

Protect her rights, strengthen your laws

Her Atlas: Status report on girls' and women's right to education



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Education is UNESCO's top priority because it is a basic human right and the foundation for peace and sustainable development. UNESCO is the United Nations' specialized agency for education, providing global and regional leadership to drive progress, strengthening the resilience and capacity of national systems to serve all learners. UNESCO also leads efforts to respond to contemporary global challenges through transformative learning, with special focus on gender equality and Africa across all actions.



The Global Education 2030 Agenda

UNESCO, as the United Nations' specialized agency for education, is entrusted to lead and coordinate the Education 2030 Agenda, which is part of a global movement to eradicate poverty through 17 Sustainable Development Goals by 2030. Education, essential to achieve all of these goals, has its own dedicated Goal 4, which aims to *“ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”* The Education 2030 Framework for Action provides guidance for the implementation of this ambitious goal and commitments.



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Introduction

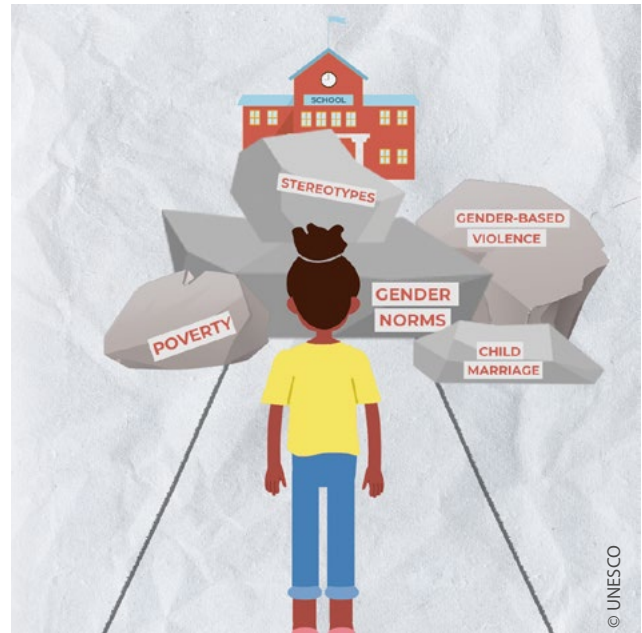
In 1948, the Universal Declaration of Human Rights recognized for the first time a universal right to education. Despite important progress since then, like the remarkable expansion of access to education (UNESCO, 2021e), the right to education is still far from being a reality for many girls and women: more than 127 million are out of school around the world (UIS data).

Discriminatory practices stand in the way of girls and women fully exercising their right to participate in, complete, and benefit from education. Poverty, gender-based violence, early marriage, gender norms, and stereotypes are some of the barriers keeping girls out of a classroom.

Gender equality is crucial in and for education. In fact, while “education plays a pivotal, transformative and empowering role in promoting human rights values and is recognized as the pathway to gender equality and the empowerment of women” (CEDAW, 2017, p.1), reciprocally, gender equality should be seen as a prerequisite for ensuring sustainable futures of education (UNESCO, 2021e). The Education 2030 Agenda and its framework for action for implementing Sustainable Development Goal (SDG) 4 highlights gender equality, notably through the target 4.5, which requires States to “eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable” by 2030. This cannot be achieved without solid national legal frameworks that are rights-based, gender-responsive and inclusive. Indicative strategies to implement this target notably include the necessity to strengthen national legislation related to gender equality in education. Indeed, strengthening the universal right to quality education is key to eliminating discrimination and achieving equal rights among women and girls, men and boys, and people with diverse gender identities.

In this perspective and as part of UNESCO's [Her Education, our future initiative](#), [Her Atlas](#) was launched in 2019, with the aim to enhance public knowledge and monitor the status of national constitutions, legislation and regulations related to girls' and women's education rights, in order to encourage countries to take actions to improve their legal frameworks.

Three years after its launch, UNESCO is proud to announce the completion of the research phase: overall, the legal frameworks of 196 countries have been thoroughly analyzed to evaluate the level of protection of girls' and women's right to education around the world.¹



[Her Atlas](#) will be further developed and updated periodically in the lead up to 2030, which is the deadline set for the achievement of SDG 4.

In an interactive world map format, [Her Atlas](#) uses a color-coded scoring system to monitor 12 indicators of legal progress towards gender equality in the right to education.

This report, which marks the completion of the first research phase, intends to highlight some key trends outlined by the research work,² and to emphasize examples of legal provisions regarding some aspects of girls' and women's right to education guaranteed by States' domestic laws.



196 countries but...
How many are parties to international instruments protecting girls' & women's right to education?

International treaties play a major role in guaranteeing the respect, protection and promotion of human rights throughout the world. They recognize individuals' rights and lay down obligations that States are bound to respect. When States become parties to a treaty, they must protect, respect and fulfil the rights recognized in it.

¹ Research based on constitutions, laws, regulations, circulars and decrees available online. For the full methodology, please consult [Her Atlas](#).

² Legal frameworks analyzed up to 2019. For the full methodology regarding this analysis and the criteria that were applied, please consult [Her Atlas](#).

While at international level several instruments cover the right to education of girls and women,³ Her Atlas focuses on the UNESCO Convention against Discrimination in Education (CADE) and on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).



The CADE, which celebrated its 60th anniversary in 2020, is the first legally binding instrument entirely dedicated to the right to education. It notably prohibits discrimination in education in all its forms, including based on sex, and provides equal opportunities and chances to succeed in education, regardless of gender. The CEDAW is entirely dedicated to girls' and women's rights and contains comprehensive legal provisions regarding girls' and women's right to education, which requires equal treatment between women and men, girls and boys, in all aspects of education.

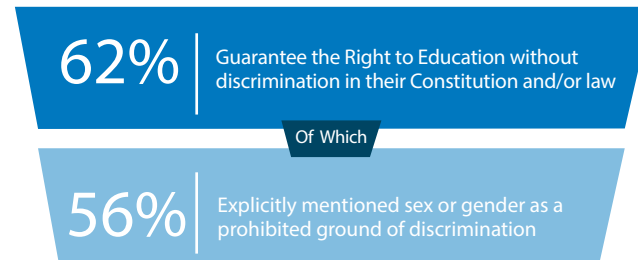
By ratifying these two instruments, States formalize their commitment to respect, protect and fulfil the right to education without discrimination in their national constitutions and domestic laws. Therefore, countries that are not yet parties are strongly encouraged to ratify all human rights treaties relevant to the right to education, including the [UNESCO Convention against Discrimination in Education](#), as a way to enshrine the legal recognition of the right to education without discrimination and encourage its effective implementation at the national level.



196 countries but...
How many legally guarantee the Right to Education without discrimination?

The recognition of the right to education in the legal framework is essential to protect it. This guarantee can be enshrined in the Constitution, which is the highest legal protection in the domestic order, but can also be established in the legislation. By legally enshrining the right to education, States comply with their obligation to integrate the right to education into their domestic legal order, while showing their commitment to ensuring the enjoyment of this right and recognizing their accountability towards its realization.

