

The missing link: using the dynamics of human rights advocacy to enhance gender equality in education for girls and women in situations of extreme poverty

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Introduction

The right to education is a highly powerful concept: where it is effectively guaranteed and implemented, the enjoyment of all human rights and freedoms is enhanced; where it is denied or violated, the enjoyment of other rights and freedoms is curtailed. This is why safeguards are necessary to prevent its abuses and guidance is needed to fulfil its scope. International human rights law provides both those safeguards and that guidance: education must be available, accessible, acceptable and adaptable for all.

Moreover, and quite differently from the political commitments put forward in the Education For All and in the Millennium Development Goals, human rights provide a legal framework within which it is possible to identify obligations, duty-bearers and rights-holders; recognise obstacles, denials and violations; articulate strategies that respond to universal obligations while providing for specialist interventions where the right to education is most at risk.

One such situation of risk is that of girls and women living in extreme poverty. According to recent estimates, around the world today, “some 72 million children, 57 per cent of whom are girls...are out of school” and “774 million adults, 64 per cent of whom are women, still lack basic literacy skills” (UN Human Rights Council, 2008, PP 5). The majority of these girls and women belong to the most deprived and marginalized groups, often trapped in the spiral of extreme poverty. For them education is neither available nor accessible, let alone acceptable or adaptable. Denied the right to education because of their sex and economic and social status or because of the persistence of patriarchal systems or – even more dramatically – because of the intersection of all these reasons, they are led into domestic work, child marriage and child bearing, which in turn result in increased impoverishment.

This gendered impact of extreme poverty on girls and women’s education demands strategies that address gender, poverty and education issues in a holistic, coherent and effective way. Poverty is often cited as a key obstacle to the enjoyment of all human rights and a major challenge to equality, given its visible gender dimension. However, in challenges lie opportunities. Precisely because of its multi-layered impact and its multi-dimensional nature, poverty offers a number of analytical areas and entry points that can be explored further in order to bring about change and foster equality. Even more so if this exploration is framed within a broad human rights perspective that combines education and equality in a multi-faceted approach “whereby girls should have an equal right to education and equal rights *in*

Rights-based education necessitates adjustment of the purpose and content of education to the equal rights of girls and women, no less than translating human rights into educational strategy and practice, and moving beyond equal access to education and equality in education, to education for equality.

(Tomaševski, 2005, p. 19)

education, and their equal rights should be promoted *through* education” (Tomaševski, 2005, p. 16).

Much of the work done so far on the links between gender equality, poverty and education has focused on two aspects. On the one hand, girls’ and women’s education (or the lack thereof) is seen as a *constitutive* aspect of poverty, as illiteracy, low enrolment and drop outs reinforce the vicious cycle of exclusion, marginalisation and disempowerment typical of poverty and push it to the extremes. On the other hand, education is conceived as *instrumental* to poverty (or the elimination thereof) as the enhancement of educational and vocational opportunities facilitates the personal and economic development of girls and women and consequently of the whole society as well.

A third approach recognises the need for a human rights perspective, especially in terms of making connections between the education sector and women’s rights and/or children’s rights movements. This approach, however, still lacks crucial attention to the fuller powerful and empowering openings that human rights in a broader sense can offer. Confining girls’ right to education to women’s and/or children’s rights, for instance, risks fragmenting identities and overlooking the multiple levels and forms of exclusion or discrimination. It also risks missing the opportunity to use in a more holistic way other general human rights principles (such as participation, accountability, legality, etc.) that could be equally important and sometimes even more effective in overcoming resistance, especially in those societies where women’s and children’s rights are least respected.

All the approaches mentioned above are relevant and true. However, education is not only a means out of poverty or an instrumental tool for economic growth; nor is it only a convenient link between constituencies with similar interests. It is all that, but it is first and foremost a fundamental human right and therefore a legal entitlement with corresponding obligations for duty-bearers. This implies that strategies for action and change can be expanded to a wider set of tools and targets, starting from the substance of the right, passing through the use of the right within the structures of society, and moving into the impact of the right on societal and cultural values. Adding a fourth way, the broader human rights way, and adopting/adapting the dynamics of human rights advocacy would complement efforts in the other directions and offer added value by opening up alternatives and increasing the potential for change.

