other forms of superior law” (Office of the High Commissioner for Human Rights, 2012)

Written and ratified in 1994, the constitution of the Republic of Malawi does state that international treaties are to be enforced at the domestic level. There is much said in the document regarding human rights. In Chapter III, Article II, Part (d), it states, “the inherent dignity and worth of each human being requires that the State and all persons shall recognize and protect human rights and afford the fullest protection to the rights and views of all individuals, groups, and minorities whether or not they are entitled to vote” (Constitution of the Republic of Malawi, 1994). In this same chapter, Article 13, Part (a) specifies full gender equality through the full participation of females in all sectors of society, the implementation of principles of non-discrimination, and implementation of policies to address the social issues that prohibit these. Part (f) specifies the purpose and goals of education for the elimination of illiteracy, access to free and compulsory primary education, access to higher and continuing learning, and the promotion of national goals to eliminate intolerance and discrimination (Constitution of the Republic of Malawi, 1994). This same article requires good governance in practice through accountability, transparency, personal integrity, and financial probity (Part (o), 1994). Chapter IV is devoted to the issue of human rights. Article 20 prohibits discrimination and guarantees

protection against such practices based on various factors, including sex, and promises legislation and the full use of courts as rights-in-practice and rights-as-policy. Children, defined as those under age 16, are guaranteed equal rights and treatment in Article 23, and women are according equal rights and protection from discrimination in Article 24. Article 25 is dedicated exclusively to the right to education, including accessibility and adaptability through State standards. This right is again defined in Article 30 as a critical component of the right to development (Constitution of the Republic of Malawi, 1994).

Indicator 5: “Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to education” (Office of the High Commissioner for Human Rights, 2012)

According to the NGO Act of 2001, all NGOs must be registered and regulated by the Non-Governmental Organisations Board of Malawi. The records of the Board show 213 paid registered NGOs, who must comply with the registration and reporting procedures. There are many more operating illegally within the country as non-registered agencies (NGO Board of Malawi, 2014). These organizations include those at both the international and national levels. The six largest educational NGOs at the national level vary from teacher unions to organizations focused on improving the quality of education to The Civil Society Coalition for Quality Basic Education (CSCQBE), which monitors the Ministry’s budget spending on education (Commonwealth Network, 2014). There are many more dedicated to early childhood development, civic education, and girls’ empowerment. Several international NGOs, such as Save the Children, H.E.L.P. Malawi, and Oxfam, are integral in helping fund, promote, and raise awareness for the right to

education (particularly for girls) in Malawi (NGO Board of Malawi, 2014). Since this information is not provided according to population size and the number of NGOs varies year to year, it is unclear whether the number of NGOs in Malawi involved in education is high or low in comparison to other countries.

Process Indicators

Indicator 2: “Public expenditure on primary, secondary and higher education as proportion of gross national income; net official development assistance for education received or provided as proportion of public expenditure on education” (Office of the High Commissioner for Human Rights, 2012)

The total public expenditure for education as part of the GDP (GNI not available) was about 5.4% in 2011. This is the highest percentage recorded for Malawi since data began being tracked by the UIS in 1999. According to the most recent available data from the UIS, in 2011, 34.64% of the government expenditure for education was spent on primary, 30.4% on secondary, and 26.63% on tertiary education (UNESCO Institute for Statistics, 2014). Education accounts for the largest share of expenditure in the Malawi budget (18% in 2011). The expenditures have increased more than the budget itself; they have grown an average of 35% per year from 2008 to 2013 while the total government expenditure has only grown by 21%. Thus, the government has become more and more reliant on donor assistance to fill in the gaps but also to fund even the most basic education initiatives (Malawi Public Expenditure Review 2013, 2013). For the 2012-13 fiscal year, the net official development assistance received for education was about \$141 million (in US dollars). 36.5% of this aid was for off-budget funding (a drop from the

previous years), 10.4% for on-budget projects, and the other 53.1% for on-budget pooled funding. This aid amounts to 26.5% of the total funding on education in Malawi. It is the goal of the government to rely less on off-budget funding by outside donors in order to achieve the right to education (Malawi Public Expenditure Review 2013, 2013).

Indicator 4: “Gross enrollment ratio for secondary and higher education by girls (Office of the High Commissioner for Human Rights, 2012)

Regarding the ratio of girls to boys in secondary and higher education in Malawi, the gender parity index for secondary education in 1990 was 0.58 (11.84% girls enrolled). By 2000, the GPI was 0.75 (27.49%). It increased to 0.82 (24.93%) in 2005 and 0.90 (32.41%) in 2012 (UNESCO Institute for Statistics, 2014). The numbers for the tertiary education level were GPIs of 0.35 (0.29% enrolled), 0.38 (0.18%), 0.55 (0.35%) for the same first three years as secondary education and 0.65 (0.64%) in 2011 (UNESCO Institute for Statistics, 2014). So, although progress has been made in getting girls enrolled in secondary education, they are still behind their male counterparts regarding the ratio in higher education.

Indicator 6: “Proportion of students enrolled in public secondary and higher education institutions” (Office of the High Commissioner for Human Rights, 2012)

Since Malawi offers both public (funded through the State) and private institutions, the number of students enrolled in public school often reflects the income level of those who receive the service of education (public schools are less expensive) and the changing data may reflect the faith and trust the people have in the services provided by the State government. In 2006, 87.54% of the students in secondary

education attended public institutions. That number increased to 94.08% in 2012. However, it must be kept in mind that in 2012 only 34.24% of adolescents were enrolled in any secondary education institution (UNESCO Institute for Statistics, 2014). At the higher education level, the non-tertiary higher education institutions data is distinguished between private and public institutions. That split is about 50/50 in private and public. However, the data for tertiary education is recorded as an overall number enrolled per 100,000 inhabitants. That number has increased from 50.09 in 1990 to 82.24 in 2011 (UNESCO Institute for Statistics, 2014). As stated previously, secondary education in Malawi is not free, so few households can afford to send their child to school past the free primary level. In 2008, the government of Malawi did introduce a 2 year cash transfer program to get more adolescent girls enrolled and to stay in secondary education levels. Some of the cash transfer programs were conditional on school attendance while others were not. These programs paid for secondary school enrollment fees and a \$10 (U.S. currency) a month subsidy (if attended school regularly). Studies found that the conditional cash transfers did help increase enrollment and improved test scores (Poverty Action Lab, 2014; The World Bank, 2014; Report to the African Commission on Human and Peoples' Rights, 2013). The cost for higher education would be even more prohibitive.

Outcome Indicator

Indicator 1: "Ratio of girls to boys in secondary or higher education by grade"
(Office of the High Commissioner for Human Rights, 2012)

The most recent data for secondary education gender parity is from the UNESCO Institute for Statistics database for 2012. In regard to these numbers, there are four levels of secondary education considered. The form 1 data has shown a very gradual increase in ratio from 0.42 in 1990 to 0.49 in 2012. However, despite the increase in dropouts as you go further into secondary education, the gender parity index has improved. For form 2, the ratio went from 0.34 in 1990 to 0.46 in 2012. For form 3, the ratio increased from 0.36 in 1990 to 0.47 in 2012, and in form 4, it increased from 0.36 in 1990 to 0.48 in 2012. Malawi thus has almost half of the students enrolled in secondary education as females. This has likely been helped by the cash transfer and bursary programs summarized previously. The numbers for tertiary education has also seen an increase from the 1990 ratio of 0.29 to the 2011 ratio of 0.39 (UNESCO Institute for Statistics, 2014). There is still considerable work to be done to decrease the dropout rate for girls and provide more opportunities for them to advance to the higher education level.

Accessibility

Structural Indicators

Indicator 3: ““Date of entry into force and coverage of domestic laws for implementing the right to education...” (Office of the High Commissioner for Human Rights, 2012)

A new education sector plan, carried out by the Ministry of Education, Science and Technology, outlines the goals and initiatives for the legislative policies necessary for fulfillment of the right to education. In the section on secondary education, the plan specifies the need for a biased focus on girls’ education and identifies the purposes of

education as a human right necessary for achievement of gender equity, a method for improvement of health and life chances, a foundation for economic, social, and political national development, and a necessity for reaching the MDGs, EFA, and for maintaining universal primary education (National Education Sector Plan, 2008). The plan also addresses secondary education as a key in delaying motherhood, a foundation necessary for global skills, and creation of qualified personnel for many job sectors. It then addresses the 10 primary challenges facing full accessibility and acceptability of secondary education, including lack of special needs services, qualified teachers, and funding for adequate resources and infrastructure (e.g. the construction of more girls' hostels such as the ten being constructed this year). Distance to schools and unfavorable gender environments are also listed as barriers for increasing secondary education for girls. The plan commits the State to nine principles in order to realize the priorities and strategies to respect, protect, and fulfill the right to education and lays out a timeline for enactment and funding (National Education Sector Plan, 2008; Ministry of Education, Science and Technology, 2014). To address such gender issues, Malawi also enacted the National Gender Programme and, after a review by the Law Commission of discriminatory laws and practices, passed the Gender Equality Act in 2013. The law is intended to fulfill the State's commitments to international gender equality and empower women (Malawi News Agency, 2013; Malawi Human Rights Commission, 2014).

Indicator 4: "Date of entry into force and coverage of domestic law on the freedom of individuals and groups to establish and direct educational institutions"
(Office of the High Commissioner for Human Rights, 2012)

The National Education Sector Plan concludes by identifying the goal to “strengthen implementation, monitoring and evaluation” through transparency and more participation of the education districts and civil society organizations in building capacities to involve the communities at every level of the education plan and for better tracking and accountability of funding and resources (National Education Sector Plan, 2008). According to the Ministry of Education, Science and Technology, the enactment of the Public Private Partnership in Education is bringing together community leaders and organizations, private sector actors involved in education, faith organizations, and secondary school alumni to hold reinvigorate the citizens and hold the government accountable for the right to education (2014). The Ministry devolved the management of primary schools to local assemblies, including allocating to them a budget. The Ministry also launched the National Strategy for Community Participation in the Provision of Education, which increases the role of the community in the management of their schools (2014). Another community-based project of the government is due to its partnership with the Forum for African Women in Malawi (FAWEMA) to increase the number of female teachers, particularly in the rural area, and introduce Mother Groups, consisting of mothers in the community who encourage girls to stay in school and aid them with concerns relating to gender-based violence. These projects continue to be piloted and have shown positive results in increasing participation and quality thus far (Southern Africa Gender Protocol Alliance, 2010).

Indicator 10: “Proportion of education institutions with mechanisms (student councils) for students to participate in matters affecting them” (Office of the High Commissioner for Human Rights, 2012)

This data was unavailable. However, a joint proposal by UNICEF, WFP, and UNFPA has proposed the need for more student participation (particularly girls) in the educational institutions. These three agencies are jointly working on a project between 2014 and 2017 to improve the access and quality of education for girls in three districts in Malawi. One of their goals is to increase student-led organizations and inform and empower adolescent girls to demand sexual and reproductive health rights services and to participate in leadership positions in their schools (2014). The Primary Curriculum and Assessment Reform (PCAR) of 2007 promotes the development of the student by giving them an active role in the learning process (Report to the African Commission on Human and Peoples’ Rights, 2013).

Process Indicators

Indicator 3: “Transition rate to secondary education by girls” (Office of the High Commissioner for Human Rights, 2012)

This indicator signifies if girls have access to secondary education. When the EFA movement began in 1990, Malawi had a 76.23% transition rate to secondary education by girls. In 2000, when the MDGs were initiated, the rate was 84.39%. The data indicates a drop in 2005 (82.23%) and then back up to 84.19% in 2011. These numbers do not tell you the causes for the increases or declines, but there has been an

increase in girls entering secondary education since 1990 when the right to education began to gain in recognition (UNESCO Institute for Statistics, 2014).

Indicator 7: “Share of annual household expenditure on education per child enrolled in public secondary or higher education” (Office of the High Commissioner for Human Rights, 2012)

The data from the UNESCO Institute for Statistics on the share of annual household expenditure on education as a unit cost in US dollars per household per child. The most recent data is from 2004 and is not separated between public and private institutions. In that year, the share of expenditure for secondary education was 172. For higher education, the share was 699 (UNESCO Institute for Statistics, 2014). A report from the Ministry of Education in 2001 released the secondary education school fees for that year as 1750 kwacha (\$3.63 in US\$ today) for tuition and textbook fees (not boarding fees for boarding schools; that was an additional 4500 kwacha a year). The schools are also allowed to charge for the General Purpose Fund (no more than 50 kwacha a year) and a School Development Fund (amount would depend on the needs of the school). These fees would be decided by a committee or PTA. None of the fees listed include the cost of uniforms and transportation (Ministry of Education, Science and Technology, 2001).

Indicator 8: “Proportion of girls receiving public support or grant for secondary education” (Office of the High Commissioner for Human Rights, 2012)

The Secondary School Bursary Scheme, initiated in 2001, allows for scholarships to be granted to the students with the most financial need. The needy students are

chosen/nominated by a bursary committee, consisting of teachers and school committee or PTA members, based upon criteria established by the Ministry. Once the identified students have filled out the applications, the Ministry disburses the scholarships by an 80/20 ratio in favor of girls. The Ministry does say this number will be reviewed annually with the hope of eventually getting to a 50/50 ratio by 2004 (Ministry of Education, Science and Technology, 2001). The ratio as of 2009 was still two girls to one boy receiving the bursaries as Malawi continues to strive for gender parity at the secondary level. With an increase in the education budget for 2010, the government began building girls' hostels at non-boarding schools with the highest dropout rates in order to keep girls in school, eliminate boarding fees, and maximize their study time. Scholarships for girls are also offered through several agencies and NGOs such as K.I.N.D., UNICEF and Camfed (Southern Africa Gender Protocol Alliance, 2010). Due to the various sources of funding of bursaries and the criteria reflecting high financial need, the exact number of girls receiving grants or public support for education is not readily available.

Outcome Indicator

Indicator 2: "Proportion of children completing secondary education" (Office of the High Commissioner for Human Rights, 2012)

The most recent data from the UNESCO Institute for Statistics for Malawi's secondary completion rate is from 2010. This number is for the lower secondary level only and is 20.53%. The earliest data for this indicator is from 2006, when the rate was 18.46% (UNESCO Institute for Statistics, 2014). It is hard to tell with just five years'

worth of data how much improvement there has been since EFA and the MDGs went into effect. However, without other measures considerably improving the financial ability of households to afford secondary education, the completion rate will most likely always be low due the other variables mentioned that have led to a high dropout rate. It is heartening that the GPI indicator shows that 56% of those completing secondary education in 2006 were females, and 75% of them were in 2010 (UNESCO Institute for Statistics, 2014).

Adaptability

Structural Indicators

Indicator 6: “Time frame and coverage of national policy on education for all...” (Office of the High Commissioner for Human Rights, 2012)

The Education for All National Action Plan was drafted in 2004. This plan identified 27 capacity and financial challenges for achievement of Education for All in Malawi. Their priorities for action included: “access and equity, quality and relevance and capacity building” (Education for All National Action Plan, 2004). These priorities all included the issue of gender disparity as a primary concern and target for improvement. This action plan reviewed the Education Act of 1962, and this review led to the creation of the National Education Sector Plan for 2008-2017 and a new Education Act in 2012 (2008).

Indicator 8: “Date of entry into force and coverage of regulatory framework including standardized curricula for education at all levels” (Office of the High Commissioner for Human Rights, 2012)

The Malawi Institute of Education, established through legislation in 1979, is responsible for standardized curriculum development. This curriculum is aimed to still be responsive to local cultures and capacities/resources as well. It also oversees teacher training, funding, material and resource development, and research and evaluation procedures. It operates within the auspices of the Ministry of Education, Science and Technology (Malawi Institute of Education, 2014). There was a new standardized primary curriculum enacted between 2007 and 2009 (Ministry of Education, Science and Technology, 2014). The Ministry, with the collaboration of the deans of universities and director of the Malawi Institute of Education, developed and began implementing a new secondary school curriculum in order to better prepare students for university level education. The suggestions also incorporate, among other things, more gender-friendly curriculum (e.g. encouraging sciences for girls through the Strengthening Mathematics and Science in Secondary Education project), more focus on economic development, and a suggestion (which must be acted upon by Parliament) to eliminate the certificate and test between the junior and senior secondary levels to encourage full completion of this level of education (Malawi News Agency, 2013; Southern Africa Gender Protocol Alliance, 2010). The Ministry, between 2009 and 2013, has also institutionalized the School Implementation Plan as a standardized measurement of planning, policy linkages, monitoring, evaluation, leadership, management, and funding (2014).

Process Indicators

Indicator 9: “Proportion of secondary or higher education teachers fully qualified and trained” (Office of the High Commissioner for Human Rights, 2012)

The most recent numbers from the UNESCO Institute for Statistics are from 2011. The percentage of qualified and trained secondary teachers in that year was 59.36%. This was an increase from 2005 in which 47.88% were qualified and trained. There is no data tracking qualifications and training for educators at the higher education levels, but in 2007 there were only 861 total educators at tertiary institutions (UNESCO Institute for Statistics, 2014). Malawi has struggled to train and certify enough teachers to keep up with the increased enrollment of students. The country has seen a high attrition rate caused by factors such as increased pupil to teacher ratio and lack of adequate resources and infrastructure. Coupled with poor teacher training programs in universities and lack of motivation or incentive to teach in the neediest schools (such as rural ones), schools have often had to resort to under-qualified instructors to simply fill the need for any teacher. The government, through its National Education Sector Plan, has promised to improve teacher training, particularly for special needs, expand infrastructure (including building more teacher housing and classrooms), and introduce Distance Teacher Training programs. The Plan carefully lays out the appropriate quality measures, governance and management strategies, and policies to ensure access and equity that will be necessary for the success and improvement of teacher training. This commitment, if fulfilled, will result in more teacher training colleges built or expanded, expansion of libraries for teachers, and construct special education units in colleges by 2017 (National Education Sector Plan, 2008).

Indicator 10: “Proportion of students enrolled in vocational education programmes at secondary and post-secondary level” (Office of the High Commissioner for Human Rights, 2012)

According to the EFA Global Monitoring Report from 2013, about 2% of students were enrolled in vocational programs at the secondary level and 1.26% at the post-secondary level. These numbers were from 2009. The UNESCO Institute for Statistics data indicates that in 1990, 1.03% were enrolled in vocational programs, but that number decreased by 1996 to 0.74%. The data from the UNESCO Institute for Statistics for vocational programs ends after 1996 and indicates an inclusion of vocational programs into the general secondary school system by 1998 (UNESCO Institute for Statistics, 2014). The higher education level consists of the ISCED 5 and 6 forms, classified by UNESCO as a universal framework for higher education certification. The institutions at level 5 are junior and vocational colleges resulting in an associate’s degree. The level 6 is a four-year bachelor’s degree (OECD Development Centre, 2014; UNESCO, 2014). Unfortunately, this data in the UNESCO Institute for Statistics database is insufficient in distinguishing vocational programs as the data is grouped by broad degrees such as social sciences, business, or law as one group (UNESCO Institute for Statistics, 2014).