Moreover, the legal recognition of the right to education provides a legal base for more precise regulations of the different aspects of the right to education, and is therefore an important provision to rely on.



While the de facto situation can be different from what is enshrined in the law, legislation is a first important step to recognize the rights of people and represents a key step towards more effective protection and enforcement.

A robust and comprehensive legal framework at the country level which guarantees the right to education is indispensable to ensure the realization of this right (UNESCO and Right to education initiative, 2019). Recognizing the right to education in a Constitution or law means that judicial mechanisms can be triggered if someone infringes, in one way or another, on a right that is legally enshrined. Therefore, while a legal provision will not, by itself, be sufficient to ensure the de facto full enjoyment of the right to education at the national level, it is an important step for States to respect, protect and fulfil this right and improve the education system of their country.

To ensure the equal and universal enjoyment of the right to education, it is also crucial that it is guaranteed without discrimination of any kind, and without discrimination based on gender for girls and women. The majority of States do guarantee a right to education without discrimination based on sex or gender, but many States still provide only limited or unspecific protection.

³ Other instruments include for example the International Covenant on Economic Social and Cultural Rights (1966), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006).



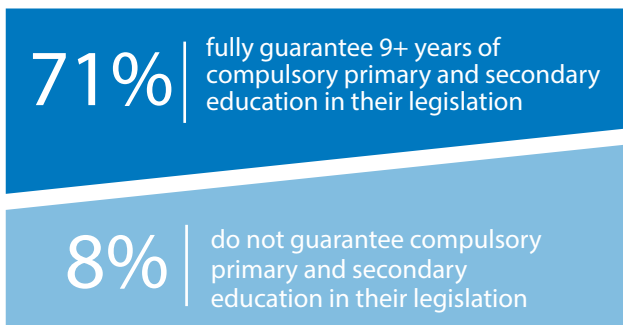
Digging deeper

While no States, including Afghanistan, prohibit expressly girls and women to access education in their legislation, the Taliban takeover of Kabul in August 2021 has resulted in the closure of schools from 6th grade and above together with universities for girls and young women.⁴ The reopening of public universities for all students in February 2022 was a first step towards restoring access to education for all Afghans – especially women. However, UNESCO's most recent monitoring data confirms the decreased percentage of participation by female university students due to the restrictive rules with regards to freedom of movement for women limited to those accompanied by their male family members in addition to the increased education costs impeding most students to continue their education. Moreover, despite a repeated commitment that all children would be able to return to school at the beginning of the new academic year, on 23rd March, only a couple of hours after their reopening, the de facto authorities announced that all girls' schools and high schools above 6th grade were to suspend their classes, until the adoption of a national plan for the return of girls and young women to secondary level schools. UNESCO has repeatedly expressed deep concerns with regards to continued interruption of learning for Afghan girls and women (UNESCO, 2021a).



196 countries but... How many years of compulsory primary & secondary education?

Whether they are material, cultural or financial, the obstacles to the enjoyment of the right to education primarily affect girls.⁵ Enshrining a defined number of years of compulsory and free of charge schooling ensures that each child is entitled to a minimum of instruction and allows them to acquire basic literacy and numeracy skills that will enable them to develop to their full potential (UNESCO, 2015).



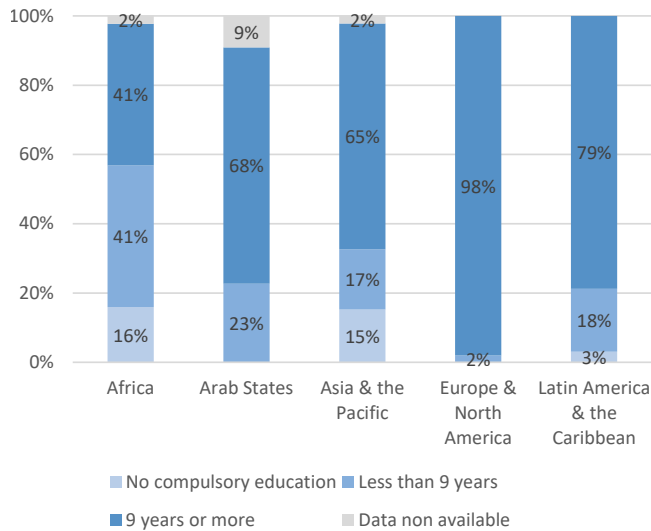
At the primary and secondary level, the SDG4 recommends a duration of nine years of compulsory education. This period of compulsory education usually covers the first nine years of formal education, with six years of primary education and three years of secondary education (UIS, 2012).

For example, at the regional level, Europe and North America have the highest proportion of countries enshrining nine years of compulsory education, followed by Latin America and the Caribbean, while Africa has the highest proportion of countries that do not enshrine compulsory education. However, it is encouraging that 80% of countries in Africa have at least some years of compulsory education (figure 1).

⁴ In some provinces, it has been reported that secondary education has marginally resumed for girls and women including in (per chronological order): Kunduz, Balkh, Sar-e Pul (TOLOnews, [Girls Attend Schools in Kunduz, Balkh, Sar-e-Pul](#), 9 October 2021), Mazar-e Sharif (The New York Times, [Taliban Allow Girls to Return to Some High Schools but With Big Caveats](#), 27 October 2021), Herat (TOLOnews, [Girls' Schools for Grades 7-12 Reopen in Herat](#), 8 November 2021) [Accessed on 17/01/2022].

⁵ While noting that not all women and girls are facing these barriers, those who face intersecting form of discrimination (e.g. discrimination based on their gender and other grounds, such as ethnic identity, nationality, economic status and geographic location) are disproportionately affected.

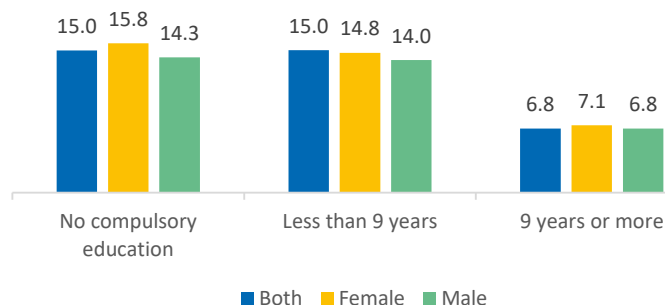
Figure 1: Numbers of years of compulsory education legally enshrined per UNESCO region



Data Source: [Her Atlas](#), 2019

Countries guaranteeing nine or more years of compulsory education show the lowest average proportion of out-of-school children, almost three times lower than countries that have not legally enshrined compulsory education. Moreover, regardless of the number of years of compulsory education, girls and female adolescents represent high proportions of out-of-school populations, suggesting that they are significantly impacted by limited legal protections to ensure their right to education. With stronger legal guarantee of compulsory education, the gap between girls and boys in the ratio of out-of-school children and adolescents reduces (figure 2).