This paper, therefore, identifies the dynamics of human rights advocacy as the missing link in discourses about gender equality and empowerment in education and suggests ways of using them to enhance other strategies. Drawing on international human rights provisions, as well as the analytical frameworks developed by Tomaševski and Unterhalter, it first looks at the application of the 4A scheme (Availability, Accessibility, Acceptability and Adaptability) to the right to education of girls and women in extreme poverty, highlighting obstacles and denials or violations of such a right. This analysis is included within the traditional conceptual framework of human rights obligations (respect, protect and fulfil) and the PANEL model of a rights-based approach (Participation, Accountability, Non-discrimination, Empowerment, Legality). The aim here is to offer insights into alternative/additional uses of international human rights law to support advocacy and policy strategies for the advancement of gender equality in education. In this sense, the paper presents a replicable model of application that is flexible enough to adapt to different contexts but strongly embedded in universal human rights norms and principles.

In the second part, the paper presents illustrations of the dynamics of human rights advocacy through relevant cases from Africa, Asia and Europe gathered by the Right to Education Project, a partnership between ActionAid International (AAI), the Global Campaign for Education (GCE) and Amnesty International (AI). Building on the work and expertise of each partner both in terms of substance (education and gender for AA and GCE; poverty and dignity for AI; rights-based approaches for AA and AI) and in terms of strategies (campaigning work for GCE; capacity-building for AA; legal international lobbying and campaigning for AI),

the paper shows the array and variety of opportunities that a broad rights-based approach can offer to those activists, policy-makers and educationalists who are looking for more effective means of influence to affect change.

Education as a human right

All the main international human rights treaties¹ contain provisions on the right to education that are very precise in terms of aims and content and include both freedoms and entitlements. The former range from freedom of choice to academic freedom of teachers and students; the latter encompass, among other aspects, universal access to free and compulsory primary education, availability and accessibility of secondary (including technical and vocational training) and higher education, improved material conditions of teachers, and good quality education.

Core content

Among the above-mentioned freedoms and entitlements, some are defined as *core elements*, i.e. embodying the intrinsic value of the right to education without which the right would lose its meaning:

- access to education on a non-discriminatory basis;
- free and compulsory primary education for all;
- strategies which include provisions for secondary, higher and fundamental education;
- quality education at all levels;
- free choice of education.

This core content is universal in nature and can be operationalised in different ways at the local, national or regional level. However, complying with a core obligation should not depend on the availability of resources, the needs of people or the local context. Core obligations are non-derogable, as indicated by the Committee on Economic, Social and Cultural Rights (CESCR).²

Drawing on international human rights provisions, four elements have thus been identified as key features of the right to education: Availability, Accessibility, Acceptability, Adaptability.³ This 4A scheme clarifies the

The 4A scheme

Availability - functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State Party [...]

Accessibility - educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State Party. Accessibility has three overlapping dimensions:

Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds [...]

Physical accessibility - education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location ... or via modern technology [...]

Economic accessibility - education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education [...]

Acceptability - the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate case, parents [...]

Adaptability - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings [...]

¹ See Universal Declaration of Human Rights (UDHR), artt. 2, 26; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), art.5; International Covenant on Economic, Social and Cultural Rights (ICESCR), artt. 2, 4, 7, 8, 13, 14, 23; International Covenant on Civil and Political Rights (ICCPR), artt. 2, 18, 26; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), art. 10; Convention on the Rights of the Child (CRC), art. 2, 4, 28, 29, 30; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), art. 30; Convention on the Rights of Persons with Disabilities (CPRD), art. 24.

² "In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations" (CESCR, 1990, para 10).

³ The concept of these 4As was first proposed by the former UN Special Rapporteur on the Right to Education, the late Katarina Tomaševski (Tomaševski, 1999; Tomaševski 2001b), and adopted by CESCR in its General Comment No. 13, paragraph 6 (CESCR, 1999).



meaning of education as a human right and provides a clear indication of the entitlements of the rights-holders and the related legal obligations incumbent on the duty-bearers (see Table 1 developed by the author).

Obligations related to the right to education

In accordance with the generally recognized typology of obligations for all human rights, the state has the prime duty to respect, protect and fulfil (i.e. facilitate and provide) the right to education (CESCR, 1999, para 46). When read together with the 4A scheme, this results in a powerful framework of application.

In terms of availability, for instance, making sure that a sufficient number of schools is available is not enough. To fulfil the right, states have the obligation to ensure that free and compulsory education is available for all children within an age range and up to the minimum age for employment. In addition, they have to make sure that schools have appropriate infrastructures and facilities and teachers are adequately trained and paid.