Outcome Indicator

Indicator 3: “Number of graduates (first-level university degree) per 1000 population” (Office of the High Commissioner for Human Rights, 2012)

The number of graduates is listed in the UNESCO Institute for Statistics database by type of degree (levels 5 or 6) but does not list it according to the 1000 population

ratio. This number was only available for 2007, and it is 0.52% (UNESCO Institute for Statistics, 2014). This figure is incredibly low and speaks to the financial feasibility of higher education for much of the Malawian population. Once again, though, 53% of those that graduated were female (UNESCO Institute for Statistics, 2014). Malawi has worked hard to make this level of education equally accessible to females as males, although it is hard to measure improvement with data for only year. It is unclear why data is not available from before 2007 nor since.

Acceptability

Structural Indicators

Indicator 1: “International human rights treaties relevant to the right to education ratified by the State” (Office of the High Commissioner for Human Rights, 2012)

Of the nine major UN human rights treaties, those that institutionalized a monitoring committee, five outline the right to education. Of these five, Malawi ratified them all between 1987 and 1996 (Office of the High Commissioner for Human Rights, 2014). Malawi has also signed on to respect and fulfill the components of the Child Labor and Minimum Age Convention, the African Charter on Human and Peoples’ Rights, and the African Charter on Rights and Welfare of the Child. Regarding women, Malawi also ratified the African Union Women’s Protocol, the SADC Protocol on Gender and Development, and the Beijing Declaration and Platform for Action (Malawi Human Rights Commission, 2014). This indicates that Malawi accepts the right to education as a right-in-principle, but as the data outlined above regarding the increase in

school enrollment indicates, Malawi has also aimed to achieve the right as a right-in-practice.

Indicator 7: “Time frame and coverage of national policy on vocational and technical education” (Office of the High Commissioner for Human Rights, 2012)

In regard to vocational and technical education, the plan again prioritizes a bias toward increasing girls’ and those with special needs’ enrollment in these non-traditional learning environments. It also calls for the increased training of teachers specific to these types of learning and increasing funding for these educational areas. The Ministry, between 2009 and 2014, has constructed more labs and workshops for vocational and technical education programs (Ministry of Education, Science and Technology, 2014; National Education Sector Plan, 2008).

Indicator 9: “Proportion of education institutions at all levels teaching human rights/number of hours in curricula on human rights education” (Office of the High Commissioner for Human Rights, 2012)

According to the OHCHR, human rights education and training in Malawi has been rolled out in four phases. The first phase, led by various actors from NGOs to civil society leaders, involved translating the UDHR, the constitution of Malawi, and the CRC into local, minority languages and disseminating them accordingly. It also included awareness campaigns that trained community-based human rights educators, started education programs for youths and teachers in schools, and established human rights clubs. The second phase involved training more trainers (particularly women) on human rights and conducting and documenting research on child labor violations. It also

founded human rights youth committees in the schools in order to adopt a “peer education” approach on understanding human rights and the advocacy for remedies for violations of such rights. More information was disseminated, particularly to rural areas. The third phase trained more volunteers to raise awareness on girls’ and women’s rights (particularly on the provisions of CEDAW) and on the rights of those with HIV/AIDS. There was continued establishment of human rights clubs in schools, which has led to a decrease of violence (OHCHR, 2007). The fourth phase is still being implemented, so there is no data yet. The Malawi Institute of Education also implemented the Human Rights and Education Democracy project, which targets the training of primary school teachers in human rights, and the Citizenship Education Project, which targets secondary students and educators (2014). It is unknown as to how many hours of the curriculum is dedicated to human rights education.

Process Indicators

Indicator 1: “Proportion of received complaints on the right to education investigated and adjudicated...and the proportion of these responded to effectively by the Government” (Office of the High Commissioner for Human Rights, 2012)

The Constitution of the Republic of Malawi establishes a Human Rights Commission to protect and investigate the violation of rights granted in the Constitution. The commission consists of the Law Commissioner, the Ombudsman, and others nominated by organizations important to societal functions and appointed by the President. There is also the national court system for adjudication of violation of rights (Constitution of the Republic of Malawi, 1994; Right to Education Project, 2014).

Regionally, reports can be made to the African Committee of Experts on the Rights and Welfare of the Child, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights. Internationally, UNESCO and the UN Human Rights Committee has procedures in place for reporting and remedying human rights violations within the international treaty framework (Right to Education Project, 2014).

The Ministry of Justice and Constitutional Affairs established a Human Rights Unit to coordinate the issues of human rights with state party reporting. Their goal is to clear reports by 2015 from the UN and African Union that have been backlogged, but the unit is understaffed and does not have the adequate capacity to achieve the goal yet (Report to the African Commission on Human and Peoples' Rights, 2013). According to this same report, the Human Rights Commission had almost 3500 active files in late 2011, with the Ministry of Education, Science and Technology being one of the five top respondents (398 between 2009 and 2011). However, this data is classified by nature under five general categories and does not specify if they deal with the right to education or discrimination of girls regarding education. Also, lack of compliance is common since the Ombudsman has no real power of enforcement regarding his decisions or recommendations for remedy (2013).

The report does list the national policies that have been passed in order to remedy inequality and promote non-discrimination. These include the Gender Equality Act of 2012, Disability Act of 2012, Child (Care, Protection and Justice) Act of 2010, and a review of issues such as child marriage resulting in the drafting of the Marriage, Divorce

and Family Relations Bill. It also lists the Ministry of Education's Accelerated Girls' Education Programme to equip schools with adequate sanitary facilities for girls, adopting an affirmative action policy to allocate scholarships to needy students (with a bias toward girls), a re-admission programme for young mothers to return to school, the Ministry of Education's review and efforts to ensure girls and boys are equally selected for secondary education, and the Education Policy Framework for creating an environment in schools that is supportive of boys and girls and children with special needs and disabilities. Malawi also ratified more conventions and protocols on women's rights, gender and development, and racial discrimination (2013).

In 2013, the Education Bill was introduced in Parliament to require compulsory education at the primary level. It is still being ironed out in committee (Report to the African Commission on Human and Peoples' Rights, 2013). The mandate for compulsory education is the most recommended act on securing the right to education made by UN Universal Periodic Reviews and UN treaty bodies (Right to Education Project, 2014). The Human Rights Commission wants the bill to be expedited as they see the need to get all children into schools, but the legislative body has raised concern over the lack of teachers, resources, and infrastructure necessary to fulfill this right (Malawi News Agency, 2013).

Another critical action to keep girls in school is the Violence Against Girls in School Policy. This was drafted and proposed for legislation in 2012 by a team which included the Human Rights Commission, the Ministry of Education, the Ministry of Gender, the Law Commission, and some NGOs. The policy outlines the causes and

reports of violence in schools with the hope of more State action to eliminate it (Report to the African Commission on Human and Peoples' Rights, 2013).

Another successful initiative has been driven by the UNDP. The Malawi human rights support project is intended to keep the government accountable in achieving its Malawi Growth and Development Strategy objectives. The project is developing a new human rights action plan and has better coordinated the work of the Human Rights Commission and Ombudsman. Through this project, the Commission and Ombudsman focused on investigating and resolving cases specific to the rights of children, women and girls, the disabled, and the elderly. They have also trained more teachers and volunteers on principles of human rights and democracy and have conducted sensitization meetings to help combat gender-based violence. This project continues to be a work in progress (UNDP, 2014).

Indicator 5: "Dropout rate for secondary education by grade for girls" (Office of the High Commissioner for Human Rights, 2012)

Regarding the data for the dropout rate, only the lower secondary education levels are documented, and even then UNESCO Institute for Statistics lists three grades rather than two. The data for dropouts from grade 1 begin with an entry of 21.95% in 1992, then 18.38% in 2005, and 17.83% in 2010. Grade 2 dropouts are 49.60% in 2004 and 50.32% in 2010. Then, in grade 3 the percentage is 7.02% in 2004, 4.98% in 2007, and 3.36% in 2010. This data indicates that the dropout rate for girls is much higher in the second grade of lower secondary education than the first or last. The lower number of dropouts in the third grade may be indicative of the overall low numbers that even

transition to that grade, but this number has significantly decreased in only six years (UNESCO Institute for Statistics, 2014). If the children are on track for their age and grade, the age corresponding with grade 2 is around age 15 which data indicates is a common age of child marriage in Malawi.

Outcome Indicator

Indicator 4: “Youth literacy rate (15-24 years) and Adult literacy rate (15+)”

(Office of the High Commissioner for Human Rights, 2012)

The literacy rates are based upon reading, writing, arithmetic, problem-solving and other life skills (OHCHR, 2014). The UNESCO Institute for Statistics data notes the youth literacy rate dropping from 76.01% in 1998 to 72.14% in 2010. For those same years, however, the GPI has increased from 0.86 to 0.94. The data does not indicate the reasons for the change, nor does information from the Malawian government. It is possible for the literacy rate to have dropped due to different testing methods or a myriad of other social, economic, or cultural factors. The adult literacy rate for these same years dropped from 64.13% to 61.31%, indicating a pattern similar to those between the ages of 15 and 24. The GPI for this indicator went from 0.72 to 0.71, a very minimal change (UNESCO Institute for Statistics, 2014). This latter rate will naturally be lower than the former as it contains the entire adult population, many of whom did not have access to education as the younger generation now does.

Conclusion of Malawi Data

Malawi has made tremendous gains in respecting, protecting, and fulfilling the right to education, particularly for girls. The country has demonstrated its commitment to

the rights-in-principle as evidenced by their adoption and continuing work through international human rights frameworks and the State constitution. Through the work of the various ministries, legislative acts, Human Rights and Law Commissions, and oversight of NGOs and international treaty bodies, Malawi has worked to execute policies that promote good governance and capacity building for education as rights-in-practice. That work and policies (e.g. Gender Equality Act, devolvement of education management to local assemblies, education sector plan, and human rights training) have also demonstrated efforts at non-discrimination, participation, adequate progress, and effective remedy regarding the right to education.

The rights-in-policy have impacted Malawian society through making education more available, accessible, acceptable, and adaptable for girls. Malawi has achieved gender parity at both the primary and secondary levels of education. Its fees-free primary education has opened the doors for more students, and hopefully the passage of the new Education Act making education compulsory will override cultural, social, and economic barriers that have kept girls out of school. Through construction of girls' hostels at secondary schools, bursaries for girls, and the two year cash transfer program for girls, Malawi has attempted to diminish the obstacles of distance and expense by making secondary education more accessible. Cultural practices and traditions will always be tough obstacles to overcome, especially since the same Constitution that grants girls the right to education also protects the right to maintain cultural practices such as child marriage, sexual initiation rituals, and pregnancy taboos that have kept girls from continuing their education. However, legislation such as the Gender Equality bill,

criminalizing outright discriminatory practices, and re-admission programs for pregnant girls, coupled with continuing human rights education regarding the rights of women, may begin to make secondary education more acceptable to girls. Finally, the building of girls-only schools, standardizing more gender-friendly curriculum, and enforcing legislation prohibiting gender-based violence has demonstrated the adaptability of the government to fulfill the right to education for girls. Malawi, with its limited capacities and resources, still has much work to do in getting and keeping girls (and boys) in secondary education. Its continued commitment to the right to education as demonstrated through its plans, objectives, and policies is placing it on the right track to get there.

Burundi

Burundi is a landlocked country in sub-Saharan Africa. It became a republic in 1966. In 1992, a new constitution was drafted and ratified. However, Burundi then went through years of genocide and coups. In 2003, a transitional government was put into place and a new constitution went into effect in 2005. Its national languages are Kirundi and French (Burundi Embassy, 2014). Burundi currently has a population of about 10 million, 81.32% of which live on less than \$1.25 a day (United Nations Development Programme, 2014).

The education system in Burundi consists of six years at the primary level (ages 6-12). The students then have to pass an exam to move to the lower secondary level for four years (ages 12-16). After they have passed the exam at this level and attained their certificate, the students can attend an upper secondary school for three years. Rather than the traditional secondary schools, students could also attend a technical secondary school,

which consists of a lower (5 years) and upper level (7 years). Both types of secondary schools, if passed, earn them a diploma. For the next level, tertiary education is provided through the University of Burundi, which is funded primarily by the State, or other private institutions (Burundi Embassy, 2014; Education Policy and Data Center, 2014).

Some of the social, economic, and cultural issues facing Burundi and its right to education are location, migration patterns (displacement), war, poverty (need for child labor), early marriage, and cultural/institutional beliefs and practices about the traditional roles and rights of women. About 89% of those living in Burundi live in rural areas. These areas often lack access to school buildings, potable water, and electricity (UNESCO, 2014). Many Burundians who had fled the genocide and war have slowly returned since the peace agreement in 2003. Approximately 41.5% of the households surveyed by the World Food Programme in 2008 were returnees who had been displaced (World Food Programme, 2008). Counting and getting these individuals into school has been problematic, and Burundi, as a low-income country, has been ill-equipped financially to create the necessary capacities to do so on its own. Burundi has come to rely on NGOs such as the Jesuit Refugee Service to supplement with informal education projects and funding (Jesuit Refugee Service, 2014). Many of the refugees raised in other countries do not know nor speak the languages of French or Kirundi, thus making transition into the educational system harder for them (Humanium, 2014). During the conflict, over a quarter of the schools were destroyed, and there continues to be a teacher and supply shortage since peace. The reintroduction of child soldiers forced to fight and

kill during the conflict into a formal education system has also proven problematic (Global Concerns Classroom, 2011).

The twelve-year war in Burundi also led to the deaths of many female civilians. Often, women were used as sex slaves and/or displaced. Impregnated teenage girls are often without money and are socially isolated. The households that became female-headed are still denied many rights and privileges until or unless they are widowed. However, many of these women began to collaborate at the grassroots level to empower one another and demand change (Burundi Association of University Women, 2014; MDG Report, 2010; OECD Development Centre, 2014).

According to the World Food Programme's Comprehensive Food Security and Vulnerability Analysis, parents cited the cost of education, child's refusal to attend, sickness, domestic work, and distance as reasons for children not attending school (2008). More boys than girls refused to attend school, and more girls than boys were cited as necessary for domestic work. In those local districts without schools, the average travel time to attend one was 36 minutes on foot. Many households with low food security have come to rely on the aid of their children in providing food and earning money (World Food Programme, 2008). Approximately 20% of children work to help financially support their family. Some of these children, primarily girls, work as domestic servants for other families (Humanium, 2014).

Although early marriage does not appear to be as problematic in Burundi as in Malawi, 7% of girls were married between the ages of 15 and 19 (World Economic Forum, 2014). Again, these brides are often pulled out of school and expected to

maintain their households and raise children. According to the Social Institutions and Gender Index, the legal age for marriage is 18, however underage marriage is legal if the wife is pregnant or has given birth (OECD Development Centre, 2014). Girls total 65% of all dropouts throughout the years of schooling (Burundi Association of University Women, 2014). These numbers are due to a variety of reasons, including lack of separate sanitation facilities, early marriage, and teenage pregnancy (Sambira, 2012). Burundi's Ministry of Education has made it an area of priority to provide an alternative education for girls that have been ejected from school (due to marriage, pregnancy, or failure to pay fees) or dropped out (MDG Report, 2010).

The Social Institutions and Gender Index of the OECD has summarized cultural and institutional concerns various agencies such as the Committee on the Elimination of Discrimination against Women have in regard to women's rights in Burundi. Some examples of these include disparities between men and women in regard to the nationality status of their children, more unfavorable definitions and punishments for adultery for women, discriminatory customary inheritance practices for widows and women in general, and lack of effective enforcement of sexual harassment and gender-based violence incidents (OECD Social Institutions and Gender Index, 2014). In recent years, Burundi has put into place action plans to combat some of these traditional and cultural practices, such as the National Strategy for the Fight Against Gender Violence (OECD Development Centre, 2014). Time will tell if these prove effective. Regarding education, "Many Burundians believe that girls need not be educated, as they are supposed to stay at home and deal with household work, as illustrated by the expression,

‘Nta mashure y’umukobwa’ (There is no point in educating a girl)” (UNDP, 2012). Data from surveys by the UNDP do illustrate, however, that public perception is slowly changing regarding women in decision-making positions in that this empowerment will help lead to more gender equality and discarding of gender stereotypes (2012). Hopefully, this will continue to trickle down into the education system and perceptions on educating girls.

According to the National Education Profile of the Education Data and Policy Center, updated in 2014, children in poverty at the primary level are 3 times more likely to be out of school than children in higher income levels and that those in rural areas are 1.8 times more likely to be out of school than those children living in urban areas. The number of boys and girls out of school at the primary level are close in number, but girls at the secondary level are 1.4 times more likely to be out of school than boys (Education Data and Policy Center, 2014). Using information from the DHS disaggregated in 2010, for youth ages 15-24, 24% have had no education at all and 38% did not complete primary school, thus 62% of youth between these ages have not completed their primary education. For the other 38%, 16% ended their education after completion of primary school, 21% achieved some secondary education, 0% completed secondary levels, and 1% have some varying amount of education at the post-secondary level (Education Data and Policy Center, 2014). Approximately 46% of females of secondary school age are out of school compared to 34% of males of the same age. Wealth also plays a significant role at the secondary level since school is not free (Education Data and Policy Center, 2014). Progress has been made. Burundi has higher youth and adult literacy rates than

many of its low-income counterparts, and the discrepancy between men and women's literacy rates is smaller. According to learning outcome assessments, the students in Burundi also outperform many of those in other low-income countries in reading and mathematics. Burundi also has higher education expenditures than other low-income countries. In comparison to other countries in sub-Saharan Africa, Burundi fares low in secondary education attendance/completion and primary education completion (Education Data and Policy Center, 2014).

Burundi, faced with a war which Malawi did not, has not shown the gains that Malawi has in regard to education. This being said, Burundi has made immense progress in its own right. It had increased its spending on education by an average of 12% each year between 2001 and 2011. The total number of out-of-school children decreased from 723,000 in 1999 to 10,000 in 2009, while education expenditure increased from 3.2% to 8.3% during those same years (Provost, 2011). Other progress will be summarized within the OHCHR human rights indicator framework.

HRBA Analysis of Burundi and Secondary Education for Females

Availability

Structural Indicators

Indicator 2: "Date of entry into force and coverage of the right to education in the constitution or other forms of superior law" (Office of the High Commissioner for Human Rights, 2012)

The constitution of Burundi states in Article 53, "Every citizen has [a] right to the equal access to instruction, to education and to culture. The State has the duty to

organize public education and to favor [its] access” (Constitution of Burundi, 2005). The preceding article, 52, states that all individuals have the right to the economic, social, and cultural rights that are “indispensable to their dignity and to the free development of their person...” (Constitution of Burundi, 2005). The constitution also protects rights of the child for their safety and well-being. Article 13 states, “No Burundian may be excluded from the social, economical or political life of the nation because of their race, of their language, of their religion, of their sex or of their ethnic origin” (Constitution of Burundi, 2005). Article 22 continues that by protecting individuals from discrimination based on those same characteristics. Articles 19 and 20 protects all rights assured in international and regional human rights treaties but specifies that the citizen has obligations to uphold these rights as well (Constitution of Burundi, 2005). In addition, there have been many laws since 1983 regarding the organization, regulation, development, adaptation, reform, and extension of the educational system in Burundi relevant to the fulfillment of the right to education for all individuals (UNESCO, 2014).