Figure 2: Out-of-school rate for children and adolescents of primary and lower secondary school age by duration of compulsory education %



Data Sources: UIS, most recent data between 2020 and 2010 (out of school rate); [Her Atlas](#), 2019 (duration of compulsory education)

Enshrining compulsory education alone is far from being sufficient. To ensure that this provision can be effectively enforced, education must be available, accessible, acceptable and adaptable.⁶ Accessibility is composed of three components: economic, physical and administrative. Physical accessibility, understood as “the safe physical reach, either by attendance at some reasonably convenient geographic location, such as a neighborhood school, or via modern technology, with access to a ‘distance learning’ programme”, is still not a reality for everyone, especially for girls and women (CESCR, 1999, p.3). Access can be, for instance, impeded by the distance to the nearest educational establishment, especially in rural areas.

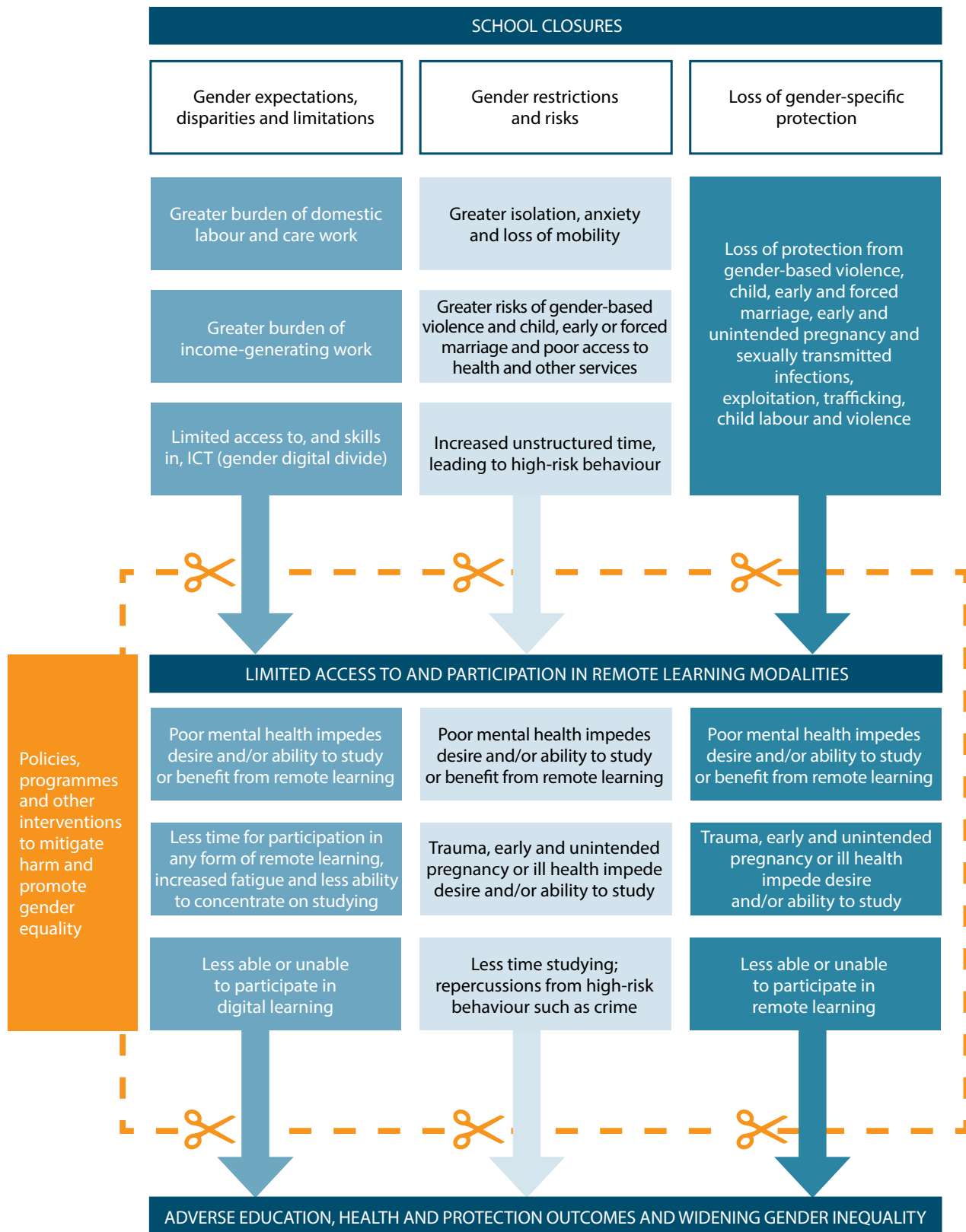
In conflict-affected areas, schools are closed owing to insecurity, or can be occupied by State and non-State armed groups or destroyed, all of which impede girls’ access to school. Fear of sexual violence or sexual harassment from armed men can also discourage families from sending girls to school and can lead to an increase in child marriages, because of the belief that it will offer them some kind of protection (CEDAW, 2017). The inaccessibility of educational buildings can also be temporary during emergencies, insecurity or natural disasters, which usually have a disproportionate discriminatory impact on girls and women (Ibid). Recently, the world has been reminded that major sanitary crises can also have a huge impact on education, as seen by the unprecedented scale and duration of school closures aiming to contain the spread of COVID-19.

The framework below (figure 3) was developed in the course of a review of the gender impacts of COVID-19 school closures.⁷ It hypothesizes that “pre-existing gender norms, expectations, disparities and restrictions that were present before school closures may be magnified during COVID-19, with the potential for adverse education, health and protection outcomes and widening gender inequalities” (UNESCO, 2021h, p.20). It describes three broad hypothetical pathways of influence that can be disrupted by well-designed policy and programme efforts, reducing the risk of adverse outcomes and promoting gender equality.

⁶ See CESCR. 1999. General Comment n.13: The right to education (article 13).

⁷ For further explanation on the figure, see: UNESCO, 2021h, pp.20-22.

Figure 3: Conceptual framework of gender dimensions of school closures: Three potential pathways to adverse outcomes



Source: UNESCO, 2021h, p. 22

A few months after the beginning of the pandemic, UNESCO launched the Global Education Coalition, an international multi-sector partnership aiming to meet the urgent and unprecedented need for continuity of learning. It selected three flagships, including gender. The Gender Flagship is rallying coalition members to work together to highlight and address the gender dimensions of the COVID-19 school crisis and safeguard progress made on gender equality in education in recent decades.⁸ In this context, the [#LearningNeverStops campaign](#) was launched to call for efforts to ensure girls' learning continuity during school closures and promote their safe return to school at reopening.⁹ In some cases, and especially during the pandemic, a way to partially overcome the issue of physical accessibility has been found in the use of remote learning, either through high-tech means (mainly through online tools), low-tech ones (such as radio and television), and no tech (textbooks and take-home packages) (UNESCO, 2021h).