When it comes to accessibility, measures should include the elimination of school fees and indirect costs, such as textbooks and uniforms, but also affirmative action to protect and provide for the most marginalised.

Under acceptability, states must ensure that education is acceptable to children, parents and teachers. This means that the contents and methods of education must be of relevance and good quality and that the human rights of all those involved must be respected and upheld in education.

In terms of adaptability, states have the obligation to respect and protect diverse abilities and situations and ensure that they are taken into account. It is not the child who should adapt to any type of education that is available, but education that should adapt to the child. This also means that education should contribute to challenge inequalities or abuses.

Table 1. State obligations according to the 4A scheme

	Availability	Accessibility	Acceptability	Adaptability
Respect	Respect the freedom to establish and direct educational institutions in accordance with minimum standards	Respect the right of all individuals not to be discriminated against in accessing education	Respect the freedom of parents to ensure education in conformity with their moral and religious convictions	Respect the establishment of formal and informal initiatives that promote adult education
Protect	Ensure that the educational freedoms do not lead to extreme disparities of educational opportunities	Ensure that nobody, including parents, can stop a child from attending primary education	Ensure that curricula, textbooks and teaching methods do not perpetuate or encourage discrimination	Ensure that diverse abilities and situations are taken into account in policies and planning
Fulfil	Provide a sufficient number of public schools offering free and compulsory education for all children	Provide compulsory education without discrimination, within safe reach and free from direct or indirect costs (for children and parents)	Provide education of good quality that is child-centred, child-friendly and empowering	Adapt education to the best interests of the child Design and implement education for children precluded from formal schooling



As we shall see later, thinking along these lines offers opportunities for targeted strategies for advocacy and action. However, it is worth underlining here that entitlements and obligations for the right to education are not limited to the state. Given the emphasis on educational freedoms, additional actors play an important role in the full realization of the right to education. These include, for instance, private individuals or businesses, legal entities or bodies, communities and faith-based organisations. All of them are entitled to establish and direct educational institutions at all levels and bound by the obligation to ensure conformity to minimum standards and respect for the principles of non-discrimination, equal opportunity and effective participation for all. Additional non-state actors with obligations on the right to education include the child’s parents as the bearers of the duty to comply with compulsory-education requirements and the ‘first educators’ with the obligation under the CRC to provide guidance in the exercise of rights in accordance with the child’s best interests and evolving capacities. Teachers, too, are bound to some obligations as educators with the duty to respect the dignity and human rights of students as well as the academic freedom of others.

More in general, the international community (including multilateral intergovernmental agencies, financial institutions, investors, and donors) has also been recognised as being duty-bound to at least respect human rights, including the right to education. In some cases, and depending on their role and activities, these actors are also required to protect and fulfil them.⁴ Last, but not least, civil society has some core obligations, too. The obligation to respect human rights, for instance, can be derived from the UDHR preamble where “every individual and every organ of society... shall strive... to promote respect for these rights and... to secure their universal and effective recognition and observance”.

Legal obligations v. political commitments

The legal human rights framework is very detailed and demanding. It is not surprising, therefore, that states found it easier to shift attention to less constraining approaches such as those embodied in international development and educational strategies. In this sense, the commitment of governments at the international level has been supportive of education. However, it has been less supportive of the *right* to education. The difference between the two approaches is exemplified in the table below where it is evident that the status of education in global education and development strategies has been moved from governmental obligation to social and political responsibility.

Table 2. Human Rights v. Political Commitments ⁵		
	Human Rights	EFA & MDGs
Who?	Obligation of the State	Political commitment of a Government
What?	Rule of Law	No remedy for lack of performance
When?	Obligations are immediate	Long-term goals
How?	Legal obligations	Monitoring
How much?	All human rights for all	Specific quantitative targets

⁴ The CESCR, for instance, has provided several concluding observations to state parties that are also members of the World Bank, the IMF or WTO, to “ensure that the policies and decisions of those organisations are in conformity with the obligations of state parties under the Covenant”. See, for example, CESCR Concluding Observations to UK (UN Doc. E/C.12/1/Add.79, paragraph 26); Italy (UN Doc. E/C.12/1/Add.43, paragraph 20) and Japan (UN Doc. E/C.12/1/Add.67, paragraph 37).

⁵ Adapted from Tomaševski, 2005, p.15.