Indicator 5: “Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to education” (Office of the High Commissioner for Human Rights, 2012)

In Burundi, NGOs must register with the Ministry of Home Affairs in the capital city of Bujumbura. At the end of 2009, there were close to 4,000 NGOs registered, but few of them have permanent offices and staff (USAid, 2009). This registration process is burdensome in that it is often cost and distance prohibitive for local organizations and requires proof of good character and moral standards among its members. The

registration documents are not yet available in Kirundi (USAid, 2009). Tax exemptions are only available to international NGOs, and the NGOs must receive authorization for their national activities (USAid, 2009). The government does not fund the work of the NGOs but utilizes and sometimes contracts them to implement many international activities such as those funded by the World Bank (USAid, 2009). The complete list of NGOs in Burundi is unavailable, but there are four predominant educational NGOs working in the Burundi with six current major education projects (InterAction, 2014). Groups such as CARE, Cordaid, and Spark help with the funding and providing educational services for which the government lacks capacity. As with Malawi, it is unclear whether the number of NGOs is high or low in comparison to other countries.

Process Indicators

Indicator 2: “Public expenditure on primary, secondary and higher education as proportion of gross national income; net official development assistance for education received or provided as proportion of public expenditure on education” (Office of the High Commissioner for Human Rights, 2012)

The total public expenditure for education was 6.07% in 2014 (OECD, 2014). This total expenditure was only 3.42% in 1999. In that same year, primary education expenditure as a percentage of the GDP was 1.28%, secondary was 1.3%, and tertiary was 0.83%. By 2005, these numbers had risen to 1.87%, 1.2%, and 0.56% respectively (UNESCO Institute for Statistics, 2014). Upon the advice and promotion by UNESCO, the trend toward funneling money away from the higher levels of education to the primary level had begun (Provost, 2011). By 2012, these numbers were 2.54%, 1.43%,

and 1.20% as the free primary education action by the president in 2005 had increased enrollment and the government began work to keep kids in school (UNESCO Institute for Statistics, 2014). The overall government cost per student, however, is still higher for secondary and tertiary levels than primary due to the operational costs of the schools, specialized teachers, and supplies (UNESCO Institute for Statistics, 2014; Provost, 2011). The net official development assistance for education increased from 3.5% in 2002 to 5.4% (\$28.57 million) in 2012 (OECD, 2014). Burundi, like most other donor-dependent nations did not receive all the assistance committed to education or any other purpose, but it does show a considerable amount of reliance on outside aid (OECD, 2014). It is not known exactly what percentage of the total amount in dollars spent on education comes from outside donors. Even though over a quarter of all government expenditure went to education in 2013, the Burundian economy has not grown at the rate necessary to fulfill all capacity-building obligations to secure the right to education, particularly past the primary level (AfDB, OECD, & UNDP, 2014; Burundi Public Expenditure Review, 2013). The government has streamlined the disbursements for educational infrastructure and worked on building more classrooms and providing those classrooms with more furniture (Burundi Second Periodic Report to the African Commission on Human and People's Rights, 2010).

Indicator 4: "Gross enrollment ratio for secondary and higher education by girls" (Office of the High Commissioner for Human Rights, 2012)

The gross enrollment ratio for girls has seen a significant increase on the secondary and tertiary levels. Of course, it should be kept in mind that the overall

number of students of the appropriate age enrolled in these levels of education is very low for Burundi. In 1990, the secondary ratio was 3.97. By 2005, that number was 10.73, and by 2012 it was 24.22. This was an increase in gender parity from 0.61 to 0.73 (UNESCO Institute for Statistics, 2014). On the tertiary level, the ratio was 0.41 in 1990, 1.27 in 2005, and 2.17 in 2010. This final number puts the gender parity at 0.51 (UNESCO Institute for Statistics, 2014). According to the 2012 Poverty Reduction Strategy Paper of Burundi, one goal of the government was to change compulsory education from 6 to 9 years, decreasing the lower secondary years from four to three. This began being implemented in the 2012 school year (2012). The government hopes that by increasing the compulsory number of years in school, more students will be educated past grade 6. This will be true of boys and girls. The government has also lowered the tuition rate for girls in the neediest regions of the country to encourage more enrollment. Coupled with an increase in guidance and counseling programs aimed at eliminating gender stereotypes and discouraging gender-based violence, these initiatives have been implemented to ensure the ratio of girls in secondary schools is more equitable to that of boys (UNESCO, 2014). All the aid projects funded for Burundi for the purposes of gender equality and women's empowerment went to increasing girls' vocational training at the secondary level and more funding for higher education (OECD Development Centre, 2014). By broadening the type of programs available, the enrollment for girls may increase.

Indicator 6: "Proportion of students enrolled in public secondary and higher education institutions" (Office of the High Commissioner for Human Rights, 2012)

Burundi does have public and private institutions at both levels of education. As mentioned previously, the government has been implementing a plan of action to decrease the number of private boarding schools and increase the number of public communal schools to keep costs lower and distance less prohibitive. At the lower level of secondary education, the proportion of students enrolled in public institutions was 89.19% in 2003. This percentage was 86.42% for the upper level for the same year. In 2007, the number enrolled in public schools at the lower level was 94.02% and 89.49% for the upper level. In 2012, the lower level saw 92.15% enrolled in public schools, and the upper level had 89.96% enrollment (UNESCO Institute for Statistics, 2014). So, in Burundi the number attending public institutions has always outweighed those in the private schools. This is most likely due to cost, particularly after the 2005 enactment of free primary education in the public institutions. At the tertiary level, the number is documented as a number per 100,000 inhabitants. In 1990, the number was 59.29. By 2000, this number had grown to 95.58. By 2005, the first checkpoint for the MDGs, the number was 226.70. The last data point for this level of education is 331.14 in 2010. The percentage of students enrolled in tertiary education in public institutions specifically was 68.27% in 2004 and only 42.34% in 2010 (UNESCO Institute for Statistics, 2014). It is uncertain why the public tertiary institutions lost students to private ones; it may coincide with the government's reallocation of education expenditures to the primary level or active campaigns by private institutions (religions, NGOs) to increase enrollment. The biggest gains in overall tertiary enrollment were between 2001 and 2002 and again between 2003 and 2004. The reasons are speculative at best, but the first years

were near the end of the conflict and so more displaced persons may have returned to continue their education. The second years indicate the beginning of the implementation of the Education for All National Education Plan. It would be interesting to see how the data may continue to progress since the creation of the National Commission on Higher Education in 2011, which has been tasked with creating national standards (to be implemented by the private institutions as well) and regulating the system of earning and conferring degrees (Burundi: Poverty Reduction Strategy Paper, 2012).

Outcome Indicator

Indicator 1: “Ratio of girls to boys in secondary or higher education by grade”
(Office of the High Commissioner for Human Rights, 2012)

For this data provided by the UNESCO Institute for Statistics, they list eight levels of secondary education. The comparative data for each of these grades will be from 1990, 2003, and then 2012. For grade 1, 38.29% of the students were girls in 1990, 44.08% in 2003, and 46.59% in 2012. The grade 2 numbers were 38.60%, 44.39%, and 45.11%. Grade 3 indicated percentages of 37.32, 46.15, and 45.14. Grade 4 numbers were 36.00, 43.41, and 43.50. In grade 5, the percentages were 30.29, 42.27, and 39.50. In grade 6, there were 32.76%, 40.42%, and 38.86%. Grade 7 indicates percentages of 25.82, 32.45, and 30.21. Finally, in grade 8, there was no data for 1990, but the 2003 percentage was 37.24 and 32.47% in 2012 (UNESCO Institute for Statistics, 2014). The percentages for the tertiary level are 29.60 in 1990, 26.79 in 2000, 27.67 in 2005, and 35.37 in 2010 (UNESCO Institute for Statistics, 2014). This data, on the secondary level, shows an increase in 2003 and then a slight drop by 2012 once you hit grade 3. There is

no conclusive evidence of the cause for this drop. The numbers do show indications of making progress toward gender parity. Also, the percentages of girls enrolled in tertiary education continued to rise from 2000 to 2010. As stated many times previously, the government and people of Burundi still have progress to make in regard to girls having complete accessibility to secondary and tertiary education.

Accessibility

Structural Indicators

Indicator 3: “Date of entry into force and coverage of domestic laws for implementing the right to education...” (Office of the High Commissioner for Human Rights, 2012)

The Education Act of 1989 created the formal education system in Burundi. The Act lays out the role of education, the managerial structure for the national system, the content, and the funding of the schools. Prior to this law, the government had already put into place national policies to achieve universal education, such as double shifts (teachers teaching a class in the morning and then another in the afternoon) and the building of schools through parental participation. The conflict shifted the education budget to defense, and so it was not until 2005 that the government adopted a policy whose objectives were to increase enrollment rates at all levels, promote the access of girls to education, eliminating regional disparities in educational accessibility and quality, and eliminating illiteracy (Rwantabagu, 2014). Out of this policy came the abolition of school fees for primary education. A taskforce was also developed to coordinate the necessary work of providing textbooks and materials, training teachers, and building

more schools. In 2008, a Common Fund for the Promotion of Education in Burundi pooled the money of the government with that of bilateral and multilateral donors to achieve EFA (Rwantabagu, 2014). The National Girls' Education Policy from 2009 established sensitization programs for parents to encourage enrollment of girls and worked with the World Food Programme to fund a school feeding initiative. The policy aims to eliminate the discriminating barriers that have prevented girls' access to education. Another achievement of the education policies is evident with the building of communal colleges (schools). About one-third of primary school graduates now have access to a secondary school compared to the mere ten percent who previously had access (Rwantabagu, 2014).

The Higher Education Act of 2011 aimed at improving the quality and access to tertiary level education. The Act created a commission which established national standards and accredited universities. It created a science fund to promote research and development. It also offered doctoral students a waiver from paying taxes while in school (Makoni, 2012; Burundi: Poverty Reduction Strategy Paper, 2012). As of 2014, the country has expanded to six accredited public universities and 24 private ones. The act has led to a doubling in enrollment and established teacher training and military training institutes. The government pays 50% of all school fees for each student (Nganga, 2014).

Indicator 4: "Date of entry into force and coverage of domestic law on the freedom of individuals and groups to establish and direct educational institutions"
(Office of the High Commissioner for Human Rights, 2012)

The Report to the ACHPR in 2010 addressed the ten biggest problems with the secondary education system. Two of these ten dealt with the management of the systems. One concern was the corruption within the education management system on the national level and another was the need for community management of the communal schools. One solution was the creation of School Management Committees. These committees are based within the communities whom the schools serve and are trained by UNICEF and other education partners (UNICEF, 2010). The development of communal schools was indicated as a “democratization of secondary education” (Burundi: Poverty Reduction Strategy Paper, 2012). Sectorial policies of the Ministry of Education also worked to decentralize the policies of the education sector and advocate campaigns for the promotion of girls’ education. UNICEF worked with the Ministry of Education in its expansion of the Community Dialogues communication campaign. This campaign was “to encourage community ownership for school enrolment”. “The 2010 results – 15,526 children who had previously dropped out of school reintegrated, and 45,622 over-age children enrolled in schools – demonstrate the effectiveness of the approach in strengthening community ownership of children’s education” (UNICEF, 2010). The establishment of a Children’s Forum, in which issues and concerns can be expressed by children and in which children can be educated about their rights, have paved the way for more participation of the rights-holders themselves (Burundi Second Periodic Report to the African Commission on Human and People’s Rights, 2010). These community-based initiatives have helped direct the enactment of the new action plans and policies concerning the right to education. They have raised awareness of the need for alternative

education for girls ejected from school, readmission programs for refugees, the promotion of working skills for women, a need for compulsory civic service in the educational sector, and a call for more participation of women in local, not just national, government. They have also helped coordinate the continued work of donors and NGOs with the National Literacy Center to help increase the adult literacy rate, particularly among women (MDG Report, 2010; Burundi: Poverty Reduction Strategy Paper, 2012).

Indicator 10: “Proportion of education institutions with mechanisms (student councils) for students to participate in matters affecting them” (Office of the High Commissioner for Human Rights, 2012)

As mentioned previously, the establishment of the Children’s Forum is one mechanism being implemented. The government has also created a Department of Child and Family Issues. Urged by UNICEF, within its purview are child protection committees. By law, two members on each of these committees (on every level) must be children. UNICEF has also encouraged the participation of youth in national and regional forums on issues from health to education (UNICEF, 2010). YouthGlobe was appointed by the Burundian Electoral Board “to coordinate youth engagement and provide civic education to the country’s youth in advance of the upcoming elections” (Global Partnership for Education, 2014). Its first activity was a conference in which over 500 youths throughout Burundi were allowed to discuss issues of importance to them with governmental ministers, CEOs, and community leaders. During this conference, the United Nations Global Education First Initiative Youth Advocacy Group trained the youths on education advocacy and created the National Youth Forum as a

permanent continuance of the work and objectives of the conference (Global Partnership for Education, 2014).

Another initiative for student involvement is the Responsible Citizenship Program. The program helps refugees integrate into secondary schools and focuses on inclusion, communication, and conflict mediation. The students are encouraged to develop their personal and civic responsibility through finding solutions for themselves. Within two years, the program showed success in decreasing the use of corporal punishment in schools, the inclusion of students in developing school rules, addressing sexual violence and corruption in schools, and developing peer mediation programs (UNESCO, 2014).

Process Indicators

Indicator 3: “Transition rate to secondary education by girls” (Office of the High Commissioner for Human Rights, 2012)

Burundi has made significant gains since the adoption of the MDGs to transition girls to the secondary education level. In 1990, the rate was 9.11% moved to the secondary level. In 2003, the number was 60.77%. In 2011, the most recent data, the rate was 69.33% (UNESCO Institute for Statistics, 2014). This progress is significant given the high dropout and repetition rate in Burundi. The percentage also indicates a close to gender parity at the secondary level (0.92 in 2011). One of the reasons for this progress has been the development of the communal schools to ensure a closer distance and more accessibility for girls since transportation costs and safety concerns were a prohibitive factor (National Education Plan, 2004). The numbers should continue to

increase as the transition to nine years of compulsory education is fully implemented. As stated previously, however, Burundi is still tackling the dropout and repetition rates at the primary level by providing more funding to that level of education. So, school fees for secondary education will still be prohibitive for a large portion of the poorest quintile of the population.

Indicator 7: “Share of annual household expenditure on education per child enrolled in public secondary or higher education” (Office of the High Commissioner for Human Rights, 2012)

This data is very hard to find since the poverty rate is so high and most of this information comes from demographic surveys rather than institutional databases. In 2004, before the enactment of free primary education, the yearly expenditure on primary education per student was 1,500 Burundian francs, or 96 American cents (in today’s rate) (Burundi Public Expenditure Review, 2008). The only information available was household expenditure on all levels of education. This number is a monthly expenditure of 2.1% in 2008 (World Food Programme, 2008). This number also represents overall expenditure on education, not per student. This amounts to about 63 cents per month according to overall household expenditure budgets. It is the same percentage that households reported spending on social events and housing amenities (World Food Programme, 2008). Data from the OECD’s Social Institutions and Gender Index does indicate a slight son bias in regard to education, and as quoted earlier it is a traditional sentiment that education is wasted on girls (2014). A conclusion may be made that the cost prohibitive nature of attending the secondary and tertiary levels of education

indicates the data will most likely reflect only the primary level of education. Also, since there is funding from outside donors and agencies for the purpose of secondary and tertiary education, the data for household expenditures for these purposes may not be available or minimal.

Indicator 8: “Proportion of girls receiving public support or grant for secondary education” (Office of the High Commissioner for Human Rights, 2012)

With tight budgetary restraints and a renewed focus on improving primary enrollment, the government of Burundi can offer little financial support for secondary education. Unlike Malawi, the government does not offer bursaries or grants for education. The government did lower tuition costs for girls in the poorest districts as part of the UN Girls’ Education Initiative (UNESCO, 2012). There is no indication that Burundi has a cash transfer program other than that initiated by the UN High Commissioner for Refugees for repatriation purposes and spending on housing, land, healthcare, and employment (The World Bank Group, 2014). The government relies on donors and NGOs to supply the funding for scholarships for girls.

Outcome Indicator

Indicator 2: “Proportion of children completing secondary education” (Office of the High Commissioner for Human Rights, 2012)

Primary education completion has been a problem in Burundi due to its high dropout and repetition rates. Secondary education, then, has been even more problematic since it is neither free nor compulsory. In 2009, the first year of data for this indicator, the completion rate was 9.35% with a GPI of 0.62. In 2012, this number increased to

13.94% with a GPI of 0.66. The Sector Development Plan for Education and Training, among other things, coordinates the work of the Ministry of Education, civil society leaders, donors, and religious leaders in working to increase the completion rate and quality of education at the primary level in order to then improve availability to secondary education (UNESCO, 2013; Global Partnership for Education, 2014). With the coordinated efforts of NGOs and international agencies such as UNICEF and the World Bank, monetary contributions for girls to attend secondary schools continues to increase and make the opportunity more available for more girls.

Adaptability

Structural Indicators

Indicator 6: “Time frame and coverage of national policy on education for all...” (Office of the High Commissioner for Human Rights, 2012)

Burundi initiated a National Education Plan for Education for All in 2004. After years of conflict, Burundi had to face the challenges of destroyed schools, loss of lives, displaced individuals, and economic and government rebuilding. In 2004, many of the secondary schools were boarding schools. Faced with overcrowding and lack of beds, resources, and teachers to meet these demands, the government created a goal to decrease the number of boarding schools through the construction of more communal secondary schools within an easier distance of most communities (National Education Plan, 2004). To address the lack of teachers, Burundi established the Institute of Applied Pedagogy (IPA) and the Ecole Normale Supérieure to incentivize more people to enter the professions and train them more adequately (National Education Plan, 2004). The

government also documented then the need for more informal education systems to address the low literacy rates. Building upon its Global Action Plan for Education, enacted in 1997, the government expanded its National Literary Service and focused on improvements in girls' education (National Education Plan, 2004). The Plan sets forth budgetary goals to increase funding for infrastructure and teachers. It also aims to address the issue of French being the only language at the secondary and tertiary levels (thus making the transition harder for the poorer, Kirundi speakers). The government also initiated a program to promote girls' education in the poorest districts in which the gender disparity is most apparent. The plan concludes by outlining the general and specific goals to ensure EFA, the necessary and appropriate strategies and actions to be taken to fulfill the right to education, the results and timeline expected for achievement, and key actors and funds vital to the success of the plan (National Education Plan, 2004).