The use of high-tech solutions to ensure continuity of learning during school closures has had both positive and negative aspects that have been well documented.¹⁰ However, while helping to avoid a complete loss of instruction, remote learning is not exempt from gendered impacts, notably when using high-tech solutions. Indeed, while there is, until now, limited data on participation in remote learning modalities disaggregated by sex (Ibid), one must pay attention to the pre-existing gender divide, regarding both digital access and skills.

In fact, while access to the Internet has increased between 2019 and 2020, women still have less access to the Internet than men, especially in Least Developed Countries and Landlocked Developing Countries (figure 4).

Figure 4: Percentage of individuals using the Internet, by sex



Data Source: [ITU ICT Statistics](#)

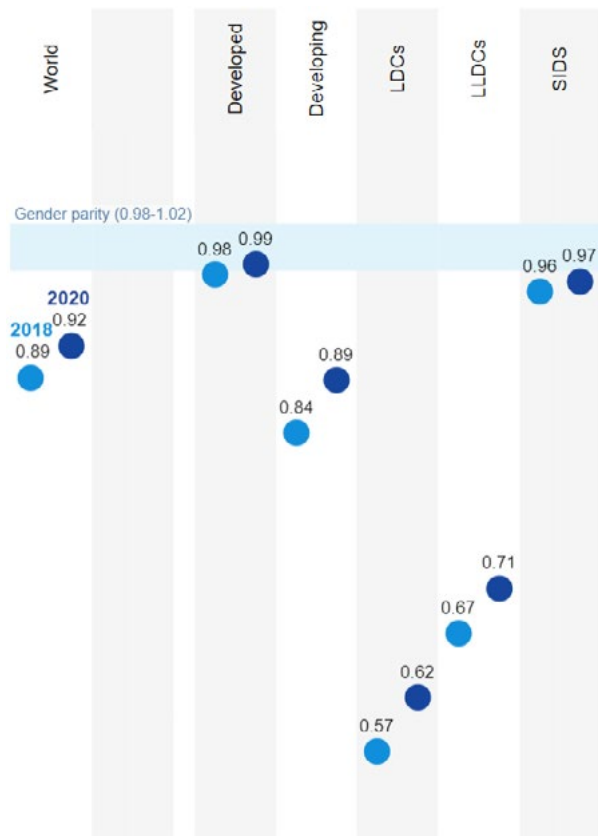
⁸ See UNESCO. 2020. [Global Education Coalition Gender Flagship: Highlights of action in 2020](#).

⁹ Access the campaign webpage at: <https://en.unesco.org/covid19/educationresponse/girlseducation>.

¹⁰ See for example the UNESCO COVID-19 Education issue notes, available at: <https://en.unesco.org/covid19/educationresponse/issuenotes>.

The gender Internet divide, regarding access, has been narrowing between 2018 and 2020 with gender parity achieved in developed countries, and almost achieved in SIDS. However, it remains in other countries, the biggest gap being in LDCs (figure 5).

Figure 5: The Internet user gender parity score, 2018 and 2020¹¹



Source: Adapted from ITU, 2021, p.4

Nevertheless, access to the Internet represents only one aspect of the differential access to ICTs in general, and an even smaller part of the digital divide. Access to technologies can be impeded by, but not limited to, unsafe roads to access ICT facilities, limited freedom of movement for girls and women, patriarchal beliefs that these kinds of facilities are not suitable for women, or financial barriers (UNESCO and the EQUALS Skills Coalition, 2019).

Even when access is not an issue, there is still a skills divide that tends to be more severe for women. As such, girls and women are less likely to leverage devices to their full potential (Ibid), and therefore their remote learning could be impacted in terms of access and quality. In a study conducted across 10 low- and middle-income countries, women were 1.6 times more likely than men to report a lack of skills as a barrier to internet use (World Wide Web Foundation, 2015).

This gap is present on the entire skills spectrum, from the lowest skills proficiency levels, such as using devices and internet access to their full potential, to the most advanced ones, such as computer programming (UNESCO and the EQUALS Skills Coalition, 2019).

Furthermore, when digital skills are low or insufficient, it is probable that there is also a lack of awareness regarding the value of personal data and privacy protection. While privacy and data protection should always be carefully considered, it is even more crucial for those who face inequalities. A data breach can have greater consequences for people who already face discrimination in the non-digital world (Report of the Special Rapporteur on the right to privacy, 2019). During the COVID-19 crisis, to ensure a quick response to educational disruption, some education institutions relied on various digital solutions. In order to do so, States sometimes waived requirements for basic protection principles, such as child data privacy laws, and chose tools based on financial considerations rather than privacy (Report of the Special Rapporteur on the right to privacy, 2021), therefore giving more room for privacy breach, and potentially putting those already facing discrimination more at risks, including girls and women (UNESCO, 2022).

The UN Committee of the Rights of the Child adopted a landmark General Comment on children's rights in relation to the digital environment, in March 2021, in which it emphasized that “[s]pecific measures will be required to close the gender-related digital divide for girls and to ensure that particular attention is given to access, digital literacy, privacy and online safety” (CRC, 2021, p.2).

Insufficient Internet capacity is a concern for all education systems



No internet

Try:

- Checking the network cables, modem, and router
- Reconnecting to Wi-Fi

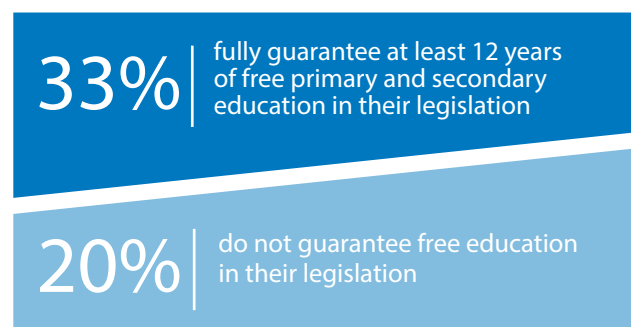
© UNESCO

¹¹ Note: the gender parity score is calculated as the proportion of women who use the Internet divided by the proportion of men. A value smaller than one indicates that men are more likely to use the Internet than women, while a value greater than one indicates the opposite. Values between 0.98 and 1.02 reflect gender parity.



196 countries but... How many years of free primary & secondary education?

At the primary and secondary level, the SDG4 recommends a duration of 12 years of education provided free of charge. The provision of free education implies the removal of all education-related fees.¹²



Some States, such as Norway, have very detailed legal provisions and list the costs in connection with the education provided by the public authority, like the costs of teaching materials, transport during school hours, excursions and other outings that are part of the education (see country example below).