The fact that there are differences, however, does not necessarily mean that the two approaches are in opposition. Rather, they complement each other: global strategies set (mainly quantitative) priorities and goals; human rights reinforce them with (more qualitative) minimum standards that can be invoked to hold duty-bearers to account when they do not deliver. The consequences of defining education as a human right are associated duties and responsibilities, as well as remedies for abuses. “The difference which human rights bring can be expressed in one single word – violation. The mobilizing power of calling a betrayed pledge a human rights violation is immense” (Tomaševski, 2001a, p. 10) and holds a myriad of opportunities for action and change.

The right to education, extreme poverty and gender equality

The promotion, protection and fulfilment of the right to education lie at the very heart of the fight against extreme poverty. As indicated by CESCR, 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” (CESCR, 1999, para 1).

However, education is first and foremost a fundamental human right and should be recognised as such even in the most deprived situations. In fact, measures for its realisation should be actively intensified in such cases, not only as a consequence of the above-mentioned 4As and related obligations, but also as derived from art. 13.d of ICESCR: “fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education”.

The majority of persons with no or little education are girls and women and belong to the poorest groups (Unterhalter, 2010, p.1; Unterhalter and North, 2010, slide 4). For them the 4As are more often than not simply non-existent. Even when they do go to school, their experience and performance outcomes there are far from complete. As Unterhalter reminded us, “UNESCO analyses of attendance show being poor, rural and a girl means you are more likely to be in school irregularly” (Unterhalter, 2010, p.5).

Enhanced implementation measures to ensure fundamental education for these women and girls should therefore be a priority in any strategy directed to both fight extreme poverty and fully realise the right to education. In this sense, it is worth looking again at the typology of human rights obligations in order to apply it to the case of girls and women in extreme poverty.

Multifaceted typology of obligations on the right to education for girls and women in extreme poverty

Following the previous analysis, a matrix can be created whereby the tripartite typology of obligations (respect, protect and fulfil) is examined and applied, whenever possible, to the tripartite typology of actors (states, international community, non-state actors) in the light of the 4A scheme.

The framework below has been designed and tailored to the case of girls and women in extreme poverty and is derived from the main provisions on the right to education in international human rights law, as well as the interpretation of relevant UN Treaty Bodies and Special Procedures. It is meant to offer non-exhaustive examples of obligations. Ideally each of the 4As should be included under both obligations and actors, although some possible overlaps and repetitions, especially horizontally (i.e. according to the actors), are inevitable.

Table 3. Obligations on the right to education for girls and women in extreme poverty

		State	International Community	Non-state actors
Respect	Accessibility	Respect the right of girls and women in extreme poverty not to be discriminated against in accessing education (i.e. by avoiding restricting access to existing public educational institutions)	Avoid funding projects that impose fees for primary education	Parents must respect the obligation to send girls of compulsory school age to school Ensure that private education does not discriminate against girls, for instance on the basis of sex or social status
		Ensure that curricula, textbooks and teaching methods do not perpetuate or encourage discrimination and stereotyping towards girls and women living in extreme poverty	Cooperate to eradicate discrimination and prejudices	Protect against the use of corporal punishment, gender-based violence and abuse in and around schools
Protect	Acceptability	Provide school infrastructures (buildings, adequate services and facilities, water, electricity and separate sanitation for girls, etc.) for low-income settlements	(For states with limited available resources) Seek financial and technical assistance for the full realisation of the right to education for girls and women in extreme poverty	Ensure that educational infrastructures in private schools or institutions set up in low-income areas conform with minimum standards
			(For states in a position to assist) Review budget allocations with a view to increase ODA and meet internationally agreed upon targets (including the UN target for international development assistance of 0.7 per cent of GDP), ensuring that assistance reaches girls and women living in extreme poverty	Ensure that teachers in private schools in areas of extreme poverty are adequately trained and paid
Fulfil	Availability			
Fulfil	Adaptability	Establish free educational institutions and programmes for women living in extreme poverty who have not completed their primary education	Develop standards, best-practices, model curricula, etc. that focus on the links between education, gender and poverty and illustrate how adaptability may be carried out	Design and provide resources for curricula and human rights programmes which can adapt to the needs of girls and women in extreme poverty

While the legal dimension of obligations gives a solid foundation to claims, advocacy strategies and activism, it is important to acknowledge some of its limitations and counterbalance them with a broader understanding of legal principles and their application. This will be the focus of the second part of this paper. At this stage, it is necessary to underline that processes, measures, obstacles and strategies for education as a human right need to be equally carefully framed within nuanced definitions of both poverty and gender equality, as neither concept is static or monolithic, both present multiple facets, and both intersect and combine in impacting negatively on the right to education.