Many of these goals and actions were again reiterated and promoted in the Sector Development Plan for Education and Training for the years 2012-20, a 2008-10 action plan regarding donor and budgetary allocations, and a Global Partnership for Education Replenishment Campaign for the years 2015-18. Some of the work of the Ministry of Education pursuant to these plans has included an increased focus in the work of the Ministry on vocational training and literacy, the building of school cafeterias, creation of Family Development Centers which promote women's and children's rights, and revisions of curriculum with a focus on more gender-specific development and human rights education (MDG Report, 2010; UNESCO, 2014; Global Partnership for Education Replenishment Campaign, 2014; Burundi Public Expenditure Review, 2008). Other

initiatives enacted to achieve the goals for the right to education have included a National Gender Policy to focus on eliminating discrimination based on gender (budgeting, more participation by girls). There has also been a review of the need to increase the number of school hours, more classrooms and teachers' quarters constructed, and teacher redeployment to the rural and neediest districts. As mentioned previously, the development of communal secondary schools has broadened accessibility, and the establishment of a National Commission on Higher Education has created standards and a regulation system to ensure more quality education. The budget for education has also reallocated funds to ensure the neediest areas have the necessary resources (Burundi: Poverty Reduction Strategy Paper, 2012; Burundi Second Periodic Report to the African Commission on Human and People's Rights, 2010).

Indicator 8: "Date of entry into force and coverage of regulatory framework including standardized curricula for education at all levels" (Office of the High Commissioner for Human Rights, 2012)

The Sector Development Plan for Education and Training aims to revise the development and curriculum of the primary education system over the course of seven years. The compulsory primary level will consist of 9 years rather than 6. Through the coordinated work of the Ministry of Education, civil society leaders, religious leaders, and donors, the curriculum will be standardized according to the new development plan. The curriculum will focus on child-friendliness, gender-friendliness, and quality. It will try to address the high dropout and repetition rates and broaden access to secondary education (UNESCO, 2014; Global Partnership for Education Replenishment Campaign,

2014). The secondary level curriculum is developed by the Bureau for Secondary School Programmes and is similar to that of the Belgians (Rwantabagu, 2014). The Higher Education Act standardized the programs and degree conferment at the universities, and the Poverty Reduction Strategy Paper of 2012 lists the objective of the government to align the higher education curriculum with that of the East African Community and other international institutions (International Monetary Fund, 2012). The Ministry continues to approve all policies and curricular changes at all levels of education. The government has also developed the objective to teach less to the certification tests and instead promote the skills and capacities students will need in the higher education levels and the twenty-first century job market (Burundi: Poverty Reduction Strategy Paper, 2012; Rwantabagu, 2014; The Ministry of National Education and Scientific Research, 2008).

Process Indicators

Indicator 9: “Proportion of secondary or higher education teachers fully qualified and trained” (Office of the High Commissioner for Human Rights, 2012)

Burundi has made significant progress regarding this indicator. The data is much more readily available for teachers at the secondary level than tertiary. At the secondary level, 36.89% of teachers in 2003 were trained. Due to the construction of the teacher training institute and the Capacity Development for Education for All Programme (CapEFA), initiated in Burundi by UNESCO in 2011, teacher training has improved in capacity and quality. The CapEFA programme provided tools and training of teachers in basic education, helped develop a statistical program to evaluate the effectiveness of the profession, developed a uniform training program for secondary school educators, and

drafted a charter of conduct for those in the profession (UNESCO, 2013). These training sessions trained 95% of those educators who had previously been untrained. “Technical tools for assessment, evaluation and monitoring of teachers were developed and validated, and basic and secondary education teacher trainers and school principals were trained in their use” (UNESCO, 2013). The programme plans to continue working on the secondary education training program and training teachers in curriculum development (UNESCO, 2013). Due to these initiatives, the number of trained secondary educators rose to 72.38% in 2011 and 74.90% in 2012 (UNESCO Institute for Statistics, 2014). The new education plans now mandate that teachers be trained for the profession. One problem regarding the education of girls, however, remains. As of 2012, only 20.83% of secondary education teachers were females. Some research has indicated that this may be detrimental in creating a gender-friendly environment (UNESCO Institute for Statistics, 2014).

The Higher Education Act of 2011 is working to draw more professors with doctorate degrees into the universities of Burundi. By providing a science fund for research and publication, the government is hoping it is incentive enough to appeal to qualified professors (Makoni, 2012). It has done this with some success, however there are still no doctoral degrees offered. Even though the number of tertiary students has increased, Burundi does not yet have the capacity of teachers and facilities to fulfill the needs for quality education. The government is working on an evaluation system of the university programmes to ensure better quality and make the graduates more competitive and skillful (Nganga, 2014). The data for the number of trained educators at the higher

education level is difficult to obtain. According to the Poverty Reduction Strategy Paper, of the 281 teachers at the University of Burundi in 2008, only 127 of them were qualified at the doctoral level (International Monetary Fund, 2012).

Indicator 10: “Proportion of students enrolled in vocational education programmes at secondary and post-secondary level” (Office of the High Commissioner for Human Rights, 2012)

The data from the UNESCO Institute for Statistics does not distinguish enrollment in vocational or technical schools; the numbers are grouped together. For reasons previously listed, such as lack of resources, facilities, and trained instructors, the numbers have decreased tremendously. In 1990, 39.72% of students at the secondary level were enrolled in vocational or technical schools. By 2001, this number had fallen to 7.53% and then to 4.14% by 2012 (UNESCO Institute for Statistics, 2014). Data is missing between 1993 and 2001; this could be due to either lack of data collection during the conflict or the closing or destruction of these types of schools during the conflict. This is when a drastic drop in enrollment numbers was seen. The largest drop, however, was between 1990 and 1991. This may have been due to the roll-out of EFA, focused on universal primary education rather than other levels. For post-secondary level, tertiary ISCED 5B, the first data set is from 1998, and that percentage was 16.63%. The last data set is from 2006, and that percentage had increased to 64.20% (UNESCO Institute for Statistics, 2014). This type of certificate encompasses other skills as well as technical and vocational skills, but it is the most relevant data available.

Outcome Indicator

Indicator 3: “Number of graduates (first-level university degree) per 1000 population” (Office of the High Commissioner for Human Rights, 2012)

The data for this indicator is not recorded per 1000 population. Enrollment in the University of Burundi increased from 7,578 in 2001 to 18,366 in 2008. As enrollment increased during this time, the number of teachers decreased. The total number of graduates in 2010 was 2,786; 28.39% of these were female. This number had increased from 543 total graduates in 2001 with a gender parity index of 0.45 (UNESCO Institute for Statistics, 2014). This data is not kept current, and it is noted by the International Monetary Fund that not all institutions have accurate records; it’s still a work in progress.

Acceptability

Structural Indicators

Indicator 1: “International human rights treaties relevant to the right to education ratified by the State” (Office of the High Commissioner for Human Rights, 2012)

Of the five treaties with monitoring bodies for the right to education, Burundi had ratified all of them between 1977 and 1992 (Office of the High Commissioner for Human Rights, 2014). Burundi has also ratified ILO conventions on Discrimination in Employment and Occupation, Minimum Age, and Worst Forms of Child Labour. Regionally, Burundi has ratified the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child (Right to Education Project, 2014).

Burundi has signed the African Union Women's Protocol but has not yet ratified due to its reservations over reproductive control and land inheritance (The African Women's Development and Communication Network, 2012). Burundi had also signed the Beijing Declaration and Platform for Action in 1995. As a member of the Eastern African Sub-regional Support Initiative for the Advancement of Women, Burundi accepts the statement that "EASSI recognizes the fact that women's poverty concerns are of a structural nature that requires to be addressed by laws, policies and institutional mechanisms at all levels" and intends to make the Beijing Platform for Action work (East African Community, 2014). This civil society organization works with sixteen national networks and NGOs in eight East African countries that work at every level (from national to community) on policy enactment and "demonstration of best practices for the advancement of women" (EASSI, 2014). This sub-regional organization helps keep Burundi and its government accountable for human rights protections and fulfillment. Burundi has still not signed the UNESCO conventions on Against Discrimination in Education and on Technical and Vocational Education (Right to Education Project, 2014).

Indicator 7: "Time frame and coverage of national policy on vocational and technical education" (Office of the High Commissioner for Human Rights, 2012)

The Education Act of 1989 established the formal education system, including vocational and technical schools. Vocational schools do not require that students pass the national examination at the completion of primary school for purposes of enrollment. These are few in number today, and the only skill offered is tailoring. There are two

types of technical schools, each requiring different years of completion and offering different courses with a certificate awarded upon completion. Some of these schools fall under the auspices of ministries other than education depending on which skills they train. The government, in their education plans and poverty reduction strategy papers, has objectives to expand the vocational and technical schools to meet the needs of the employment market (Rwantabagu, 2014). The Sector Development Plan for Education and Training lays out these objectives for the technical and vocational schools. The government did adopt a policy to establish Trades Education Centers and Vocational Training Centers in every province, and the government has been successful at recruiting the necessary trained instructors. However, the enrollment numbers remain low due to inadequate resources and low post-training job placement. The government plans on updating the type of courses offered to meet today's needs (International Monetary Fund, 2012).

Indicator 9: "Proportion of education institutions at all levels teaching human rights/number of hours in curricula on human rights education" (Office of the High Commissioner for Human Rights, 2012)

Pursuant to the recent sector plan for education, the Universal Declaration of Human Rights has now become part of the curriculum in primary schools. At the secondary education level, a required class is on civic education, based on human rights. The Family Development Centers throughout the country broadcast a human rights radio program every Saturday (Burundi Second Periodic Report to the African Commission on Human and People's Rights, 2010). The National Independent Human Rights

Commission is implementing a national human rights education policy and intensifying their outreach campaigns (International Monetary Fund, 2012). It is uncertain of the amount of human rights education in higher education curriculum.

Process Indicators

Indicator 1: “Proportion of received complaints on the right to education investigated and adjudicated...and the proportion of these responded to effectively by the Government” (Office of the High Commissioner for Human Rights, 2012)

The government has had a ministry for human rights since 1993. This is currently called the Ministry of National Solidarity, Human Rights and of Gender (Burundi Second Periodic Report to the African Commission on Human and People’s Rights, 2010). Burundi also established an Office of the Ombudsman (Universal Periodic Review Working Group, 2013). Burundi has an Independent National Commission on Human Rights, which was established by the government in 2011. Its role is to receive the complaints and investigate violations of human rights. They also promote human rights through seminars, training workshops, awareness campaigns, and studies and research projects. The commission also helps in the development of educational programs on human rights and make recommendations for governmental policies on human rights. It audits the enforcement of rights provisions such as changes in the penal code. Its annual report covers the activities and issues involving human rights in the country, with a particular focus on the rights of children and women. It also oversees and encourages the reporting by the government to the appropriate human rights international organizations (Independent National Commission on Human Rights in Burundi, 2014). The

commission met with education ministers, private sector partners, religious groups, and leaders from civil society organizations for two days in January 2014 to discuss the education plans and their protection and fulfillment of the right to education. The commission advised the leaders to improve their communication with the right's stakeholders and coordinate their efforts with all the actors involved in procuring and protecting the right. They recommended the government experiment with the reform measures before full implementation, evaluate current measures before implementing new ones, ensure the reform measures are within a legal framework and not dependent on the mixed socio-political context that has been a barrier for quality education, to streamline the ministry work from two departments to one, and ensure the right to education for all individuals at every level (Independent National Commission on Human Rights in Burundi, 2014). Although still in its infancy, the commission has documentation of each of its reports, studies, investigations, and other activities. For purposes of this indicator, these documents are not organized by right in question, and the government has not had much time (nor possibly capacity) yet to effectively respond to all of them.

Burundi also has the League Iteka. This organization was created in 1991, sanctioned by law, and has partnered with the UNDP, the UNHCR, Amnesty International, Christian Aid, and others. Its objectives are to defend and promote human rights while working to prevent violations. Its 3,000 members meet twice a year, but the Executive Committee meets once a week. Every province in Burundi has an office of the League. The League has consultative status with the ECOSOC and is a member of

several international human rights organizations. It offers legal aid, develops education programs on human rights, and monitors the governance of human rights protections (League Iteka, 2014).

In the most recent observations (2013) by the international human rights bodies, the UN Human Rights Council did recommend that Burundi needed to continue to integrate the HRBA into its education policies at all levels of education. The Council also recommended that Burundi review its education policy that established discrimination based on sexual orientation and increase its financial allocations for education to the rural areas (UNESCO, 2014). Both the Committee on the Elimination of Discrimination Against Women in 2008 and the CRC in 2010 expressed concern of the reality of discrimination against girls in the education sector. Their concern was that anti-discrimination laws were not actually applied nor enforced in all schools (particularly beyond primary level) and that girls, particularly those in rural areas, did not have equal access to all levels of education (UNESCO, 2014). It has been recommended to Burundi to address the implementation of inclusive policies in education for people with disabilities, ratify all human rights protocols, and address their human rights violations in regard to land claims and access to water and sanitation (Universal Periodic Review Working Group, 2013). Burundi still has much work to do regarding overcoming the traditional and cultural barriers that continue to keep girls out of school.

Indicator 5: “Dropout rate for secondary education by grade for girls” (Office of the High Commissioner for Human Rights, 2012)

The data available for this indicator is only for the lower level of secondary education. The cumulative dropout rate for both genders has fluctuated from 37.43% in 1990 to 20.81% in 2003 to 25.14% in 2011. The change between 2003 and 2011 may be indicative of the rebuilding of the country after the conflict as its transitional government is beginning anew and coping with the return of refugees. From grade 1 of the lower level, the dropout rate for girls went from 5.85 in 1990 to 5.36% in 2003 to 7.47% in 2011. The data for grade 2 indicates the rate at 14.38%, 2.24%, and 5.58% for those same years. Grade 3 had rates of 14.81%, 8.5%, and 6.65% (UNESCO Institute for Statistics, 2014). Again, it is not clear of the exact cause of the fluctuation in the rates, particularly between 2003 and 2011, but the other data indicates that there are a number of variables to assess in order to make any conclusions. Some of these variables may be that many of those returning after being displaced by the conflict were from the poorest quintile, thus not having the appropriate expenditure for secondary education, or the language barrier of not knowing French (the principle language of the secondary schools). Another possibility could be that the data from 2003 was not completely accurate given the record-keeping capacities of a war-torn country or that the data from 2011 is skewed as there is an indication that the exact number of school-age children is unknown (Right to Education Project, 2009).

Outcome Indicator

Indicator 4: “Youth literacy rate (15-24 years) and Adult literacy rate (15+)”

(Office of the High Commissioner for Human Rights, 2012)

This indicator is the same as an MDG 3 target, so it is very relevant and significant. The youth literacy rate increased from 53.56% in 1990 to 73.3% in 2000 to 88.89% in 2008. These are averages, but the gender parity also rose from 0.81 in 1990 to 0.98 in 2008 (UNESCO Institute for Statistics, 2014). This rate is significantly higher than other low-income countries, particularly when it comes to girls (Education Policy and Data Center, 2014). The adult literacy rate also increased. It begins at 37.38% in 1990 and then increases to 59.30% in 2000 and 86.95% in 2008. The GPI increased even more significantly from 0.57 in 1990 to 0.78 in 2000 to 0.95 in 2008 (UNESCO Institute for Statistics, 2014). This could be due to the literacy initiatives of the National Literacy Center, with funding help from France (MDG Report, 2010). This literacy rate far exceeds that of other low-income countries, and there is a startling difference between the 85% rate of women in Burundi and the 47% rate of women in other low-income countries (Education Policy and Data Center, 2014).

Conclusion of Burundi Data

Burundi has indicated strong efforts at achieving the availability, accessibility, adaptability, and acceptability of the right to secondary education for girls. Like Malawi, the country has demonstrated its commitment to the rights-in-principle as evidenced by their adoption and continuing work through international human rights frameworks and the State constitution. Through the work of the various ministries, legislative acts, human rights commission, and oversight of NGOs and international treaty bodies, Burundi has worked hard to enact policies that fulfill its obligation to the right to education. Burundi has achieved gender parity at the primary level, in fact seeing years with higher female

enrollment than boys. Its abolition of school fees has paved the way to universal primary education. Its work to redesign the primary system from a six year to nine year compulsory program will hopefully provide more quality education and necessary skills for advancement to the next education level. The building of communal secondary schools, although still lacking in quality and resources, has made secondary education more accessible and available to more children, particularly girls whose safety and access is more secured with less distance and lack of transportation fees. Its education plans have demonstrated more participation on the part of the rights-holders, progressive realization of the right to secondary education, and attempts at effective remedies of the barriers that have prevented girls from attending thus far.

Unlike Malawi, Burundi has the obstacle of a twelve-year conflict to overcome. This conflict has resulted in the challenges of reintegrating child soldiers who had been trained to kill, finding and securing orphans, street children, and refugees with accessibility to education, and creating inclusive policies for the handicapped. Its young government is still trying to combat the lingering corruption and residual effects of genocidal acts of previous administrations. Therefore, Burundi does not yet have the governance or capacity-building capabilities evident in Malawi. These challenges are coupled with the continued parental attitudes against the education of girls. These traditional beliefs will always be hard to overcome, but Burundi is attempting through its human rights education policies and campaigns, particularly regarding the rights of women and children. However, non-discrimination has not been completely realized as evidenced by observations and reports by overseeing international bodies and NGOs. Its

legislative framework needs to more strongly address issues concerning the lack of protection, respect, and fulfillment of the rights of girls and women. For example, much of the research stresses the need for stronger legislation and enforcement of gender-based violence laws and securement of inheritance rights. A more gender-friendly school environment, starting within the community and including the recruitment of more female teachers, offering scholarships and bursaries, and ensuring separate sanitation facilities for girls, may make secondary education more accessible, acceptable, and adaptable to girls. Burundi, with its limited capacities and resources, has not yet achieved gender parity at the secondary education level. It is on its way, though. Its continued commitment to the right to education as demonstrated through its plans, objectives, and policies is placing it on the right track to get there.

Chad

Chad is a landlocked country in central Africa. It gained its independence from France in 1960 and has faced religious and ethnic conflicts ever since (The World Bank Group, 2014). Its official languages are French and Arabic. It has a population of about 13 million. Since the country began to export oil in 2003, about 40% of the government's budget comes from oil revenues (Right to Education Project, 2014).

Economically, Chad faces high poverty. Approximately 47% of Chadians live below the poverty line of \$1.25 per day; 82% of the poor live in rural areas (AfDB, OECD, & UNDP, 2014). The World Bank developed projects to channel wealth from oil into poverty reduction programs, but the government of Chad changed policy in 2005 and allocated the money instead to state security (Right to Education Project, 2014).