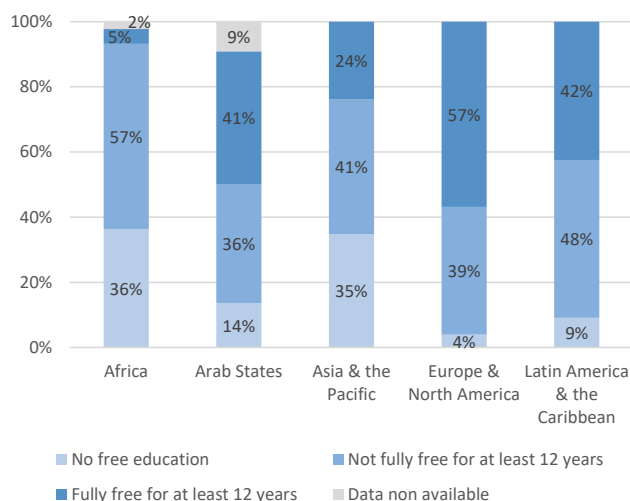
When education is not free, it creates a financial burden, especially for lower-income families who may be forced to select which of their children will go to school. In these cases, it has been reported that boys are usually preferred over girls (CEDAW 2017). Girls and women may also suffer from other costs that prevent them from attending school, like the cost of products for menstrual hygiene. To address these potential inequalities and ensure gender equality, some States take additional actions to prevent discrimination and guarantee equal access to education. For example, New Zealand, which guarantees 14 years of free education, started an initiative in 2020 to provide free sanitary products in all state schools and kura.¹³ However, this is not yet reflected in the legislation.

Similar to the implementation of compulsory education, the implementation of free education goes beyond the sole legal guarantee: it requires allocating sufficient financial resources, as well as adequate educational and administrative measures, especially to assure equal access to education together with quality education (UNESCO and Right to education initiative, 2019).

Indeed, the adoption of compulsory and free education without adequate financial resources and complementary measures is far from sufficient and can even be counterproductive. Experience has shown that negative effects, such as a decline in the quality of education, could result from a lack of system preparedness. This decline in quality could materialize through an increase in the ratio of pupils to trained teachers. The level of teacher preparedness and adequate training can also be weakened with a sudden expansion of education. Therefore, specific provisions and actions need to be planned in advance before adopting and implementing new legal rights frameworks (UNESCO, 2021f), and relevant legislation should include or accompany explicit allocation of necessary resources.

At the regional level, Europe and North America have the highest proportion of countries enshrining 12 years of free education, followed by Latin America and the Caribbean, while Africa has the highest number of countries that do not enshrine free education. While more than 80% of countries in Africa have at least some years of compulsory education, only 57% have at least some years of free education (figure 6).

Figure 6: Rate of free education years legally guaranteed by UNESCO regions (%)



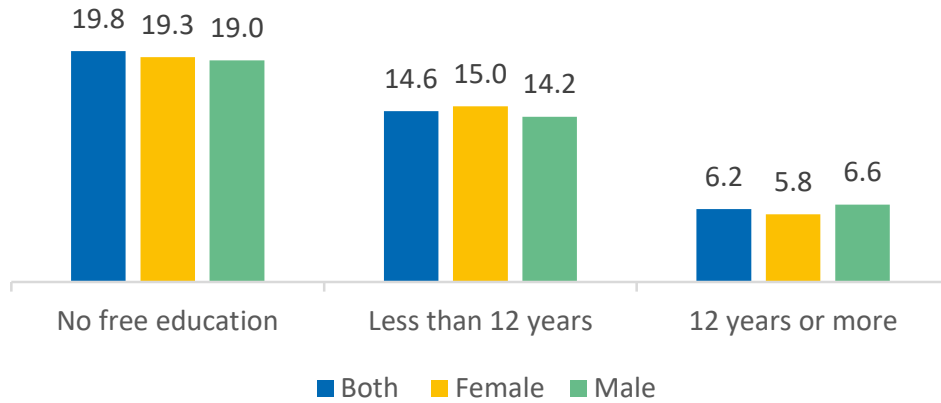
Data Source: Her Atlas, 2019

¹² When analyzing the existence of legal provision on free education, wordings like "tuition free" were not considered sufficient enough to fully guarantee free education, as other direct costs could exist apart from tuition fees. For the full methodology, please refer to Her Atlas website.

¹³ New Zealand's 10th Report on the UNESCO Convention against Discrimination in Education, 2019. 'Kura kaupapa Māori (commonly referred to as kura) are state schools where the teaching is in te reo Māori and is based on Māori culture and values'. See: <https://parents.education.govt.nz/primary-school/schooling-in-nz/different-types-of-primary-and-intermediate-schools/>

Countries guaranteeing 12 or more years of free education show the lowest average proportion of out-of-school children. In countries where free education is not enshrined in legislation, the rate of out-school children is more than three times higher than in countries guaranteeing at least 12 years of free education (figure 7).

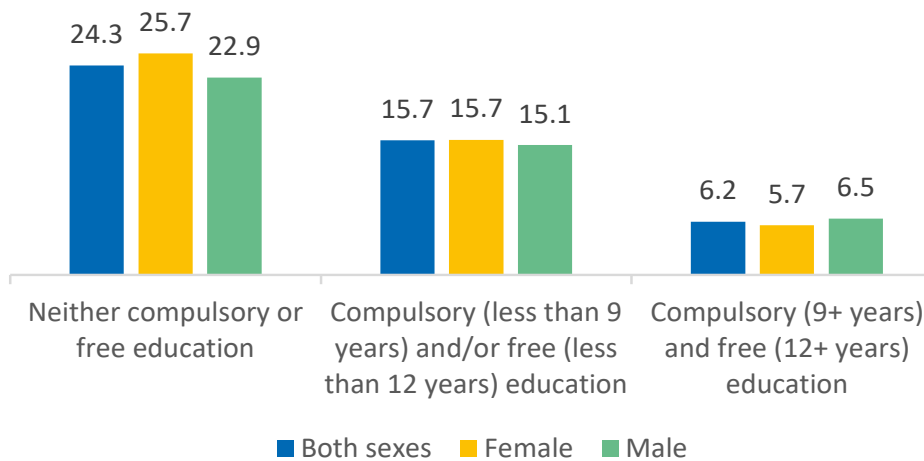
Figure 7: Out-of-school rate for children, adolescents and youth of primary, lower secondary and upper secondary school age by duration of free education (%)



Data Sources: UIS, most recent data between 2020 and 2010 (out of school rate); Her Atlas, 2019 (duration of free education)

While compulsory and free education both have an impact on the out-of-school rate, it is clear that the percentage of out-of-school children, adolescents and youth is the lowest when education is compulsory for at least nine years and free for at least 12 (figure 8).

Figure 8: Out-of-school rate for children, adolescents and youth of primary, lower secondary and upper secondary school age by duration of free and compulsory education (%)



Data Sources: UIS, most recent data between 2020 and 2010 (out of school rate); Her Atlas, 2019 (duration of free and compulsory education)

Free and compulsory education

– Examples of legislation

Tunisia

[Framework Law No. 2002-80 of 2002](#)¹⁴ as amended by [Law No. 2008-9 of 2008](#)¹⁵
(unofficial translation)

Article 1. Education is an overriding national priority and schooling is compulsory from ages six to 16 years....

Article 4. The State shall guarantee the right to free education in State schools to all those of school age and equal opportunities in the application of this right to all pupils, as long as they are able to legally continue their studies, in accordance with the rules and regulations in force.