Multidimensional nature and impact of extreme poverty on the right to education

Poverty, especially in its most extreme forms, is not a mono-dimensional concept or situation. Rather it encompasses economic, social, cultural, and political aspects, all intertwined and entangled in a multi-faceted relation. Unterhalter and North clearly make the case for this when they look at poverty as “a line, a trap, relationships, and aspirations for change” (Unterhalter and North, 2010, slide 10). The potential for focus and action in terms of human rights becomes clear when this line of reasoning is juxtaposed to the 4A scheme.

When poverty is linked with income and is represented by a line that separates who is in and who is out, who can and who cannot afford going to school, the impact on the right to education is stronger in terms of denied accessibility and reduced availability. The strategic focus here then rests on enrolment, retention and progression. If poverty is considered as a trap that reinforces discrimination, abuse and exclusion, the role of adaptability in terms of challenging such practices is key and should be enhanced by focusing advocacy strategies on attainment in its broader definition (i.e. the achievement of aspirations in full respect of the human rights principles of non-discrimination, participation and accountability). The relative and relational dimension of poverty, whereby gendered hierarchies and relations within families, communities, societies and nations shape and at times reinforce inequalities and exclusion of women and girls, is so pervasive that all the 4As are affected. Here the key strategies for change are those focused on educational attainment and experiences that adapt to what girls value as important for their full development, in contrast with the traditional overemphasis on the achievements of boys and men. Lastly, when poverty is seen as an opportunity to break the cycle of gender discrimination and exclusion in order to drive change, the impact is more positive, comprehensive and effective, building on all the 4As and moving from attainment and experience to include empowerment (for a fuller analysis, see Unterhalter and North, 2010, slide 7). This increasingly expanding progression towards a comprehensive approach, inclusive of all the dimensions of poverty and all the 4As shows the need and potential for more holistic strategies that go beyond reactions to poverty as an economic issue and to education as either constitutive of or instrumental to poverty. The human rights framework in which the 4As are embedded is precisely the vehicle that provides space and opportunities to do so.

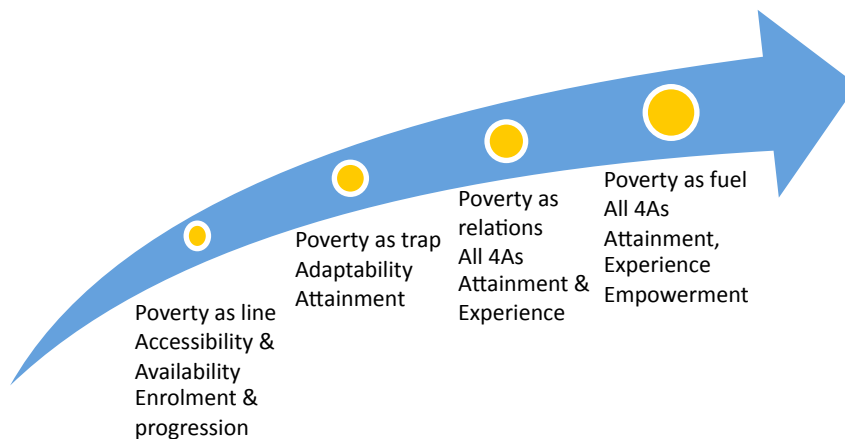


Figure 1. A multidimensional approach to poverty, gender and the right to education

Multidimensional nature and impact of gender equality to, in, and through education

Similarly to poverty, concepts of gender, gender equality and gender equity encompass multiple levels and dimensions: from direct discrimination on the basis of sex to more subtle psychological power relationships; from quantitative focus on equal numbers to qualitative aspects of respect, protection and empowerment. These ideas, too, can be framed in human rights terms according to the PANEL approach and read in parallel with the 4A scheme.

When gender is understood as mere difference based on sex, inequalities can be interpreted as direct violations of the principle of non-discrimination. In this case, the accessibility dimension of the right to education is the most obviously affected. When attention shifts to gender as determined by power relationships and hierarchies, the principles of participation and empowerment are directly targeted, with more sustained impact on the acceptability and adaptability of education. In addition to -and overlapping with- all this, other elements contribute to shaping understandings of gender inequalities. One issue, for example, is that of the double discrimination of girls: as females in the category of children and as minors in the category of women. Here sex conflates with age to marginalise girls even more. While it is important to take this 'sub-categorisation' into account, it is also important to ring alarm bells at the risk of compartmentalising discrimination and overlooking multiple, intersecting forms of exclusion. If gender inequalities are tackled from a women's rights or children's rights perspective only, one could miss the nuances of *both* sex and age discrimination whereby patriarchal and paternalistic attitudes combine to deny spaces for participation, accountability, agency, and empowerment. This is why a broader human rights approach focusing on those principles instead of those categories could be more effective. Translating this approach into the experience of education as a human right means that strategies should focus on the right of girls *to, in, and through* education.