Although more than one-half of the government's budget from 2011-14 went to health, education, and social welfare programs, an increase in population coupled with a continuous stream of refugees has led to only a moderate decrease in the poverty rate (AfDB, OECD, & UNDP, 2014; Right to Education Project, 2014). According to the UNHCR, Chad has the second highest number of refugees in Africa, numbering over 650,000. Most of these refugees have come from the CAR, Sudan, and Nigeria (The World Bank Group, 2014; UNHCR Global Appeal-Chad, 2014). The government of Chad has been working with the UNHCR to integrate refugees into Chadian society by providing them with land for agricultural use, enrolling them in schools, and working to settle them in host communities rather than camps. However, with a restrained budget as is, Chad will rely heavily on outside aid to support their social service programs and improve quality for both the Chadians and refugees (UNHCR Global Appeal-Chad, 2014).

Politically, Chad saw a series of military and political crises until the adoption of the constitution in 1996 (UNESCO, 2000). The former president has been put on trial for crimes against humanity, torture, and war crimes (Human Rights Watch, 2014). The current president has held power by being re-elected every five years since the first free elections in 1996. The elections have been controversial, and the party in power has been accused of fraudulent electoral processes (The World Bank Group, 2014). The government has, time and again, been "named and shamed" for human rights violations and for not protecting nor respecting the human rights of certain groups, particularly those who challenge their leadership. In 2013, the government did establish a national-

accounts court to fight corruption and joined the African Peer Review Mechanism to hold them more accountable from outside Chad (AfDB, OECD, & UNDP, 2014).

Culturally, traditional practices and customs remain to have a strong hold on Chadian society. These practices have prevented women from working, going to school, and having access to natural resources and land (AfDB, OECD, & UNDP, 2014). According to the country's second report to the CRC, although the minimum age of employment is 14, this is rarely respected nor enforced. Due to dire poverty, many children are livestock-herders or domestic servants, with females being subjected to child labor more often than boys (OECD Development Centre, 2014).

A draft code raised the minimum age of marriage for boys to 18 and 17 for girls, however the old civil and criminal codes allowed girls to marry at 15 and before 13 if the marriage was not consummated (OECD Development Centre, 2014). About 45% of girls between 15 and 19 are already married, and some estimates put the number of girls actually married before 15 at 35% (Interim Development Plan, 2012; World Economic Forum, 2014). "In 2005, the United Nations Special Human Rights Expert on Chad highlighted that 30% of women reported being forced to marry against their will" (OECD Development Centre, 2014). Although the draft code will grant men and women equal rights in marriage, customary and Islamic law tend to govern real practice in Chadian society. Under these laws, women can either never inherit property upon the death of her husband or only inherit one quarter of the property. Daughters inherit half of what sons do. The inability to own land often limits women economically as they have no collateral for loans (OECD Development Centre, 2014). The new Family Code has been disputed

by both the Muslim and Christian communities as a threat to their respective religions as it promotes female equality and legalizes polygamy (Chad Struggles to Pass New Family Law, 2009). Both employment and early marriage, as in the other countries, are barriers to education.

Females in Chad face other cultural traditions that have prohibited them from equal status. “Socio-cultural norms that place value on the authority of husbands prevent women from reporting domestic violence” (OECD Development Centre, 2014). There is no law protecting women from sexual harassment, and gender-based violence continues in a culture of impunity, particularly in refugee camps (OECD Development Centre, 2014). Unlike the other two countries, the traditional practice of female genital mutilation is still prevalent throughout Chad. 45% of women ages 15-49 have undergone female genital mutilation (World Economic Forum, 2014). The associated health problems and entrenchment in traditional customary practices have often prevented women from seeking their own education or employment.

The education system in Chad has faced many difficulties. Primary school begins at the age of six and consists of six grades. The lower secondary level consists of grades 7-10, and the upper secondary level is grades 11-13. Basic education, according to the constitution, is compulsory through the lower secondary level (Education Policy and Data Center, 2014). In principle, public education is free, however the government did acknowledge in 1996 that parents were responsible for about 70% of educational costs (Right to Education Project, 2014). The funding has improved since oil revenues have aided in bolstering the economy but various factors have contributed to making the aid

minimal (Public Expenditure Review Update, 2011). The Minister of Education reported in 2005 that only about 38% of budgeted funds for education actually make it to the schools. This has led many communities to establish, fund, and manage their own schools, about 15% of the total number of schools in Chad (Right to Education Project, 2014). The government did make it a national priority to decentralize the education system (and most development initiatives), but with no action plan nor funding, the local communities have lacked the money and resources to develop the quality infrastructure and educational environment necessary to truly ensure the right to education and combat poverty (AfDB, OECD, & UNDP, 2014).

The situation in Chad indicates that 54% of youth between the ages of 15 and 24 have no formal education. An additional 24% did not complete primary education, so 78% of youth in Chad do not have a complete primary education foundation. Only 35% of students complete the primary level. The numbers shake out to fewer girls than boys in school, and those living in rural areas and are the most poor are more likely to be out of school (Education Policy and Data Center, 2014). Specifically, at the secondary school level, 70% of girls are out of school while 49% of their male counterparts are. 92% of those of secondary age that are out of school come from the poorest quintile (Education Policy and Data Center, 2014). Like other sub-Saharan countries, the teacher-pupil ratio is high and the infrastructure cannot meet the influx of enrollment. The country also has a high number of repeaters, drop outs, and overage students. 45% of the test-takers in Chad performed below the lowest benchmark, compared to 33% of other low income countries. The only comparable area for education in which Chad performs

well is intake of male primary students (Education Policy and Data Center, 2014). Thus, Chad struggles not only with the necessities and foundation for basic education but also substantially with providing a quality education. Chad is still a considerable distance from achieving universal primary education, let alone ensuring the right to secondary education for girls.

As documented in the Universal Human Rights Index, the right to education has been a primary concern for many agencies and organizations. In the most recent Universal Periodic Review in 2009, countries recommended Chad strengthen its policies to promote education and address the gender imbalances in the schools, ensure education for all and improve its education system, increase citizens' awareness of the need for females to be educated, and ensure that in practice girls have equal access to educational opportunities (Universal Human Rights Index, 2014). Other countries noted the need for Chad to establish a national program of human rights education and training, utilize international assistance to eradicate illiteracy, and to "effectively guarantee the rights of women and girls in the field of education by addressing societal and cultural constraints" (Universal Human Rights Index, 2014). The report by the CRC in 2009 encouraged Chad to work more for the educational inclusion of children with disabilities and eliminate gender discrimination in education. Specifically, the CRC recommended that Chad, in order to ensure equal access to education for girls, needed to take action in addressing the reasons behind non-completion of school, foster gender-friendly and safe school environments for girls in which they are free from sexual and physical violence and recruitment into armed conflict, and improve the quality of their schools through

decreasing the teacher-pupil ratio, improving teacher training and salaries, and introducing active learning models and relevant curriculum. It also encouraged Chad to strengthen their vocational education programs, eliminate the gap between compulsory education age and age of employment, and include human and child rights in the curriculum. Its final recommendations include increasing and prioritizing budget allocations for education, introducing budget tracking mechanisms outlined by UNICEF, and drafting gender-sensitive policies and strategies in order to discourage early pregnancy (Universal Human Rights Index, 2014).

Other regulatory agencies such as the HRC noted in 2009 that Chad needed to implement a national human rights education program. It also encouraged Chad to abolish polygamy and create public education measures to promote women's role in public life, improve their education, and guarantee their access to employment. The CESCR in the same year urged Chad to address and eliminate traditional stereotypes about the role and rights of women, accurately report to what extent primary education has been made free, institute a national plan and monitoring mechanism for EFA, and ratify the UNESCO Convention against Discrimination in Education. Most recently, in 2011 CEDAW urged Chad to ensure de facto access to education at all levels by establishing re-entry policies for girls after pregnancy, reduce and prevent dropouts among girls, create an accredited non-formal education program for girls who dropout and to improve literacy, and improve access for those living in rural areas. CEDAW also addressed Chad's need to work on enhancing a more positive and non-stereotypical image of women, raise public awareness of discriminatory and violent acts against

women as a violation of their rights, initiate awareness campaigns about the negative impact of early marriage and its long-term effects on health and education, and legally grant women property and inheritance rights (Universal Human Rights Index, 2014). Chad needs to develop its governance and capacity-building in order to address these concerns and to protect, respect, and fulfill girls' right to education. The analysis will indicate in what areas Chad is most lacking.

HRBA Analysis of Chad and Secondary Education for Females

Availability

Structural Indicators

Indicator 2: "Date of entry into force and coverage of the right to education in the constitution or other forms of superior law" (Office of the High Commissioner for Human Rights, 2012)

The constitution of Chad was originally adopted in 1996. It was amended in 2005 to remove the term limits for the president, move the constitutional amendment process under the presidential powers, and replace the Senate with the Cultural, Economic and Social Council. The Preamble of the Constitution affirms Chad's commitment to human rights and the international and regional frameworks in which they are protected.

Articles 13 and 14 guarantee all citizens the same rights and duties and equality before the law regardless of their gender. Article 14 also guarantees the elimination of all forms of discrimination against women in both the public and private spheres. In regard to the right to education, it is first guaranteed in Article 35. This article also makes education compulsory. Article 36 says, "The State and the decentralized territorial collectivities

create the conditions and the institutions which assure and guarantee the education of children.” Article 38 grants parents the right to raise and educate their children. This has been literally put into practice through the development of community schools. Much like with the constitution of Malawi, the constitution of Chad also guarantees the right to culture in Article 33 (Chad's Constitution of 1996 with Amendments through 2005, 2014). These cultural traditions and practices that have upheld discrimination against women have impacted the lack of access and enrollment of girls in education, particularly at the secondary level.

Indicator 5: “Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to education (Office of the High Commissioner for Human Rights, 2012)

Again, the data does not distinguish between the number of NGOs and number of persons served. As elsewhere in sub-Saharan Africa, Chad is serviced by a number of NGOs. The NGOs working in Chad for education purposes are usually responsible for providing and paying community school teachers to go to internally-displaced persons camps to help those fleeing from violence spreading from neighboring countries (CHAD: A semblance of education for a displaced child, 2008). These NGOs report a low priority for education on the part of the Chadian government and therefore work hard with UNICEF and parents to supplement teacher pay and provide basic training and resources for them. The government pays these community school teachers, which make up about 70% of the country's teachers, only \$67 per month and many leave due to the continued conflict and insecurity. It is estimated that about 8,000 teachers went unpaid in 2011 and

in 2009 most of them had a pay delay of 10 months, which increases the need for NGO support. The NGOs, such as the Jesuit Refugee Service and Save the Children, continue to work despite the threats and despair that they can provide the most minimal quality of education (CHAD: A semblance of education for a displaced child, 2008; Public Expenditure Review Update, 2011). Chad did establish a forum for NGOs to better coordinate their efforts with one another and with the state administration. The forum has proven to be somewhat effective, but there is little data available (2015 National Review of Education for All: Chad, 2014).

According to the NGO aid map prepared by InterAction, there are only four major education projects currently being funded and implemented by NGOs in Chad (outside of the permanent ones as mentioned above). One of these projects is teaching refugees how to cook on new stoves. Another project is a capacity-building one in which communities are trained to ensure their own basic human rights. This training involves holding community meetings and developing community goals and action plans for agriculture, sanitation, health, and education. The other two projects are concerned with meeting community needs for food security and educating them on methods of securing food (InterAction, 2014). There is no data available as to whether NGOs need to register in Chad and how they are able to do so.

Process Indicators

Indicator 2: “Public expenditure on primary, secondary and higher education as proportion of gross national income; net official development assistance for education

received or provided as proportion of public expenditure on education” (Office of the High Commissioner for Human Rights, 2012)

Again, this data retrieved from the UIS and the UNDP indicate the expenditure as a proportion of the GDP, not GNI. The first available year of data was 1998, and the primary level expenditure was 0.95%. For the same year, the proportion of the GDP for the secondary level was 0.43% and 0.27% for tertiary. The next year of data was 2004. For this year, the proportion of the GDP for each level was 0.73, 0.59, and 0.28% respectively. The most recent data available is from 2011. Those numbers are 0.92, 0.79, and 0.37%. The total government expenditure for all levels of education as a proportion of the GDP during those same three years went from 1.65 to 1.59 to 2.26 (UNESCO Institute for Statistics, 2014). The UNDP reports that this total was 2.59% in 2014 (UNDP, 2014). In comparison with Malawi, Burundi, and other countries in sub-Saharan Africa, Chad is very low in its expenditures for education. This budgetary allocation may be indicative of the low priority for the education sector that has been established by the Chadian government. Unlike these other countries, Chad has not tried to reallocate its education funds to achieve universal primary education but rather maintains less than half of the budgeted funds going for that purpose (UIS, 2014). As stated earlier and faced with the conflicts in the neighboring countries, the government has chosen to budget for security rather than social services. An example of this is evident from the first National Poverty Reduction Strategy enacted in 2003. The objective budget for education was 21%, but the actual amount allocated was 13%. The suggested amount to achieve universal primary education is 20%. Within the first year of

the second poverty reduction strategy, of the 14% proposed for education, only 11% was disbursed. The Ministry of Education has a 90% execution rate of its budget, which has unfortunately not much helped the sector with its shrinking budget. The lack of communication between ministries has also caused problems in that schools and classrooms have been built through the Ministry of Infrastructure, but the funding to maintain and manage them is not disbursed to the Ministry of Education (Public Expenditure Review Update, 2011).

According to the OECD, 3.3% of the aid provided in 2012 went to education. This amounts to about \$17.5 million. This number has stayed within the 3% range since 2002, the year the earliest data has been provided (OECD, 2014). According to this same database, less than a million of this total aid went specifically to initiatives aimed at gender equality and women's empowerment in secondary education. About three and a half million of this aid did go to that purpose on the post-secondary level, however (OECD, 2014). It is uncertain the exact dollar amount this aid contributes to the overall funding of education. The country lacks the budgeting mechanisms necessary to mainstream its economic revenues and foreign aid to the sectors most in need.

Indicator 4: "Gross enrollment ratio for secondary and higher education by girls" (Office of the High Commissioner for Human Rights, 2012)

The year 1996 was the first year in the UIS database that data was available for all levels of education. As a baseline, the gross enrollment ratio for secondary and tertiary education by girls was 3.37% and 0.15% respectively. In 2000, these numbers had increased to 4.8% and 0.25%. In 2005, the numbers were 8.07% and 0.17%. The most

recent data for the tertiary level is 2011; this number was 0.87%. There was data for 2012 for the secondary level; this was 14.28%. The numbers for the most recent years for girls is comparative to a 31.21% gross enrollment for boys in secondary education and 3.62% at the tertiary level (UNESCO Institute for Statistics, 2014). Chad is not close to gender parity at either of these levels, but neither is it close to improving overall access to secondary and higher education. Chad acknowledges the lack of capacity and governance necessary to fulfill this right (National Report to UNESCO, 2013).

In its Interim Strategy for Education and Literacy, the government of Chad addresses many of the problems and offers solutions. The government noted that the access rate to primary school increased from 82% to 120% between 2000 and 2011, with a gross enrollment ratio increase from 68 to 94%. Chad indicates that one problem with completion rates is due to the uneven distribution of schools across the country and the high number of students who need to repeat. The repetition rate tends to drain the resources, human capital, and even availability of the appropriate intervention strategies necessary to keep kids on track for completion. The more successful regions for completion are in the south, which is more urban and less affected by ongoing conflicts. This regional difference is true of gender parity as well. The paper also notes the issues of lack of trained teachers, lack of necessary infrastructure, and a short school year, particularly in the rural areas where children are needed for agricultural work (Interim Strategy for Education and Literacy 2013-2015, 2012). With these difficulties on the primary level, the availability of a quality secondary education is in dire straits. There has been a tripled increase in enrollment at the lower secondary level between 2000 and

2011. The establishment of community schools by parents attempted to answer the need to accommodate these students. These schools lack qualified teachers and often have to use the primary schools in the afternoon. These schools lack the basic resources necessary for the advanced curriculum. The gender disparity increases as one advances through the higher levels of education. One solution Chad is implementing is the building of more classrooms, with a priority placed on the secondary level. However, its main focus will be on capacity-building and improving the quality of education at the primary level and increase the literacy rate to benefit the other levels of education in the long run (Interim Strategy for Education and Literacy 2013-2015, 2012).

Indicator 6: “Proportion of students enrolled in public secondary and higher education institutions” (Office of the High Commissioner for Human Rights, 2012)

Chad does have both public and private institutions. Most students are served by the public schools as many of them cannot afford private school tuition. In 1999, about 84% of students at the secondary level were enrolled in public schools. This number decreased to roughly 70% in 2006 but increased again to 81% in 2012 (UNESCO Institute for Statistics, 2014). This may be an indication of years of conflict which made education less accessible and then an increased focus on correcting that problem. At the tertiary level, the data is indicated by the number of students enrolled per 100,000 inhabitants. In 1996, 50.06 students were enrolled. This number increased to 74.23 in 2001, 180.15 in 2008, and 210.65 in 2011. The number of tertiary students enrolled in private institutions has increased from 8.56% in 2000 to 31.79 in 2009 to 28.21 in 2011 (UNESCO Institute for Statistics, 2014). These numbers do indicate that those from the

wealthiest sectors of the population can afford higher education fees, so the cost for private is not as prohibitive. The Action Plan of 2004 did focus on renewing higher education through a focus on more scientific and technical research and reforming the vocational training programs. The plan, despite its efforts, did not promote nor increase access to higher education levels (2015 National Review of Education for All: Chad, 2014).

Outcome Indicator

Indicator 1: “Ratio of girls to boys in secondary or higher education by grade”
(Office of the High Commissioner for Human Rights, 2012)

The data from the UIS records all seven levels of secondary education. For each grade, the data will indicate the percentage of girls (out of the total number of students) in 1990, 2000, 2006, and 2012 for comparative purposes. For grade 1, the numbers were 18.43, 24.78, 30.40, and 35.46. Grade 2 numbers were 17.27, 23.48, 27.81, and 33.32. For grade 3, the numbers were 16.69, 22.05, 25.82, and 30.95. Grade 4 numbers were 16.47, 21.90, 24.38, and 29.43. Grade 5, the first grade in the upper level, shows 10.94, 20.02, 21.74, and 27.27. Grade 6 begins even lower at 8.88, 19.20, 21.66, and 27.16. Finally, grade 7 numbers were 8.68, 18.86, 20.40, and 25.03 (UNESCO Institute for Statistics, 2014). The data indicates that the numbers are markedly lower at the upper level than lower level. This would be consistent with dropout rates and other contributing factors to low enrollment. The numbers do appear to increase, showing progress, and at a comparably steady rate along each grade. It is still below achievement of gender parity. At the tertiary level, the data indicates that in 2005, 6.01% of students

were girls, 12.72% in 2008, and 19.13% in 2011 (UNESCO Institute for Statistics, 2014). These numbers are far lower than any other education level and are indicators for future progress and focus by the government and ministries.