Article 22. The basic education lasts nine years divided into two complementary stages: Primary stage : It lasts six years ... preparatory stage : It lasts three years ...

Article 25. Secondary education is open to all students in the preparatory cycle who meet the conditions for entering this cycle ...

Article 26. Secondary education lasts four years...

[Law No. 2008-19 of 25 February 2008 on higher education](#)¹⁶

Article 7. The public higher education is free ...

¹⁴ Retrieved from Tunisian Government website: http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX_8360-46-LVsAGjWiQk/RechercheTexte/SYNC_-1603579230 [Accessed on 17/06/2022]

¹⁵ Retrieved from Tunisian Government website: http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX_8360-46-LVsAGjWiQk/RechercheTexte/SYNC_-1604011120 [Accessed on 17/06/2022]

¹⁶ Retrieved from Tunisian Government website: http://www.iort.gov.tn/WD120AWP/WD120Awp.exe/CTX_8872-20-pfwIATbIRV/RechercheTexte/SYNC_-1602545026 [Accessed on 17/06/2022]

Norway

[Act relating to Primary and Secondary Education and Training \(the Education Act\) of 1998](#),¹⁷ (unofficial translation)

Section 2-1. Right and obligation to attend primary and lower secondary education

The right to primary and lower secondary education applies when it is probable that the child will reside in Norway for a period of more than three months. This right must be met as soon as possible and at the latest within one month. The obligation to attend primary and lower secondary education commences when residence has lasted for three months.

Children must normally start to attend school in the calendar year in which they attain the age of 6 years. If after an expert assessment there is any doubt that a child is sufficiently mature to start school, the child has the right to postpone starting school by one year if its parents so demand. On the basis of an expert assessment and with the written consent of the parents, the municipality may in special cases decide to postpone commencement of school attendance by one year. If the parents request it or consent to it, the municipality may, on the basis of an expert assessment, allow a child to start school one year earlier as long as he or she has reached the age of 5 years by 1 April.

The right and obligation to attend school last until the pupil has completed the tenth year of schooling ...

Section 2-15. Right to free public primary and lower secondary education

Pupils have the right to free public primary and lower secondary education. The municipality cannot require pupils or their parents to cover the costs in connection with primary and lower secondary education, for example costs associated with teaching materials, transport during school hours, stays at school camps, excursions or other outings that are part of primary and lower secondary education.

Section 3-1. Right to upper secondary education and training for young people

Young people who have completed primary and lower secondary education or the equivalent have, on application, the right to three years' full-time upper secondary education and training ...

Education and training provided at publicly-maintained upper secondary schools or training establishments are free of charge. The county authority is responsible for providing the pupils with the necessary printed and digital teaching materials and digital equipment. The pupils cannot be required to pay any of the costs for such materials and equipment in excess of that which is decided in the regulations ...

¹⁷ Retrieved from Norwegian government website: <https://www.regjeringen.no/contentassets/b3b9e2cce6742c39581b661a019e504/education-act-norway-with-amendments-entered-2014-2.pdf> [Accessed on 17/06/2022]



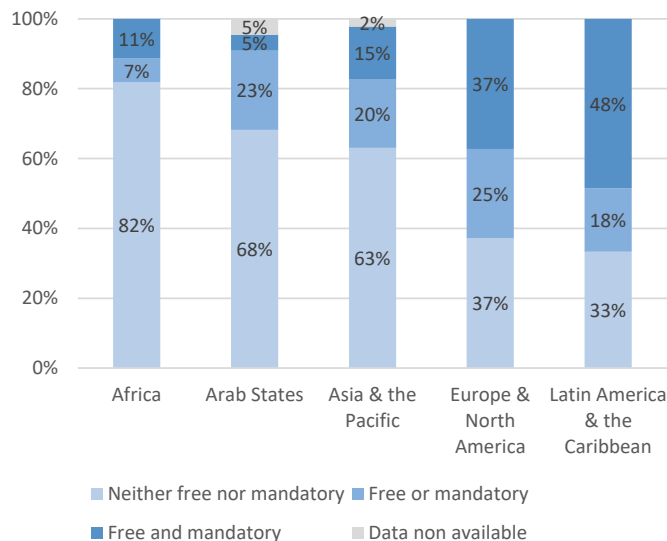
196 countries but...
How many years of free & compulsory pre-primary education?

Prior to primary education, the importance of early learning has also been highlighted. While early childhood care and education are not part of any international legally binding framework, it is a political commitment taken by the States within the SDG 4. Therefore, it is encouraging to see that one-quarter of States already legally enshrine at least one year of compulsory and free pre-primary education and that 18% enshrine either compulsory or free education at this level. However, more than half of the world still has to take steps to achieve this goal before 2030.



Ensuring that all girls and boys have access to quality early childhood development and pre-primary education to be ready for primary education is a key consideration. Indeed, “early childhood care and education lays the foundation for children’s long-term development, well-being and health” (UNESCO, 2015a, p.38). The provision of this level of education can also remove some of the barriers that prevent mothers from re-entering education and employment, and challenge stereotypes that child-rearing is the primary responsibility of women. This level of formal school is typically designed for children beginning at ages three, four or five and takes place before the start of primary school. At the regional level, Latin America and the Caribbean have the highest proportion of countries enshrining at least one year of compulsory and free pre-primary education. The Arab States have the lowest proportion of countries legally guaranteeing free and compulsory pre-primary education. Africa is the region with the highest proportion of countries that enshrine neither free nor compulsory pre-primary education (figure 9).

Figure 9: Rate of free and compulsory pre-primary education years legally guaranteed by UNESCO regions (%)



Data Source: Her Atlas, 2019

The COVID education response has relatively neglected young children, with two-thirds of low- and middle-income countries reducing their public education budgets, hence reversing the hard-won gains for children, families, and communities in the field of early childhood education, nutrition, and health (UNESCO, 2021c). In this context, a Global Partnership Strategy (GPS) for Early Childhood Care and Education (ECCE) was launched at the end of 2021 by UNESCO and various partners to advance the agenda in this field. Applying a rights-based approach, the GPS contains five main strategies for countries and their development partners to commit to, including strengthening policy, governance, financing and advocacy, as well as promoting at least one year of free and compulsory quality pre-primary education.



196 countries but... How many prohibit marriage before 18 years of age?

Child or early marriage can be defined as “any marriage where at least one of the parties is under 18 years of age” and “is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent” (CEDAW & CRC 2014, p.7). This discriminatory practice is often rooted in gender stereotypes and can place girls’ educational development at greater risk, as children who get married are more likely to leave school. It can also lead to forced exclusion from school and an increased risk of domestic violence (Ibid).

The practice of early marriage tends to apply predominantly to girls, who are sometimes legally allowed to marry at a younger age than boys.



Education contributes to the prevention of both child marriage, “preparing women and girls to better claim their right to freedom from violence and increasing their opportunities for effective participation in all spheres of life” (CEDAW & CRC 2014, p.17). Therefore, while the risk of child marriages can increase depending on various factors, the disruption of education and the closing of schools are likely to increase the number of child marriages (UNESCO, 2021h). In order to avoid adverse consequences of school closures,¹⁸ including early marriages, UNESCO and UNICEF have been calling for the reopening of schools during the COVID-19 pandemic, stating that they should be the last to close and the first to reopen (UNESCO and UNICEF, 2021).