Obstacles to the realisation of the right to education for women and girls in extreme poverty

The analysis above is also useful to identifying a number of obstacles that hamper the full realisation of the right to education for girls and women in extreme poverty. Once again, the list is non-exhaustive, as one could also think of cultural, religious or political obstacles (child marriage, son preference, undemocratic system, etc).

Poverty itself – When parents do not have the basic means to a dignified life, they rely on the support of anyone in the family, including their own children, to help in the struggle for survival. Aggravating circumstances also have a role to play: adults themselves might have been denied education when they were children or opportunities for adult education later on; educational institutions might not even exist in or nearby the area where they live. In all this, girls and women are disproportionately penalised.

Direct, indirect and hidden costs – Free and compulsory education as a way out of poverty is at odds with the existence of fees (for enrolment, exams or tuition, etc.), indirect expenses (for textbooks, transport, meals, uniforms, etc.) or hidden costs (lost chore time and foregone earnings). These costs perpetuate the vicious cycle of poverty, deepening the gap between the haves and the have-nots. Again, it is worth noting that this type of exclusion affects girls more predominantly than boys: if obliged to pay fees, parents tend to give preference to boys rather than girls. Having to pay for education blocks the pathway out of poverty for those who need it the most.

Existence of discriminatory laws and policies – The exclusion from, refusal of or unequal access to the same quality of education as others can derive from pervasive discrimination against, and stigmatisation of persons living in extreme poverty. This is particularly the case for girls and women as discrimination on the basis of sex is added to the equation. When other grounds for discrimination (race, class, ethnicity, location) combine and intersect in shaping inequalities and social exclusion (Unterhalter and North, 2010, slide 8),

detrimental results and violations of human rights are multiplied. The existence of laws that allow different types of schools according to different social classes/status/ethnicity, for instance, is in clear contravention of the generally accepted human rights principle of non-discrimination. The dispatch of less qualified, para-teachers to remote areas of extreme poverty entails a lower quality level of education and therefore is also in breach of all the 4As. Laws and policies that allow schools to expel pregnant girls are not complying with a human rights approach either. Equally damaging is the lack of laws and policies that prevent, protect from and punish gender-based violence and sexual abuse in and around schools.

Inconsistent spending policies and financial investments – Sharp disparities in budgetary allocations may result in differing quality of education for persons residing in different geographical locations (rural versus urban settlements) with a consequently greater negative impact on those who live at the margins of society due to extreme poverty. Understanding the complexity of the impact of investments on girls’ and women’s education also requires scrutinising more closely whether allocations are devoted to boys and girls, men and women, in an equal measure. Appropriate funding allocation should not reinforce but rather overcome inequalities and break the cycle of poverty.

Lack of educational/vocational prospects, going beyond primary education – The focus of international strategies to ensure universal access to education for all at the primary level neglects the consequences that this might have on the future employability of girls and therefore on the capacity of the system to fight extreme poverty through education. When secondary and higher education do not receive adequate attention and funding, it becomes problematic for girls to make meaningful use of what they learnt in primary school. Moreover, even when education is designed with a view to encouraging enrolment in further secondary and higher education, it can become an obstacle if these educational levels are out of reach or unaffordable for those living in extreme poverty.

When these obstacles are analysed through the 4A scheme, it is then easier to think about areas where strategies for action should focus.

Table 4. A holistic approach		
	Obstacles	Strategies
Availability	Low-income settlements harder to reach Inconsistent investments	Investment in non-education sectors (infrastructures, employment, family, etc.)
Accessibility	Costs Distance from school Discrimination on the basis of sex and social status	Scholarships and incentives Enrolment, retention and progression Secondary and higher education
Acceptability	Discrimination and stereotyping in educational programmes and materials, reinforcing inequalities instead of challenging them	Curriculum and textbooks review Human Rights Education programmes Child-centred, participatory and empowering schools
Adaptability	Lack of employability prospects Disconnection with needs and abilities of students, parents and teachers	Going beyond primary education More flexible school hours Flexible non-formal education Adult education

The dynamics of human rights advocacy

The previous analysis highlighted how inequalities of poverty intersect with denials of gender equality and the right to education. Divisions and intersections are in a dynamic relationship with each other and thus require an equally multidimensional and dynamic response. This must happen at the level of governmental legislation, but also in policies and practice, at the structural and societal level, across different types of constituencies and sectors and in a continuous process of construction and re-construction of definitions, relationships and partnerships.