Accessibility

Structural Indicators

Indicator 3: “Date of entry into force and coverage of domestic laws for implementing the right to education...” (Office of the High Commissioner for Human Rights, 2012)

In 1993, Chad implemented a new strategy to make the education system more effective at preparing students for employment. This led to a new national education policy (Chad: Poverty Reduction Strategy Paper, 2010). The right to education is guaranteed to each citizen under the 1996 constitution of Chad. In 2002, the government prepared a policy statement to make primary educational universally accessible by 2015. The Project Supporting Chadian Education Sector Reforms, PARSET, was developed in two phases. The first phase covered the years 2002-2006 and focused on quality primary education. The second phase, for the years 2007-2010, “also includes programs to promote school enrollment by girls, literacy, the development of national languages, student health and nutrition, and distance learning” and to expand secondary and higher education (Chad: Poverty Reduction Strategy Paper, 2010). Law No. 16, passed in 2006, stated in Article 4 that the right was recognized regardless of characteristics such as age, gender, ethnicity, region, or religion. Article 12 further states that in its purpose, the education system “guarantees the establishment of a democratic society, deeply attached

to its cultural identity, is open to modernity and inspired by humanistic ideals and universal principles of freedom, social justice and human rights” (National Report to UNESCO, 2013). The second poverty reduction strategy outlined six strategic pillars for the right to education for all. For purposes of secondary education, the government’s goals were to reduce the teacher/student ratio, increase access to laboratories and libraries, and improve vocational and technical training. For higher education, the government will offer more merit-based scholarships to increase accessibility to universities (Chad: Poverty Reduction Strategy Paper, 2010). These strategies are still in place. The responsibility of protection and fulfillment of this right is charged to the Ministry of Human Rights and Fundamental Freedoms, which was established in 2005, and the three separate educational ministries (National Report to UNESCO, 2013). A lack of coordination between the ministries, capacity and budgetary limitations, and governance issues have contributed to this right not being fully realized.

Indicator 4: “Date of entry into force and coverage of domestic law on the freedom of individuals and groups to establish and direct educational institutions” (Office of the High Commissioner for Human Rights, 2012)

As mentioned several times previously, approximately 15% of schools in Chad have been established and funded by parents and other community leaders. The community schools that have been established by the government still rely on NGO and community contributions to continue in their operational capacities. The data does not indicate a specific date or law that allows for this; it has simply been taken up by active parents and civil society organizations to compensate for the lack of action on the part of

the government. The government did create the Organization of Non State Actors of Chad “to strengthen relations between the public authorities and local associations” (National Report to UNESCO, 2013). This organization works to involve civil society and community leaders in the reforming and managing of development programs such as education. However, as stated before, the decentralization policy to make decision-making more participatory on the part of the rights-holders, is not well-coordinated and lacks the proper funding and leadership at the community levels (AfDB, OECD, and UNDP, 2014; National Report to UNESCO, 2013; Chad: Poverty Reduction Strategy Paper, 2010). The government did cover the cost of training more than 2,000 teachers a year by providing subsidies to the parent associations responsible for helping to recruit and train the teachers. The government also provided these community organizations with subsidies for school infrastructure. These initiatives began to be managed by the Agency to Support Community Initiatives in Education, which was created in 2003 (Chad: Poverty Reduction Strategy Paper, 2010). This agency is credited with training 4,290 community teachers, and 7,000 communities have received subsidies (2015 National Review of Education for All: Chad, 2014; Implementation Completion and Results Report, 2012). “According to the “Education Sector Diagnosis” conducted in 2012 by the Ministry of Education, about 51 percent of primary schools are managed by communities, especially in rural areas” (UNICEF Annual Report 2013 – Chad, 2013). Due to the limited capacities, or perhaps political will, of the government, the communities seem to play a much larger role in education in Chad than in other countries.

Indicator 10: “Proportion of education institutions with mechanisms (student councils) for students to participate in matters affecting them” (Office of the High Commissioner for Human Rights, 2012)

The only data available regarding mechanisms for student participation is in regard to the youth associations established in schools. These youth organizations are trained to promote human rights and promote nonviolence in schools. The network of Ambassadors of Peace Pupils act as peer mediators who encourage and model dialogue over violence in the promotion of student cooperation and understanding. Their work is supported and funded by the ministries of education, UNESCO, UNICEF, and the diplomatic representatives from France and the United States. Chad has also become part of the UNESCO Associated Schools program and opened its doors to the UNESCO Clubs Federation in schools and neighborhoods. These programs and organization work to promote and encourage human rights and nonviolence. The schools have reported fewer acts of violence, but there has been no formal evaluation of the programs (National Report to UNESCO, 2013).

Process Indicators

Indicator 3: “Transition rate to secondary education by girls” (Office of the High Commissioner for Human Rights, 2012)

In 1990, the first year of available data, the transition rate was 50.31% for girls. By 2000, this number had increased to 69.89%, 62.54% by 2005, and 79.76% by 2011. 2010 showed the highest rate of 87.78%. Unfortunately, the gender parity index decreased a bit from 0.94 in 1990 to 0.87 in 2011, most likely due to the overall increase

in the transition rate for both sexes (UNESCO Institute for Statistics, 2014). This transition rate is not indicative, however, of the number of students who had repeated grades at the primary level nor who actually complete the secondary level of education. It does indicate improvements for Chad, although the numbers of total students who enroll in secondary education is 26% of those of age to do so (Education Policy and Data Center, 2014).

Indicator 7: “Share of annual household expenditure on education per child enrolled in public secondary or higher education” (Office of the High Commissioner for Human Rights, 2012)

According to the UIS database, in 2001, 1.2% of household spending was for education. As a percentage of the GDP, households contributed 2.1% to education. This amount contributed about 34.7% of all spending on education (UNESCO Institute for Statistics, 2014). Statistics provided by UNICEF indicate that the poorest 40% spend 16% of their household income on education while the richest 20% spend 47% of their income (usually due to paying for private tuition) (UNICEF: Chad: Statistics, 2013). Another source indicates that households spent about 38% of their income for primary education in 2010 (Interim Strategy for Education and Literacy 2013-2015, 2012). Another breakdown indicates that the share of spending on education by the poorest is 0.9% and 0.8% for the richest (Chad: Poverty Reduction Strategy Paper, 2010). The numbers appear to be inconclusive, particularly since some of the data comes from household surveys, but since so many parent associations have established and funded schools themselves the true amount may be unknown. There is also the cost of uniforms

and fees not accounted for in these numbers. The National Curriculum Centre did begin in 2005 to cover the cost and increase distribution of more textbooks to ensure students have equal access to them (Chad: Poverty Reduction Strategy Paper, 2010). A UNESCO report on EFA from 2000 estimated that in 1999, parents' associations contributed about \$3.7 million (in today's dollar) for primary education, with a breakdown of an average per pupil contribution of \$3.17 for public schools, \$0.02 for community schools, and \$0.03 for private schools (Dadnadji, 2000). Again, the overall data does not indicate a per pupil amount and is most likely in reference to spending on primary education only. It is evident that the state does not fulfill its financial obligation for the right to education.

Indicator 8: "Proportion of girls receiving public support or grant for secondary education" (Office of the High Commissioner for Human Rights, 2012)

The only information found is regarding NGO and donor support of education. In principle, lower secondary education is free, so grants would primarily need to be given for the upper level. With such a low number of girls attending and progressing to the upper level, the data is also minimal. None of the education plans indicate a fund or scholarship program for girls. It may be concluded that available funds dispersed for this purpose would help increase the accessibility for girls to the upper level of secondary education as the poverty level is so high.

Outcome Indicator

Indicator 2: "Proportion of children completing secondary education" (Office of the High Commissioner for Human Rights, 2012)

As with the other two countries, this data is available only for the lower secondary level. The database had only three data points, 2006, 2010, and 2011. In 2006, this proportion was 12.49%, with a gender parity index of 0.30. In 2011, this number had increased to 15.45%, with a gender parity of 0.42 (UNESCO Institute for Statistics, 2014). In principle, the lower secondary level is subsidized by the state, but as indicated previously the budgetary allocations are insufficient. Parents still often pay fees and teacher salaries, so the number of dropouts increase in the upper secondary level as even the minimal government subsidies are no longer available (Classbase, 2014). There has been very little improvement in the secondary completion rate due to the various factors mentioned previously, including the high primary dropout rate, lack of teachers and schools, and low priority on education in general.

Adaptability

Structural Indicators

Indicator 6: “Time frame and coverage of national policy on education for all...” (Office of the High Commissioner for Human Rights, 2012)

As with most countries, Chad has developed numerous education plans. The most significant was the National Action Plan for Education for All in 2000. This plan created the National Committee on Education for All. This committee was comprised of members of parents’ associations, NGOs and unions. It developed the Education Sector Reform Project to be implemented in two phases with funding from the World Bank and other donors. The first phase was from 2004-10, and the second was from 2010-12. The plan initially had four components critical to improving access to and quality of

education, but this proved to be a bit ambitious. Some achievements from this project included providing subsidies for community teachers, launching a new literacy program (70% of participants were women), increasing the number of female teachers, and training more teachers. The adult literacy program had been outsourced to NGOs, civil society organizations, and UNESCO, so improvements, such as teaching in five languages, were made. Non-formal education programs were initiated. The number of latrines, classrooms, and wells constructed did improve conditions for students and helped attract more girls. A National Curriculum Centre was created, which did develop new primary and secondary curriculum (2015 National Review of Education for All: Chad, 2014; Implementation, Completion and Results Report, 2012).

Even with these achievements, an evaluation of the project led to a restructuring for phase II. This restructuring narrowed the components down to two in order ensure more success. At the time of restructuring, 84% of schools had no female teachers, French was the sole language of instruction, 52% of classrooms were open-air, thatched huts, and some programs such as the vocational and technical training were under the auspices of multiple ministries and were not well-coordinated. Noticeably, there were vast regional disparities in resource allocation, teaching availability, and lack of efficiency and capability for a complete education cycle. Some initiatives from the first phase, such as alternative basic education programs, had never been funded nor implemented, so they were dropped from the second phase. The evaluation by the World Bank in 2012 rated the project as moderately unsatisfactory due to “low internal efficiency” and lack of full implementation. Resource allocations had been mismanaged

and teachers had been arbitrarily assigned (not based on need). The purposes of the decentralization program were never fully funded nor achieved. The ministries in charge of implementation were unstable; in fact, the Minister of Education was incarcerated in 2009 for making up bids in the budget for textbook purchases. Some of these issues were caused by disparities between need and funding. For example, the government did begin to pay the salaries of 14,500 community teachers in 2013, but the number of teachers was also increased (which was very much needed). The government could not sustain this funding (Learning for All Ministerial Meeting, 2013). Another initiative, teacher training, did see more teachers trained at the basic and full certification levels, but this accounted for only about 63% of the total number of teachers. It is also concluded that the government lacks ownership in EFA, thus not feeling obligated to honor its commitments (2015 National Review of Education for All: Chad, 2014; Implementation, Completion and Results Report, 2012).

An Interim Strategy for Education and Literacy was then initiated in 2012 for the years 2013-15 and an Interim Strategy for Technical Education and Professional Training for the years 2014-18 until a post-2015 education strategy plan is adopted. The country also enacted a new Gender Policy in 2011 to combat issues pertaining to women and girls and a Learning for All initiative in 2013 to integrate community schools into the civil service. A new Ten-Year Development Plan is in the process of development for the years 2016-26. In the interim plan for development, the country worked with the UNHCR, WFP, FAO, and UNESCO in establishing school canteens, gardens, and developing national and regional strategic frameworks to strengthen girls' access to

education. These plans aim to increase communication and awareness for girl's education, combat obstacles such as sexual harassment and gender stereotyping, attract more girls to sciences, and has put monitoring mechanisms into place (Interim Strategy for Education and Literacy 2013-2015, 2012; 2015 National Review of Education for All: Chad, 2014; Interim Development Plan Chad 2012-2015, 2012; Gender Policy, 2011; Learning for All Ministerial Meeting, 2013). In 2013, UNICEF helped develop regional education plans that are based on the specific needs of each region; these plans aim to provide information for an effective long-term national strategy. UNICEF is also coordinating the work of local education groups, financial and technical partners, civil society groups, and government representatives on the new post-2015 education plan. The organization also strengthened the capacities of parent associations, construct more classrooms, providing education kits to 10,000 girls, supported school canteens, and helped manage a two-year training program for 503 teachers. UNICEF does conclude that Chad is lacking in political action to fully initiate what needs to be done (UNICEF Annual Report 2013 – Chad, 2013). These strategic plans do indicate adaptability on the part of Chad, particularly in confronting the traditional and religious practices regarding women and girls that have long been affirmed throughout society.

Indicator 8: “Date of entry into force and coverage of regulatory framework including standardized curricula for education at all levels” (Office of the High Commissioner for Human Rights, 2012)

As mentioned in the previous indicator, the National Curriculum Centre was developed to integrate education for “a culture of peace, human rights, democracy,

international understanding and tolerance” (National Report to UNESCO, 2013). Over the years of the education plan, the center did develop a standardized primary and secondary curriculum. However, not every school has the capacity to fulfill the curricular needs, and the center is now tasked with providing instructional resources in languages other than French. The need to address rural disparity is now a priority, so the curriculum for rural schools will meet their needs for enhancing health, nutrition, and hygiene programs, raising awareness of human and girls’ rights, expanding non-formal education programs for dropouts and adults, and tailoring the school year to the communities’ needs (agriculture) (2015 National Review of Education for All: Chad, 2014; Learning for All Ministerial Meeting, 2013). The CapEFA programme by UNESCO planned for Chad was rolled out in November of 2013. The capacity objectives for Chad are focused on improvements in literacy and non-formal education (LNFE), one of the three priority areas of the new education plan. The program has begun work on developing the curriculum for the literacy and non-formal programs in seven different languages and made it consistent with both the needs and interests of the out of school youth and adults for which the programs are intended (UNESCO, 2013). It is unclear about standardized curriculum for higher education programs, but as stated previously, the country is working on improving class offerings to meet the employment demands in the workforce and to improve technical and scientific research.

Process Indicators

Indicator 9: “Proportion of secondary or higher education teachers fully qualified and trained” (Office of the High Commissioner for Human Rights, 2012)

This indicator has been addressed previously in conjunction with other indicators. This is one of the primary concerns organizations and rights-holders have with the fulfillment of the right to education in Chad. Much of the inefficiency in the education system, at all levels, has been determined to be due to the lack of qualified and trained teachers. The percentage of trained teachers at the secondary level in 2012 was estimated at 16.98%. The data does indicate that there are fewer trained teachers at the lower level (4.84) than upper (29.29) (UNESCO Institute for Statistics, 2014). Pertinent to the topic, the data also reveals that in 2012, only 6.4% of the teachers at the secondary level were female (UNESCO Institute for Statistics, 2014). Research has shown lack of female teachers as an impediment to girls' education. There is no specific data for qualifications of higher education teachers, but the data from 2009 shows that only 3.7% of instructors at the tertiary level were female (UNESCO Institute for Statistics, 2014). As has been mentioned, Chad is working in conjunction with other agencies to ensure proper training of teachers, particularly those in community schools. The need is great, as indicated in an article from 2008. The community school teacher who was interviewed had only 10 days of training before being placed in a multigrade school (CHAD: A semblance of education for a displaced child, 2008).

Indicator 10: "Proportion of students enrolled in vocational education programmes at secondary and post-secondary level" (Office of the High Commissioner for Human Rights, 2012)

The research on the TVET programs notes the low enrollment of students in Chad. The years used for comparison are 1998, 2002, 2005, and 2012. This data is for

vocational programs at both the lower and upper secondary levels. The lower level percentages were 0.504, 0.197, 0.281, and 0.266. The upper level percentages were 6.982, 6.573, 4.677, and 4.408. These average at less than 2% in the secondary level (UNESCO Institute for Statistics, 2014). The data does indicate a decline, likely due to the reasons listed previously. The higher numbers at the upper level may be due to distinction of actual vocational programs in Chad as some centers only allow students to enroll after one year of general secondary education first. For the tertiary ISCED 5B programs, the only data available was from 2000. In that year, 7.084% of students were enrolled (UNESCO Institute for Statistics, 2014). These numbers emphasize why TVET is a priority in the new education plans.

Outcome Indicator

Indicator 3: “Number of graduates (first-level university degree) per 1000 population” (Office of the High Commissioner for Human Rights, 2012)

The only data available on the UNESCO Institute for Statistics database was from 2000. The focus for Chad regarding its education has turned to the primary and secondary levels, and the country is still in the process of implementing a database for educational statistics. In 2000, the number of graduates (total) was 715, 511 in ISCED 5A programs. This is a gross graduation ratio for first degrees (ISCED 5A) of 0.36. For females, this number is significantly lower. The graduation ratio is 0.075, which is a total number of 53 females graduating from 5A programs in 2000 (UNESCO Institute for Statistics, 2014). Due to the new action plan for higher education in 2004, it can be hoped that these numbers continue to increase.

Acceptability

Structural Indicators

Indicator 1: “International human rights treaties relevant to the right to education ratified by the State” (Office of the High Commissioner for Human Rights, 2012)

Like the other two countries, Chad has ratified the five primary human rights treaties that monitor the right to education. The country signed these between 1977 and 1995. The country had also signed the African Charter on Human and People’s Rights in 1986 and the African Charter on the Rights and Welfare of the Child in 2000. Chad ratified the ILO conventions on Minimum Age, Worst Forms of Child Labour, and Discrimination in Employment and Occupation between 1966 and 2005. However, for undisclosed reasons Chad has not signed the CMV or CRPD. Nor has it signed the UNESCO Convention against Discrimination in Education or Convention on Technical and Vocational Education. Furthermore, Chad signed but did not ratify the African Union Women’s Protocol, and it noted a general reservation against the Beijing Declaration and Platform for Action (Right to Education Project, 2014; UNESCO, 2014). Since Chad did not sign the UNESCO conventions, it did not submit a report on Discrimination in Education. It did however, submit a report in 2013 to UNESCO concerning education relating to human rights (UNESCO, 2014). This will be analyzed later for purposes of another indicator. Chad is also a member of two central African economic communities and three environmental communities concerned with drought and desertification in the region (AfDB, OECD, & UNDP, 2014).

Indicator 7: “Time frame and coverage of national policy on vocational and technical education” (Office of the High Commissioner for Human Rights, 2012)

The education system of Chad was modeled after the French system. It has always had vocational and technical education (TVET) as part of this system. It has been affirmed by Law no. 16, passed in 2006, that Article 35 of the constitution guarantees this form of education. Law no. 23/PR/2002 established the Agency for the Promotion of Community Education Initiatives, which is in charge of funding both formal and non-formal TVET programs. Decree no. 406 in 2000 outlines how the TVET programs will be organized and implemented. The programs are a focus of the National Plan for Education for All and the Education Sector Reform Project. The TVET program consists of three different institutions. All three require the completion of the primary level first. The centers and colleges are two years programs, and the high schools are three year programs. At the tertiary level, TVET is offered by universities, specialized institutes, or centers. These require a secondary level certification in order to enroll. The formal and non-formal TVET programs are managed and financed through six different ministries with additional aid from NGOs and civil society organizations. They are also administered by the regional delegations. The funding for the programs comes from the ministry budgets, the National Fund for Vocational Training, parents’ associations, and other bodies such as the French Development Agency. The Interim Strategy for Education and Literacy introduced basic non-formal education, which would enable children between the ages of 9 and 14 who drop out to still have access to TVET programs. The Interim Strategy for Technical Education and Vocational Training is

awaiting final approval from the government. The needs addressed by these strategies involve connecting the TVET programs to demands in the labor market, establishing a youth job training program, and improving the current TVET programs. These programs, like other forms of education in Chad, are often underfunded, lack qualified instructors and equipment, lack coordination between the various ministries in charge, and generate a perception of low-status since they are an alternative to the higher-status tertiary institutions (Chad: Poverty Reduction Strategy Paper, 2010; UNESCO-UNEVOC, 2014).