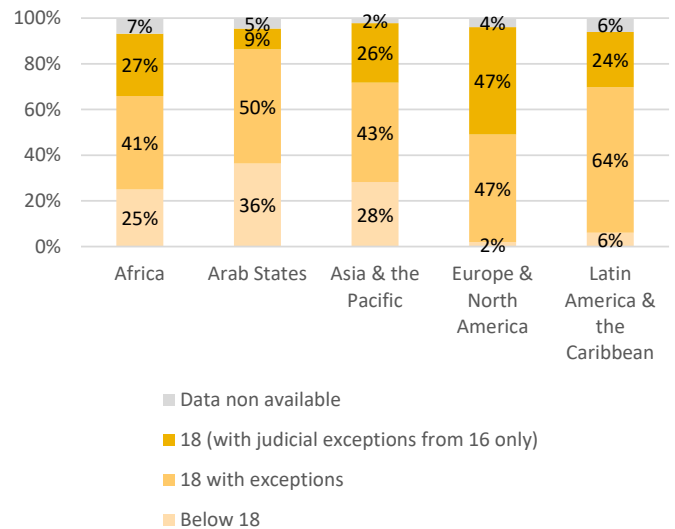
To ensure that girls can have access to and complete their education, child marriage must be eradicated. States need to explicitly define a minimum age of marriage in their legislation, as mentioned in the Convention on the Elimination of All Forms of Discrimination against Women.¹⁹

In its General Comment, the CEDAW Committee advises setting the legal age at 18 years old, with limited exceptions, “provided that the child is at least 16 years of age and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity, without deference to culture and tradition” (CEDAW & CRC 2014, p.7).

Considering the impact of early marriage and the current projected number of child marriages during the next decade, countries should accelerate their efforts and enact legislation that raises the minimum age of marriage for girls to at least 18 years old, with judicial exceptions that do not fall below 16 years old.

At regional level, Europe and North America have the highest proportion of countries with a minimum age of marriage set at 18 years old without exceptions (or allowing judicial exceptions from 16 years old only). Yet, 47% of countries of this region are enshrining a minimum age at 18 but with exceptions that either fall below 16 years old and/or are not granted by a judge. Arab States are the ones with the highest number of countries setting a minimum age of marriage below 18 for girls. (figure 10).

Figure 10: Minimum age of marriage legally defined per UNESCO regions (%)

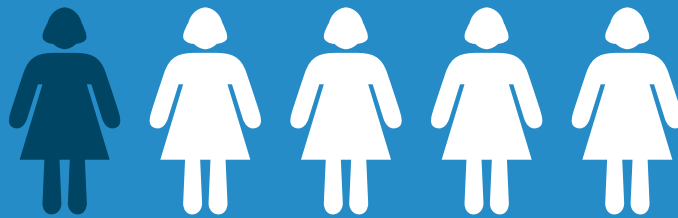


Data Source: [Her Atlas](#), 2019

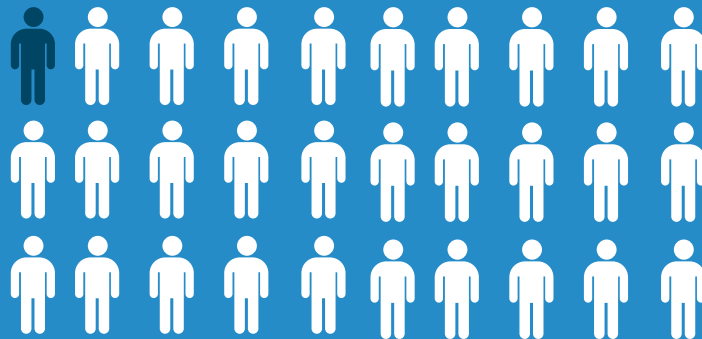
¹⁸ See: UNESCO, [Adverse consequences of school closures](#), accessed on 10/01/2021.

¹⁹ CEDAW. Article 16(2) “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory”

765 million children
married of which 650
million are girls



1 in 5 young women aged 20 to 24 years
were married before their 18th birthday,
compared to 1 in 30 young men



Data Source: [UNICEF, 2020](#)

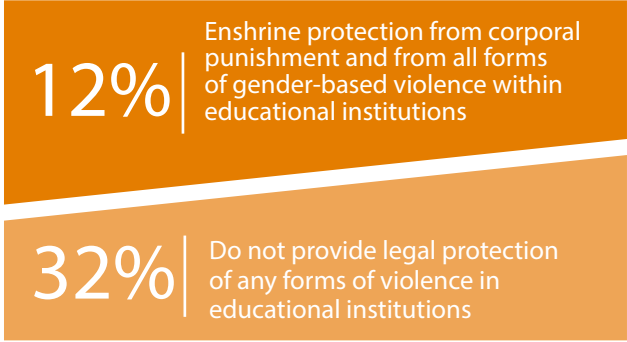
“During school closure, someone asked for my hand in marriage. It was my first marriage offer ... Girls are told their future is in the kitchen and their learning is not important. I tell parents and girls of my age to give girls a chance so that they can compete with boys. If I had a chance to speak with the President about girls, I would tell him to help girls overcome these challenges by providing equality education and healthcare... [and] also condemn child marriage.”

- Halima, 16 years old, testimony for the UNESCO #Learningneverstops campaign -



196 countries but...
How many legally protect from corporal punishment & gender-based violence?

Corporal or physical punishment is defined as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light” (CRC, 2007, p.4). School-related gender-based violence (SRGBV) are “acts or threats of sexual, physical or psychological violence occurring in and around schools, perpetrated as a result of gender norms and stereotypes, and enforced by unequal power dynamics” (UNESCO, 2015b, p.2).



All violence in educational institutions and learning environments has a negative impact on children, including corporal punishment and gender-based violence. They violate their fundamental human rights and can “compromise their well-being, their physical and emotional health, as well as harming their cognitive and emotional development” (UNESCO, 2016, p.13). For example, it may lead to severe health and psychological harm, pregnancy, sexually transmitted infections, loss of interest in school, disrupted studies, early school leaving or low achievement (UNESCO, 2020a).



While all learners can be targets of violence, girls and young women are disproportionately the victims of certain types of violence, such as verbal and sexual harassment and abuse and violence by classmates and teachers, while boys are more likely to be targets of physical violence (Ibid). This phenomenon also extends to the digital environment where discrimination persists and can be amplified, leading to girls and young women being more likely to be targeted by online sexual violence. This risk has intensified during the pandemic, as children and youth have seen their online time increase exponentially because of lockdown and school closures. All available data show an increase in the scale of both cyberbullying and online child sexual exploitation by adults during the COVID-19 pandemic (UNESCO, 2021d).