Despite a predominantly limited interpretation of human rights as legal provisions, the history, challenges, successes and impact of human rights advocacy show that there is more to it. It is true that the legal dimension is key and gives legitimacy and substance to rights claims. However, it is only the starting point. The numerous legal instruments at our disposal may well remain dead letter if they are not informed and supported by research that looks into the effectiveness, impact and challenges of practical implementation. Equally, research would be impossible without concrete legal frameworks and instruments. Moreover, both law and research would be useless if they were not understood and appropriated at the local level within specific contexts and structures and then used in a more political sense to inform, inspire and support social mobilisation for action and change. The benefit of this dynamic process is that it results in enhanced accountability, participation and empowerment. It also inherently demands joint efforts bringing together different sectors and constituencies in partnerships for action. Below are some illustrations (not necessarily linked to gender or poverty, but very likely to provide inspiration in that sense, too).

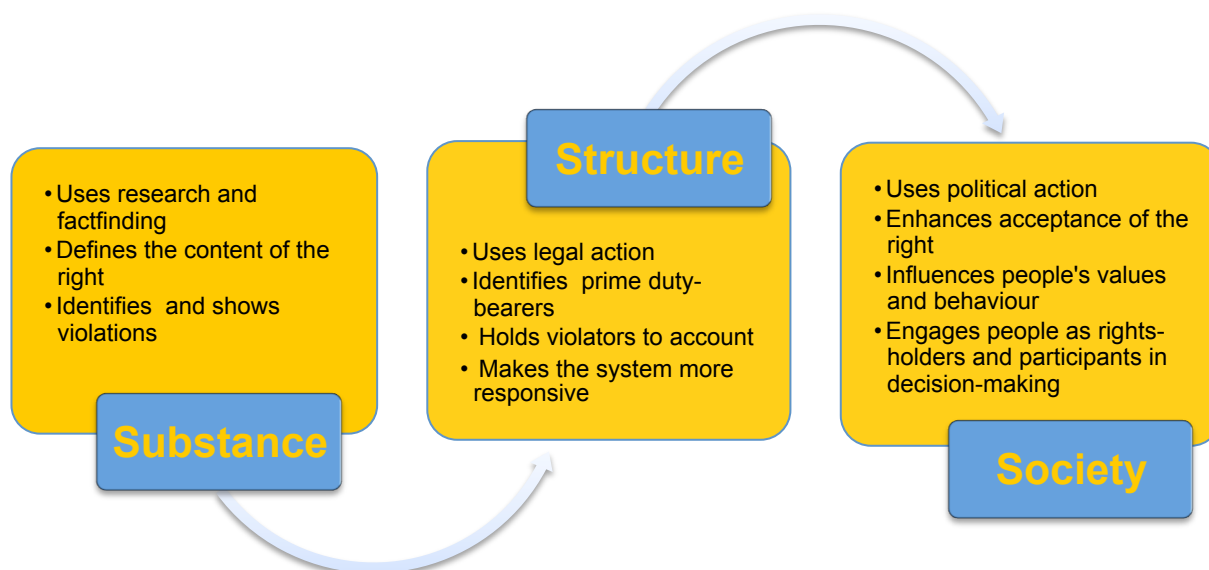


Figure 2. The dynamics of human rights advocacy⁶

Working at the level of substance

Faced with the challenge of ensuring that the right to education is respected, protected and fulfilled on the ground at the national, local and community level, the International Education Team of ActionAid International resorted to an inspiring and tangible strategy: a charter for rights-respecting schools. Developed in London together with the Right to Education Project and initially discussed with partners in Nepal, the charter is a tool

⁶ Adapted from VeneKlasen, 2002, p. 203.

comprising: a list of 10 rights which all schools should respect (firmly grounded in international human rights norms and linked to the 4A scheme); a methodology for collecting information on schools' performance through the use of rights-based indicators; suggestions for the compilation of a citizen's education report; and a list of legal references to be matched against national commitments. This approach uses research, legal definitions and core content to facilitate understanding and application of the right to education at the grassroots level. The development and use of indicators and citizen's reports also facilitate capacity-building, ownership and action for the identification of discrimination, violations and abuses, accountability lines, participatory and empowering methods, thus fully reflecting the PANEL human rights approach. The project is still in a semi-official pilot phase, but holds great potential for more nuanced and accurate analysis and impact and could prove very effective in the case of girls' and women's right to education.