Indicator 9: “Proportion of education institutions at all levels teaching human rights/number of hours in curricula on human rights education” (Office of the High Commissioner for Human Rights, 2012)

There is no data for the number of hours spent in the curriculum for human rights education. However, Chad has made notable progress in this area. Human rights became a part of the primary and secondary curricula through the coordinated work of the Ministry of Human Rights and the three education ministries. Human rights are only taught at the tertiary level in law classes. A national action plan for human rights education had been developed with the aid of UNESCO in 2002 but was never implemented. Again, the National Action Plan on Human Rights developed for the years 2012-15 is also waiting to be implemented. Higher education teachers are trained in human rights, but teachers from other levels in only two regions had been trained as of 2013. The teaching of human rights became a part of the adult literacy programs and is offered through seminars and workshops. The government has parent associations and

the youth associations promoting and raising awareness of human rights. There is no specific budget for this part of the curriculum, and there is no “systematic mechanism for monitoring the implementation of these policies.” The focus areas in 2013 for the human rights curriculum was celebrating diversity, promoting bi- and multilingual education, and gender equality awareness. One of these initiatives was to modify the traditional stereotypes in textbooks to promote women’s rights. The National Curriculum Centre helped to integrate these programs into the curriculum and has initiated civic and moral education programs as well. Like many other initiatives, this one has faced its challenges. Teachers have not been adequately trained, education materials on human rights have not been distributed, the Civic Education Directorate has no capacities with which to work, and the reality on the ground indicates mixed results in changing the behavior of adults and implementation of the programs is not always enforced in schools. There are continued efforts through radio broadcasts and newspaper articles, and surveys have indicated a decrease in negative attitudes toward human rights (National Report to UNESCO, 2013).

Process Indicators

Indicator 1: “Proportion of received complaints on the right to education investigated and adjudicated...and the proportion of these responded to effectively by the Government” (Office of the High Commissioner for Human Rights, 2012)

The data for this indicator is not sufficient. Chad does have a National Human Rights Commission that consists of representatives from different ministries, trade unions, and resource persons with human rights expertise. It was created by law in 1994

in response to the violations under the previous president in order to help develop policy in compliance with human rights principles and advise the government on such matters. In 1996, it was granted authority to receive complaints of human rights violations and investigate them. However, it is not truly operational in this manner since the government reduced its funding in 1997 after it publicly criticized violations of the government. It now mainly serves to promote human rights and was thus accorded a B status rating by the OHCHR because it is not fully in compliance with the Paris Principles. There is general mistrust of the commission by NGOs due to its bowing to the government pressure and overlooking violations. There is currently a new law being drafted to reform the committee so that it is in compliance with the Paris Principles and ICC statutes (Protectors or Pretenders? Government Human Rights Commissions in Africa, 2001; National Report to UNESCO, 2013).

A Ministry of Human Rights and Fundamental Freedoms was created in 2005. A human rights advisor was deployed to Chad in 2011, which prompted the development of a new National Action Plan on Human Rights designed for implementation in 2012-15. The government also created an Interministerial Technical Committee within the Ministry of Human Rights. This committee monitors and implements the national strategies pursuant to international human rights treaties, prepares the national reports to these organizations, and makes recommendations for policies and adjudication (OHCHR in Chad (2010-2011), 2011). As described previously, Chad has been observed in violation of human rights. The new action plan, as of 2013, was still waiting to be implemented. The Ministry of Human Rights did work with the UNDP in preparing an

informational leaflet to promote human rights and disseminating it in Chad and the Central African Republic in 2013 (National Report to UNESCO, 2013). Addressing human rights by the current government continues to be a primary concern for all stakeholders, and hopefully the new plan will soon be implemented to ensure these rights.

Indicator 5: “Dropout rate for secondary education by grade for girls” (Office of the High Commissioner for Human Rights, 2012)

The dropout rate at the primary level is high, and the rate at the secondary level is comparable. The data is only available for the lower secondary level for three grades. The years for comparison are 1990, 1996, 2002, and 2011. In grade 1, the rates were 28.88, 25.89, 15.83, and 20.16%. Grade 2 rates were 19.72, 24.74, 9.51, and 18.43. For grade 3, the rates were 10.22, 7.81, 9.88, and 11.59. The cumulative dropout rates for females to the last grade of lower secondary were 56.55, 56.99, 39.71, and 51.83. There is an evident pattern in the data. The years 1999-2001 saw drastic declines in the dropout rate, and there began a gradual increase again in 2002 (UNESCO Institute for Statistics, 2014). There are quite a few years missing data, so it is hard to determine the causes or correlations based on the education plans and strategies. The increase could be due to the conflicts that filtered over from Darfur and then ensuing rebel attacks, which in turn led to many internally displaced persons and migration within Chad. This rate is a primary focus of the new education plans being implemented, and as mentioned previously recommendations have been made for offering alternative education for dropouts.

Outcome Indicator

Indicator 4: “Youth literacy rate (15-24 years) and Adult literacy rate (15+)”

(Office of the High Commissioner for Human Rights, 2012)

The literacy programs have been a priority for Chad and its donors such as UNESCO and UNICEF. The comparative dates for these rates are 1993, 2000, 2004, 2012, and 2015. The youth literacy rate for these years was 17.35, 37.56, 41.67, 48.92, and 52.75%. The gender parity index for these years was 0.34, 0.42, 0.57, 0.82, and 0.91 (UNESCO Institute for Statistics, 2014). These numbers do indicate immense progress, particularly for literacy among girls. However, almost half of the youth remain illiterate. Research from the IMF shows that the “incidence of poverty declines only nine points between the illiterate and those with primary education.” It also states that almost half of those who complete only primary school become illiterate again within a few years (Chad: Poverty Reduction Strategy Paper, 2010). This is why secondary education and adult literacy programs are so important.

The adult literacy rates for the same years are 10.89, 25.65, 28.38, 37.27, and 40.17%. The gender parity index for these years was 0.25, 0.31, 0.46, 0.59, and 0.66 (UNESCO Institute for Statistics, 2014). Although the increase in literacy among adult females has not increased as much as female youth, there has still been substantial progress. Chad still falls behind its low-income counterparts in literacy among both boys and girls, youth and adults (Education Policy and Data Center, 2014). With such a high illiterate population, and literacy being a key component for development, it is evident

why literacy initiatives are a focused priority for the CapEFA programs, the new national education and development plans, and donor initiatives.

Conclusion of Chad Data

Chad, with its number of conflicts and stream of refugees, has faced obstacles that neither Malawi nor Burundi have. It is still lagging far behind in achieving availability, accessibility, adaptability, and acceptability of the right to education for girls. Like the other two countries, Chad has adopted the right in principle and has initiated it into de jure policy. However, it has continuously failed to follow through in its respect, protection, and fulfillment of the right. Its actions and practices have not been implemented through a human rights-based approach. Girls continue to be denied access to education, schools continue to lack availability in regard to capacity, quality, and gender-friendliness, neither the curriculum nor ratio of female teachers have been adequately adapted to meet the needs of girls' education, and cultural traditions have limited complete acceptability of females being educated. Without proper mechanisms to address the violations of girls' right to education, goals for gender parity will not be realized soon. As stated in the second poverty reduction strategy paper, "Without greater political will, the chances of parity in other levels of the education system, as well as in decision-making bodies and the nonagricultural sector are in jeopardy" (Chad: Poverty Reduction Strategy Paper, 2010). This was true in 2010, and more recent reports from organizations such as UNICEF and recommendations from international bodies have indicated that this issue has yet to be rectified. Cultural attitudes are hard to change, and the behavior must be changed along with them. As indicated by various bodies, Chad

needs to make a stronger commitment to human rights in general and to women's rights in particular.

This is not to say there has not been progress made. The new development and education plans offer hope and promise a brighter future for girls. However, if future performance is best indicated by past behavior, then Chad needs to fully implement and enforce its new initiatives and policies for real change to happen. Chad significantly lacks the governance and capacity-building capabilities of Malawi and the drive to reallocate resources and funds like Burundi. It clearly lacks the commitment to human rights that the other two countries have made. Progress has been achieved through the dedication and hard work of parent associations, community leaders, outside donors, and NGOs. The continued corrupt practices of Chadian government officials and lack of capacities and resources will limit real progress. Plagued by high poverty and illiteracy levels, Chad's path to development is rocky. This path needs to be paved by the developmental contributions of its entire population, not just the men. The recent Gender Policy is a beginning, but as the policy's conclusion says, "The real answer to the gender issue is in each of us. It is against the will of our changing behavior, reverse the negative trends for Sustainable Human Development based on the principles of fairness and respect for the law" (Gender Policy, 2011). Chad needs to develop an effective remedy for its lack of fulfillment to the right of education. This can be done through full implementation of its strategic plans for education and development, thus putting the right into practice, and allocating the appropriate funds to ensure their success and sustainability. Until the discriminatory practices against girls and women are

appropriately addressed and the participation of these individuals in the development and decision-making processes is allowed and encouraged, there will be no significant realization of their right to education.

CHAPTER V

A NEW GOAL FOR EDUCATION

As the timeline for the achievement of the Millennium Development Goals ends this year, the three countries in sub-Saharan Africa, and many more, will have minimal or no success. The goals did provide motivation and were a framework in which to address specific objectives for development. Countries committed to the purpose and outcome of the goals did allocate resources and funding to the goals' achievement. They were the first international coordinated effort to improve the economic and social conditions in which many people in the developing world live.

A lesson learned from the MDGs is that a commitment in itself is not enough. There needs to be an obligation. The MDGs lack a normative, practical, and ethical framework which commits countries to their achievement. That is why the human rights-based approach is so integral to the development process. Development indicators have long been used by the international community, but the need for uniform human right indicators to be drafted and applied is the vital next step. In regard to the difference between the two, the Right to Education Project wrote:

States have shown themselves more willing to contribute to applying such [development] indicators, because they consider that these indicators do not aim to criticize them. In contrast, human rights indicators have as purpose to hold duty-bearers accountable for their human rights

obligations. They do not aim to evaluate whether populations have access to basic needs, but to which extent states respect, protect and fulfil human rights. Furthermore, human rights indicators focus on discrimination, by requiring that the data they use be disaggregated by vulnerable groups. They also evaluate whether states use participatory approaches when implementing human rights. Lastly, human rights indicators examine whether states have established accountability mechanisms to implement human rights (2009).

It is this focus on non-discrimination and the concept of accountability by the duty-bearers that may deter governments from commitment to human rights indicators, but for countries to expend the necessary resources and practice good governance to ensure the developmental goals are met require an obligatory push that is inherent in the human rights indicators. The indicators are also a guideline for the citizens to empower themselves with the knowledge of their rights and to hold their governments accountable. They are clear specifications for what their rights actually are.

The indicators created by the OHCHR as used to analyze the three case study nations do focus on the principles of non-discrimination, equality, participation, and accountability. The case studies indicate that the countries such as Malawi and Burundi which have worked with human rights agencies to focus their initiatives and capacities to ensuring the rights for their citizens have made more progress in achieving the right to education for girls than countries such as Chad which have made minimal efforts at respecting, protecting, and fulfilling its citizens' rights. For these reasons and for full enjoyment of all human rights by all individuals, human rights indicators need to accompany the new proposed goals for development.

The proposed Sustainable Development Goals have attempted to remedy many of the problems seen in the enactment of the MDGs. The three main dimensions of the goals – economic, social, and environmental- reinvigorate a focus on the economic, social, and cultural rights which are a primary focus of most of the international human rights treaties. The intention to make the goals sustainable indicate a commitment to progressive realization, an important component of human rights frameworks. The goals also list as an objective to “include active involvement of all relevant stakeholders, as appropriate, in the process” (United Nations Department of Economic and Social Affairs, 2014). This participation is also a key component of human rights frameworks. The introduction of the new goals proposal also promises to aim for a “world that is just, equitable and inclusive” and to benefit all “without distinction of any kind such as age, sex, disability, culture, race, ethnicity, origin, migratory status, religion, economic or other status” (United Nations Department of Economic and Social Affairs, 2014). With the objectives of non-discrimination and equality, the new goals do solidly frame themselves within a commitment to the principles of human rights.

Unlike the MDGs, the seventeen proposed goals and their targets are more specific in their intention and measurements. For purposes of this thesis, the relevant sustainable development goals for gender equality in the right to education are goals 4 and 5. Goal 4 reads, “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” Goal 5 states, “Achieve gender equality and empower all women and girls.” Goal 4 has ten measurable targets, and goal 5 has nine targets (United Nations Department of Economic and Social Affairs, 2014). The targets

for goal 4 do specifically address the necessity for free secondary education and affordable vocational and tertiary education. It also includes a target for adult literacy for men and women. The targets also include the availability of scholarships for higher education and an increase in the number of qualified teachers. The targets for goal 5 include the elimination of discriminatory practices that have limited girls from enjoying their rights such as education. These include gender-based violence, early marriage, and female genital mutilation (United Nations Department of Economic and Social Affairs, 2014). As indicated in the previous chapter, these targets attempt to address many of the specific barriers that have prohibited girls from having access to the right to secondary education. The targets are very similar (if not the same) to many of the OHCHR indicators rooted in the human rights-based approach. These goals and targets are still in the proposal stage, and many targets do not yet have a specific quantitative number set for indication of achievement nor do they address *every* social, economic, and cultural barrier that has limited this right in the past. However, this is a promising first step in the incorporation of a human rights-based framework that was lacking in the MDGs.

The New Goal

Based upon the research and analysis of achievement of the right to education in three different nations in sub-Saharan Africa, this is the proposal of a new goal framed in the human rights-based approach. Although there are still many concerns with the achievement of universal primary education, many countries have made considerable gains in ensuring that right for all. However, there is still considerable work to be done in regard to the right to secondary education for girls throughout the world, particularly in

the role it plays in empowerment. Although many groups have struggled in the fulfillment of their right to education, this goal will be specific to girls, encompassing many of the other targeted neglected groups. As retweeted by the UN Women's Agency and written by Emma Pierson in an article for *The New York Times*, "when one gender is underrepresented, the views that are heard will not fairly represent the views that are held" (2015). Representing half the population, the rights and active engagement of women are pivotal for any purpose of development. This is why the goal will be specific to gender equality and female empowerment.

The new goal, which should combine goals 4 and 5 in the proposed SDGs, should state, "Guarantee the right to education by ensuring gender equality in the secondary and higher levels of education. This is to be guaranteed through the provision of a quality and gender-friendly education and promotion of empowerment of women and girls in their ability to participate in decision-making and all components of development."

Utilizing the conceptual framework of the 4 As for the indicators by which to measure its achievement, this goal, and all other proposed SDGs, would be grounded in the HRBA.

The indicators listed below utilize the HRBA and draw upon the lessons learned from the countries presented in the case study. The goal addresses the role higher (post-primary) education plays in providing girls with the skills, access, and developmental foundation to become financially independent and secure, knowledgeable contributors to their own economic and social security, and advocates of others and their rights in their community and country. As research indicates, with more completion of higher levels of education, other rights are more fully realized and exercised. Thus, the right to education does not

just benefit the individual being educated but rather empowers them to ensure realization of all rights for themselves and others. As the United Nations Committee on Economic, Social and Cultural Rights states:

As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. 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, and controlling population growth (1999).

The general comment of the committee continues to say that the right to education must contain the features of availability, accessibility, adaptability, and acceptability to ensure it is protected, respected, and fulfilled (United Nations Committee on Economic, Social and Cultural Rights, 1999).

It is important that the indicators and targets used to measure this new goal be specific to the HRBA and demonstrate the concept of progressive realization. Although education is an immediate need in many regions of the developing world, the lessons learned from the case study nations point to the significance in addressing the capacity and governance limitations of many of the countries. For countries which have a very high level of poverty, have faced issues of corruption and/or conflict, and are highly dependent on the shifting variables involved in foreign aid, the timeline for the indicators should be progressive in nature as their capacities improve.

The indicators used as targets will be those developed by the OHCHR. These indicators are both quantitative and qualitative in nature. A more adequate and efficient data system will be critical for operationalization of these indicators. The UNESCO

Institute of Statistics has done an adequate job at tracking much of the necessary data. However, it is still dependent on the individual countries. Therefore, the countries themselves will be obligated to develop a consistent and efficient data-tracking system for purposes of measuring the new goal. Multilateral funding and guidance can help in this data development.

The indicators will be formatted according to which feature of the 4 A framework is being fulfilled. They will be constructed, in nature, as structural, process, and outcome indicators. Again, the structural indicators measure the institutional framework (constitutions, domestic laws, public policies) in which the obligation to the right to education is implemented. These indicators will help reveal the gaps and cultural, economic, or social barriers not adequately addressed by the policies. The process indicators “link institutional mandates to results/outcomes” by identifying the duty-bearers, required institutional roles and activities, and best practices in the implementation of the right. These indicators should be relevant to the context of each country and driven by the local communities (Office of the High Commissioner for Human Rights, 2012). The outcome indicators measure the impact of the processes on the enjoyment of the right to education. These indicators can be targeted to specific groups such as girls, the disabled, or indigenous peoples. The structural indicators form the basis of the targets. The process and outcome indicators can be combined to act as measurements and recommendations. Reviewing the information provided and measured by the indicators then aids in recommendations for realization that are human right- and country-specific (Office of the High Commissioner for Human Rights, 2012).

Targets and Indicators

Availability Targets

Target 1: Ensure that the state constitution or domestic laws expressly guarantee the right to free and compulsory secondary education for girls. This also includes availability of affordable higher institutions.

Process and Outcome indicators: Constitutional policy, budget expenditure reviews, number of complaints adjudicated by the appropriate government institutions, enrollment ratios, number of free public institutions.

Target 2: Achieve gender parity at the secondary and higher levels of education.

Process and Outcome indicators: Enrollment ratios, awareness campaigns and initiatives promoting and protecting girls' education.

Target 3: Utilize appropriate non-governmental and civil society organizations to promote and protect the right to secondary education for girls.

Process and Outcome indicators: An efficient registration and monitoring mechanism for NGOs and civil society organizations, coordinated policies and initiatives between these groups and governmental agencies.

Accessibility Targets

Target 1: Draft and implement national policies for protection of girls and women, including policies specifically addressing traditional obstructive practices such as forced and early marriage, prohibition of land ownership, and female genital mutilation.