Working at the level of substance and structure

Amnesty International has recently launched a report and campaign calling on the Czech government to address the persisting discrimination in education faced by Roma children (AI, 2009). Part of the "Demand Dignity Campaign" created to address poverty from a human rights perspective, this activity combines research with legal action and focuses on violations of all the 4As and the principles of non-discrimination, equality and accountability. According to the report, "Romani children do not have equal access to education in countries across Europe owing to a combination of racism, discrimination and the failure on the part of states to ensure that education is accessible to those living in poverty" (AI, 2009, p.5). Building on a successful legal case adjudicated by the European Court of Human Rights⁷ and supplementing it with five fact-finding visits assessing the intersection of the above-mentioned grounds for exclusion, AI brings forward a strategy that works at the level of both substance and structure, pushing the institutional system to respond to the pressure of human rights advocacy.

Working at the level of society

With the headline "Education beats poverty – and gives people the tools to help themselves", the Global Campaign for Education is currently running the 1 Goal Campaign, bringing together footballers, fans, charities, corporations and individuals to lobby world leaders and achieve education for everyone. The aim is to secure \$16 billion a year to ensure that the 72 million children currently unable to go to school can receive an education. This new funding should come from both increased aid commitments from rich countries as well as budget commitments from developing countries (GCE, 2010). What makes this activity unique is the astute use of the term goal (EFA, MDGs and World Cup), the focus on investments, and the strategic link between economic, political, sport elites and ordinary people. Using social mobilisation and political action, it provides a good example of how to hold duty-bearers to account and make them turn political commitments into rights.

Conclusions

Gender equality in the education of girls and women living in extreme poverty is threatened by intersecting inequalities that combine in a dynamic multidimensional process. Responses to address these threats need to be framed in equally dynamic and multidimensional approaches. The broader human rights framework offered by the 4A scheme and the PANEL approach provide solid content, legitimacy, and advocacy techniques to do so. Going beyond the legalistic dimension and working on substance, structure and society, it complements and enhances other strategies, opening up opportunities for partnerships and joint work.

⁷ *D.H. and others v. the Czech Republic*, 2007.

References

Amnesty International (AI), 2009, *Injustice renamed: discrimination in education of Roma persists in the Czech Republic*, London, Amnesty International Publications.

CESCR, 1990, General Comment No. 3: the nature of States Parties obligations, Contained in UN Document E/1991/23.

CESCR, 1999, *General Comment No. 13: the right to education*, UN Document E/C.12/1999/10.

European Court of Human Rights, 2007, Grand Chamber Judgement in the case of *D.H. and others v. the Czech Republic* (Application no. 57325/00).

Global Campaign for Education, 2010, 1Goal Campaign, <http://www.join1goal.org/>

Tomaševski K., 1999, *Preliminary Report of the Special Rapporteur on the right to education*, UN document E/CN.4/1999/49.

Tomaševski K., 2001a, *Removing obstacles in the way of the right to education*, Right to Education Primer No.1, Lund: Raoul Wallenberg Institute.

Tomaševski K., 2001b, *Human rights obligations: making education available, accessible, acceptable and adaptable*, Right to Education Primer No. 3, Lund: Raoul Wallenberg Institute.

Tomaševski K., 2005, *Girls' education through a human rights lens: what can be done differently, what can be done better?*, Paper for the series "Human Rights and Poverty Reduction: Realities, Controversies and Strategies", London: ODI.

UN Human Rights Council, 2008, *The right to education*, Resolution 8/4.

Unterhalter E., 2010, *Partnership, participation and power for gender equality in education*, Situation Analysis prepared for the UNGEI E4 Conference.

Unterhalter E. and North A., 2010, *Poverty, Intersecting Inequalities and Girls' Rights to Education*, Keynote presentation for the UNGEI E4 E-Conference.

VeneKlasen L. with Miller V., 2002, *A New Wave of Power, People and Politics: The Action Guide for Advocacy and Citizen Participation*, Practical Action Publishing Ltd.