Process and Outcome indicators: Ratification of appropriate international treaties specific to these issues, policies and adjudication mechanisms against gender-based

violence and gender discrimination in the education system, policies allowing for pregnant and/or married girls into schools, constitutional or legal provisions for inheritance and land ownership rights, policies addressing child employment and domestic servitude, policies addressing cultural practices such as female genital mutilation and sex initiations.

Target 2: Draft and implement a national education plan that ensures access to secondary and higher education for girls, including policies of non-discrimination which address traditional barriers such as early marriage and pregnancy, distance to schools, separate sanitation facilities, and education expenses.

Process and Outcome indicators: Regular reviews of national education plans/strategies, review of budget expenditure reports, data on annual household expenditures on education, policies allowing for pregnant and/or married girls into schools, creation of non-formal education programs to provide education for pregnant and/or married girls, policies on sexual harassment and discrimination, infrastructure improvements including more schools for easier access and separate sanitation facilities for both sexes, data on graduation and completion rates of girls, number of scholarships and grants made available and accessible to girls, transition rates by girls to secondary and higher levels of education.

Target 3: Draft and implement policies and initiatives that allow for the full and equal participation of individuals, including students, in the decision-making and management of the educational institutions.

Process and Outcome indicators: Creation of student councils or student government associations in secondary and higher education institutions, creation and support (financial and administrative) of parent associations in secondary institutions, devolution of administrative tasks to local/community school boards or civil society organizations, maintain low teacher/student ratios.

Adaptability Targets

Target 1: Draft and implement a national education strategy to promote girls into all sectors of secondary and higher education, including vocational and technical training programs.

Process and Outcome indicators: Awareness campaigns to promote and encourage enrollment of girls into technical, vocational, and specific higher education programs, budget expenditure reviews on vocational/technical training programs and teaching salaries, development and monitoring of teacher training and qualification requirements, promotion and rewarding of education as a viable career option, data on university and technical/vocational graduation rates.

Target 2: Create national and regional curriculum centers to ensure a standardized curriculum rooted in gender sensitivity and changing social and economic needs.

Process and Outcome indicators: Regular review and updating of curriculum to align with regional and global best practices, promotion and training of more female teachers at the secondary and higher education levels, review and update of textbooks appropriate to a gender-friendly curriculum, incorporation and use of student groups, parent associations, and teachers in the promotion of gender sensitivity and changing job market

needs, development of vocational and training programs specific to the needs of the country in meeting regional and global job market demands, maintain low teacher/student ratios.

Acceptability Targets

Target 1: Draft and implement national education strategies that incorporate human rights education and align with human rights treaties relevant to the right to education.

Process and Outcome indicators: Classes or units implemented in the curriculum on human rights education, ratification status by the State of the relevant human rights treaties, creation and use of student associations to promote and raise awareness of human rights, utilization of NGOs and civil society organizations in promotion and awareness of human rights (specifically the right to education), number of human rights complaints adjudicated by the governmental institutions, develop teacher professional development programs on human rights education.

Target 2: Draft and implement strategies that encourage and ensure the completion of secondary and higher education for females, including removal of barriers that encourage dropout and low prioritization of girls' education and increasing literacy initiatives for youth and adults.

Process and Outcome indicators: Creation and implementation of literacy initiatives targeting women and girls, review of budget expenditures on literacy initiatives, awareness campaigns encouraging girls to stay in school, creation of non-formal or counseling programs that help encourage completion of the secondary level irrelevant of age, legal policies prohibiting early or forced marriage, legal policies raising the

minimum age for full-time employment, tracking data on improvements in literacy rates, increasing number of female teachers and ensuring gender-friendly curriculum at these levels, ensuring free secondary education and improving access to scholarships or grants for higher education levels, maintain low teacher/student ratios, transition rates of girls to secondary and higher levels of education.

Analysis of New Goal and Targets

The new proposed goal is vastly different than the original MDG regarding girls' right to education and their empowerment. The only indicators regarding this right in MDG 3 is measuring the ratio of girls to boys at every level of education and literacy rates for 15-24 year olds. As indicated earlier, many countries are far from reaching this target at the secondary and tertiary levels. The right to education cannot just be measured by the number of students sitting in a classroom, and as mentioned in the previous chapter, literacy skills diminish if not continually applied and strengthened through higher levels of education. These indicators must also involve ensuring a quality education. Many of the proposed indicators for the new goal, including the number of trained teachers, a focus on vocational and technical education, a standardized and gender-friendly curriculum, and monitoring of completion rates to ensure full certification and requirements met according to regional and global best practices and the demands of the job market, address the issue of a quality education for both genders. Without a commitment on the part of the States to eliminate the barriers that have prevented girls from full enjoyment of this right, the ratio target is meaningless as the ratio can never be equal at all levels until the barriers are eliminated. A commitment to

practices of non-discrimination, equality, and participation of all individuals helps eliminate these barriers and grounds this goal in the HRBA.

The new goal also differs from the proposed SDGs, although they do share some similarities. The increase from a few targets to several targets in the proposed SDGs indicates progress from the development perspective toward a more full enjoyment of the rights inherent in an HRBA to the development goals. They also provide a stronger mechanism for measurement and compliance. Many of these targets are similar to those proposed by the OHCHR and utilized in the new goal, including a focus on quality education and full gender equality.

There are notable differences, however. There are still far more indicators that could be utilized to ensure full enjoyment of inalienable rights. As learned from the case study nations in Africa, countries like Malawi that have shown marked progress in striving to achieve gender equality in education and female empowerment have incorporated the recommendations from the international human rights agencies and allocated more resources and funding to the policy initiatives and capacity building centered on the fulfillment of human rights. These countries have strived to educate their citizens as rights-holders about the rights guaranteed to them, provided them with accountability mechanisms through which rights violations can be adjudicated, and prioritized their budgets, poverty reduction strategies, and national education plans to effectively remedy the lack of rights' fulfillment in the past and strive for immediate and progressive realization of these rights in the present and future. The indicators in the proposed SDGs still utilize vague language and general measurements for the goals, such

as “relevant and effective learning outcomes” and “by 2030, increase by x% the number...” (United Nations Department of Economic and Social Affairs, 2014). The proposed indicators for the new goal are far more precise in their measurements and provide countries a clear strategy for implementation of the HRBA to their development agenda. Yet, these indicators are general enough to still allow countries to individually assess their capacities and contextualize the appropriate strategies to their specific experiences, resources, and political, economic, and social situations.

A new goal and indicators rooted in the HRBA and monitored by international human rights agencies also provides an institutional framework for countries to be able to share, compare, and borrow ideas and strategies from one another that have proven effective and are endorsed by the international human rights and development community. The accountability vital to the HRBA also provides transparency for not just the State duty-bearers and rights-holders but also non-State actors integral in development assistance. It adds a moral and ethical dimension to development assistance and initiatives and requires good governance practices that allow for reflection on the power dynamics and corruption that have hindered development in some countries. These components can only enhance any proposed development goals by adding more value and dimension to what has already proven to be a worthy ambition. It pressures countries to not just commit to development in policy and principle but also in practice. It also truly achieves one over-arching objective of all the development goals, old and newly proposed-that of empowerment because to provide citizens with the institutional

structures to learn about and stake claim to their rights empowers them beyond that which a goal without the HRBA has provided thus far.

The new goal proposed in this thesis attempts to protect and fulfill the right to secondary education for girls and promote their right to higher levels of education. It does this within the human rights conceptual framework of the 4 As and operationalizes the human rights indicators proposed by the OHCHR. To be sure, it is a lofty and ambitious goal. However, it does ensure the fundamental principles of human rights – non-discrimination, participation, progressive realization, and effective remedy. There is no specific time set for this goal or its targets in order to give developing countries time to build the capacities and governance necessary in which to achieve it. It would be recommended that every five years (much as was done with the MDGs), countries would be obligated to complete reports that included their data and copies of all appropriate policies and initiatives. As per traditional practice, the countries would also be reviewed by the human rights monitoring agencies and provided with regular recommendations. This goal is not just a commitment; it is an obligation of the States to protect and fulfill this right in order to ensure their own developmental progress. It is the investment that keeps on giving.

As evidenced by the utilization of the right to education indicators with the case study nations, the ten targets maintain the integrity of these OHCHR indicators within an HRBA. The data tracking system would have to be fully implemented and maintained to ensure compliance. The appropriate allocation of public expenditure on the part of the States and foreign and other developmental aid (e.g. World Bank, IMF, UNESCO, etc.)

would have to be carefully monitored and sustainable for full realization of this goal. Some indicators measure and evaluate the outcomes of several targets simultaneously. This is intentional as previous economic, social, and cultural barriers to this right for girls are multi-functional in their obstructive propensities. For example, the lack of female teachers at the secondary level has discouraged the transition of girls to the secondary and higher levels and has also contributed to the high dropout rate for girls once enrolled at those levels. Without the guidance and contribution of female teachers, gender-friendly curriculum may also be inhibited from development and implementation. The low number also offers few models for girls and may be indicative of the low value or prioritization of girls to achieve higher level training and qualification.

The proposed SDGs take steps to ensure more achievement of development goals. These steps, however, can be taken even further through incorporation of the HRBA. It is a different tool to be used as an instrument for achieving the new goals. Obligating states to ensure protection of all human rights provides them the guidance and monitoring mechanisms to fully realize their development goals and offers a different model for development post-2015. As research has indicated, the right to education is a vital component of development. Without its protection and fulfillment, no development goals can be truly achieved with any hope of sustainability. Sustainability is also aided by empowering the half of the population whose voices have been silenced for too long. Development (or lack thereof) affects entire populations; to omit one half from any decision-making and active role in improving their own developmental prospects is antithetical to its purpose. This new goal and its targets hope to empower this half of the

population and ensure their enjoyment of the right to secondary education which will help them achieve all their development goals.

CHAPTER VI

CONCLUSION

Starting with the Millennium Development Goals adopted in 2000, this thesis had set out to assess the particular goal for girls' right to education and create a new one to remedy any flaws or shortcomings. The MDGs were an ambitious and notable objective to alleviate poverty in developing regions around the world. Their intention to provide goals reached through consensus and propose targets to be met according to a specific timetable was fulfilled. However, most of the goals themselves and their respective targets are far from being achieved in many parts of the developing world.

To review, the Millennium Development Goals have garnered worldwide support and drawn attention to the plight of the world's poorest residents. This attention was followed by renewed budgetary allocations for poverty alleviation and an interest in development initiatives. The goals helped raise awareness of the economic, cultural, political, and social conditions that have limited so many individuals from realizing their full potential and developmental security. However, the goals have received various streams of criticism which range from timing and resource prioritization to their lack of focus on sustainability to inefficient data tracking. Most notably for purposes of this thesis, the goals faced harsh criticism on their lack of incorporation of human rights and

the appropriate accountability mechanisms that would need to be put in place for full realization. The timeline for achievement of the MDGs has come to an end, and the international community has once again worked hard to propose a new set of development goals to succeed them. These new goals, the Sustainable Development Goals, are set to be decided upon at an international summit this September. The Open Working Group comprised of several United Nations member states is proposing seventeen new goals to replace the previous eight. The group has also attempted, through the addition of more goals and more specific language, to remedy many of the flaws and weaknesses of the MDGs. As evident by their very name, these goals do aim to promote sustainability and measure progressive growth. There are more targets, with more clear intentions, for these new goals, but the timeline of 15 years stays the same. 2030 will now be the new 2015, the benchmark by which poverty will be alleviated or at least dramatically reduced.

As discussed in this thesis, the new SDGs still lack a focus on human rights. The inalienable rights of all human beings were established in the late 1940s in the Universal Declaration of Human Rights, which has been a foundational framework for all the work of the United Nations. Yet, in 2015, many of these rights have been continually not respected, protected, nor fulfilled by the very states which have agreed to do so. The new SDGs still do not promise individuals nor obligate states to ensure these very rights which research and experience have shown to be so pivotal to development.

This thesis argued that the human rights-based approach offers the most effective framework through which the new development goals should be constructed. This

approach, according to a document of common understanding among development agencies, has been applied to the training, work, and country-specific programs of the UN agencies which coordinate and monitor development programs. This approach has led to better coordination among these agencies and has provided guiding principles for every aspect of these programs. As addressed previously, this approach has its limitations but still has so much more to offer for achievement of development goals than other approaches. With its focus on the structural causes of poverty and other development barriers, the HRBA obligates states to adopt and implement policies aimed at addressing and fixing these problems. This obligation would be measured, partially, through mechanisms of accountability and good governance. Addressing the structural causes of poverty will help produce more sustainable success and progress.

The MDGs had encouraged cooperation among every stakeholder in poverty reduction and global progress. The HRBA, by its focus on the relationship between duty-bearers and rights-holders, ensures this continued cooperation. By its very intention to respect, protect, and fulfill the rights of all individuals, the HRBA holds states accountable as the primary protectors and granters of these rights. It also increases empowerment through its promotion of the active participation of rights-holders to pursue and secure their own development progress. The approach encourages individuals to become their own agents by helping to identify development problems and propose solutions. It gives a voice to those who for so long have had none. It criticizes lack of accountability, poor governance, and top-down management that is far removed from the plight of the neediest individuals. It is founded in principles of equality and non-

discrimination and strives to remedy the conditions in which these are not applied nor enforced. It is these advantages that the HRBA would offer to the new SDGs and the developing world.

The right to education, an instrumental principle of many international human rights treaties, has not been secured for many in the developing regions. Education is one of the primary priorities of both the MDGs and the SDGs, and there is evidence that substantial progress has been made in this sector of society. But, the progress, as measured by MDG indicators, counts the number of students sitting in a “classroom.” This room may be a temporary structure with no desks, no electricity, and little protection from the elements of the weather, and the teacher may be one individual with only a first grade education that is charged with the task of providing a globally competitive and adequate education for a class of 70-90 multi-grade students. There is no measurement of quality, nor are there mechanisms in place to prevent the high number of dropouts and grade repetitions. The focus of the MDGs has primarily been on the primary level of education. However, research indicates that six years of education is not sufficient to pull people out of poverty and provide them with the training, literacy skills, and numeracy skills to allow them to compete in the labor market and achieve a sustainable and adequate standard of living. The new goals offer a chance to remedy this, but without a focus grounded in the HRBA, they lack the proper principles and development tools necessary to do this.

Girls, in particular, face additional obstacles that have prevented them from securing their right to an education. These have included early or forced marriage,

customs such as female genital mutilation, teen pregnancy, son preference, gender-based violence, harassment and bullying, and lack of separate sanitation facilities and female teachers. There are many lessons to be learned from the three countries in sub-Saharan Africa that have shown varying levels of progress in regard to this right. All three countries are faced with dire economic and social conditions which has limited their developmental progress. Although the countries have had to tackle different obstacles (e.g. war, genocide, drought) to achieve growth, they have had similar background experience from which to learn how to properly do this. All three nations have a diverse ethnic and cultural population faced with assimilating their customary traditions with modern laws and practices endorsed by the global community. As former colonies of European powers, the countries have only recently become independent and democratic nations. Faced with the normal challenges of young nations, these states started their sovereign status already behind many other parts of the world in their development initiatives and progress. It is these states that the MDGs were most supposed to help.

When analyzed through an HRBA lens, these countries show great disparity in how they shaped, implemented, and adapted their development initiatives. With a focus on providing girls with the right to secondary education, the case study analysis utilized human rights indicators to measure the progress and success of these countries in achieving the target of MDG 3, hopefully resulting in more education and empowerment for girls. The case studies indicate that all three of these countries still have considerable progress to make in full gender equality at the secondary and higher levels of education. The case studies also show, though, that these countries have room for improvement in

securing this right even for boys. The right to education encourages adoption of a policy of compulsory education at both the primary and secondary levels. For low-income countries (and all others) to make education compulsory, they have to make it free. All three of these countries lack the financial resources to make this happen. All three have, at least in principle, legislated that primary education is free and compulsory. However, this obligation for provision of this right on the part of the state stops with the sixth grade.

Using the human rights indicators to measure the accessibility for girls to secondary and higher levels of education, the case studies do indicate what has worked in making progress toward this goal. The people and government of Malawi have committed themselves to reframing and renewing their focus on education for girls through the adoption and implementation of human rights initiatives. They have increased their budget expenditure for education and allocated their funds to improve the quality and accessibility of secondary education. They have used financial resources to procure access to secondary education for many girls, although they have not yet made it free. They have put into place appropriate mechanisms for human rights adjudication and have appealed for more support from the international and regional community to aid them in this venture. They have complied with many of the recommendations made by international human rights monitoring agencies and have implemented and enforced policies that have helped eliminate the previous barriers to education for girls.

The country of Burundi has also made considerable strides in adopting new educational strategies that aim to eliminate barriers for girls to their right to education. As indicated by the case study, they still lag behind Malawi in many improvements of the

human rights indicators. The girls of Burundi have faced additional ethnic and customary challenges with which Malawi appeared not to struggle. As a smaller country which faced exclusion from regional and international aid due to its recent history of genocide, Burundi is slowly bringing itself out of the shadow of that time in its history with a renewed effort in guaranteeing human rights for its citizens, particularly the most marginalized.

The country of Chad has unfortunately demonstrated how a lack of commitment to human rights stagnates any real developmental growth. It has not budgeted more money for important social programs such as education. It has faced corruption in its government and has not been inclined to adjudicate any human rights violations which challenge the authority of the governmental structure put in place. The country has adopted all the appropriate human rights legislative frameworks but has not actively enforced any of them. This has resulted in many of the girls in Chad undergoing the traditional practice of female genital mutilation and being faced with continued gender-based violence and discrimination. Chad, already economically strapped, has also been challenged to fulfill human rights obligations not just for its own citizens but also for the hundreds of thousands of refugees that still continue to cross over its borders. The country's citizens have learned to provide for themselves since the government lacks the capacity and very likely the initiative to help them secure developmental growth. However, as Malawi and Burundi can teach Chad, with proper capacity-building founded in a focus on human rights, the country can show more improvement. There is hope that it may still do so. The citizens have already been active participants in their own

development; with a proper foundation and commitment to implement the principles of the HRBA to development initiatives, the country and citizens show immense potential in working together to achieve many of the goals in the future.

This human rights-based approach is the next step for the proposed development goals. The new proposed goal in this thesis grounds the education and empowerment of girls within the HRBA. This is how all the new goals should be framed and measured if they want to be truly successful. It will add moral value and provide a normative framework that will guide countries in adopting strategies and initiatives that guarantee the human rights integral to adequate developmental growth. It also gives the UN more validity in its purpose and work by grounding its proposed goals in the very principles upon which it was founded. The case studies demonstrate that it is possible to measure the rights that are so important for development, such as education. And, these indicators provide a universal measurement that can still be country and context-specific in order to guide states in their own development and growth as they aim to address the causes of development limitation and stagnation. They also hold countries accountable for fulfillment of these rights in order to achieve developmental progress *and* empower the rights-holders. Through empowerment of the most marginalized groups in the developing world, real growth, both economically and ethically, will be achieved.

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