Similarly, both girls and boys can experience corporal punishment. The gender dimensions of corporal punishment lie in the type of punishment and the behaviours that are sanctioned (End corporal punishment, 2013). When used against girls, corporal punishment aims to control and regulate their behavior, including social and sexual ones, and encourage deference, hence it reinforces traditional gender roles and is closely linked to domestic violence against women (Ibid).

As such, violence undermines the achievement of quality education for all, and measures should be taken to prohibit and tackle it. With the adoption of SDG4, States committed to put in place such measures, in order to “ensure the personal security of girls and women in and on the journey to and from education institutions and to eliminate gender-based violence in schools with policies against all forms of gender-based and sexual violence and harassment” (target 4.5), and to “build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all” (target 4.a).

The research shows that the level of protection can greatly differ from one legislation to another. Moreover, the issue of school violence is generally regulated by policies and plans, which can explain the results observed, as this tool only takes into account the legislative framework.²⁰

²⁰ For further details, refer to the methodology on Her Atlas website.

Protection against corporal punishment and gender-based violence – Examples of legislation

Ecuador

[Constitution of Ecuador of 2008](#)²¹ (unofficial translation)

Article 347. The following shall be the responsibility of the State: 6. To eliminate all forms of violence in the education system and to safeguard the physical, psychological and sexual integrity of students.

[Code of childhood and adolescence of 2003](#)²² (unofficial translation)

Article 40. Disciplinary measures. Teaching methods and discipline in educational institutions shall respect the rights and guarantees of children and young persons and shall exclude all forms of abuse, ill-treatment and disrespect, and, accordingly, any form of cruel, inhuman or degrading punishment.

Article 41. Prohibited sanctions. Educational establishments are prohibited from using 1. Corporal punishment; 2. Psychological sanctions that violate the dignity of children and adolescents ...

[Organic law for intercultural education of 2011](#)²³ (unofficial translation)

Article 2. Principles. Educational activity is developed in accordance with the following general principles, which are the philosophical, conceptual and constitutional foundations that define and rule decisions and activities in the educational field: ... j. ensure the right of persons to an education free from gender-based violence...

Article 6. Obligations. The main obligation of the State is the full, permanent and progressive fulfilment of rights and constitutional guarantees in educational matters, and the principles and purposes set forth in this law. The State has the following additional obligations: ... h) to eradicate all forms of violence in the education system and to ensure the physical, psychological and sexual integrity of the members of the educational institutions, with particular emphasis on students. ...

Article 132. Prohibitions. Prohibit the legal representatives, directors, teachers, mothers and fathers of the corresponding educational institutions, the following: ... u. Violate the human rights of the students... aa. Committing harassment, abuse, sexual violence or other sexual offenses.

²¹ Retrieved from Ministry of Education of Ecuador: <https://educacion.gob.ec/wp-content/uploads/downloads/2012/08/Constitucion.pdf> [Accessed on 16/01/2022]

²² Retrieved from Government of Ecuador: https://www.gob.ec/sites/default/files/regulations/2018-09/Documento_C%C3%B3digo-Ni%C3%B1ez-Adolescencia.pdf [Accessed on 16/01/2022]

²³ Retrieved from Ministry of Education of Ecuador: <https://educacion.gob.ec/wp-content/uploads/downloads/2017/05/Ley-Organica-Educacion-Intercultural-Codificado.pdf> [Accessed on 16/01/2022]



196 countries but...

How many explicitly protect the right to education of pregnant & parenting girls?

Pregnancy and motherhood have profound impacts on girls' and young women's education. Worldwide, the adolescent birth rate has fallen from 56.4 births per 1000 adolescents aged 15–19 years in 2000, to 41.2 per 1000 in 2020 (WHO, 2021), yet it still represents a significant number of girls giving birth as children.

Restrictive legislation sometimes bans pregnant or parenting girls from attending school or sitting an exam, limiting them to attend adult or evening classes, or separating them from their peers and isolating them for fear that they would 'influence' other students. They also often "lack access to bridging programmes, which allow girls to resume their missed education, even though international law requires States to provide fundamental education for those who have left school prematurely" (UNESCO and Right to education initiative, 2019, p.89). When girls are unable to finish their education because of pregnancy, they face practical barriers, including forced exclusion from school, social norms confining girls to the home and stigma (CEDAW, 2017).



Provisions regarding the right to education and pregnancy, protective or restrictive, are often contained in policies and plans, rather than laws. However, having a legal framework that explicitly prohibits discrimination based on pregnancy in the educational environment provides a strong and steady basis for better protection. It sets the ground for more precise measures to guarantee adolescent girls' health and welfare.

27%

Explicitly protect the right to education of pregnant and parenting girls in their legislation

8%

Restrict the right to education of pregnant and parenting girls in their legislation

Her Atlas' analysis focuses both on legislative systems containing protective measures that ensure the continuity of education for pregnant girls and women, and on legislation containing restrictive measures limiting their enjoyment of this right. To be considered as explicitly protecting the right to education of pregnant adolescents, only provisions expressly mentioning pregnancy, breastfeeding or similar terms were taken into account.²⁴ Non-discrimination principles based on sex or gender were not considered sufficient in this case as they were already taken into account when analyzing the right to education without discrimination.²⁵

Beyond the requirement of equal treatment, some States, such as the Republic of Korea, provide additional support to pregnant and parenting girls, notably by authorizing leaves of absence from school due to pregnancy or rearing children, or by providing financial support for their educational expenses.²⁶ These measures encourage pregnant girls to pursue their education and therefore contribute to the fulfillment of their fundamental right to education.

²⁴ See Her Atlas methodology and Indicator 12.

²⁵ See Her Atlas methodology and Indicators 3 and 4.

²⁶ See the Higher Education Act of 2010 amended in 2018 & the Single-Parent Family Support Act of 2008, amended in 2018.



Digging deeper

In a general manner, UNESCO is also strongly advocating for comprehensive sexuality education (CSE), as it “plays a central role in the preparation of young people for a safe, productive, fulfilling life in a world where HIV and AIDS, sexually transmitted infections (STIs), unintended pregnancies, gender-based violence (GBV) and gender inequality still pose serious risks to their well-being” (UNESCO, 2018, p.12). CSE is even more important as nowadays, youth are often exposed to sexually explicit material online, many of them conveying false or unrealistic messages and expectations. Evidence has proved that school-based CSE is effective and contributes to many outcomes, among which are: delayed initiation of sexual intercourse, reduced risk taking, increased use of condoms and increased use of contraception (Ibid).

In December 2021, Ministers of education, health, gender, and youth in Eastern and Southern Africa (ESA), reaffirmed and expanded the ESA commitment. It aims to increase the coverage of CSE and provide access to sexual and reproductive health services, in order to reduce unintended pregnancies, eliminate child marriage and gender-based violence among young people in the region. The initial target was set for 2020, and countries renewed their commitment which now runs until 2030 (UNESCO, 2021b).

Protection of the right to education of pregnant and parenting girls

– Examples of legislation

Marshall Islands

[Gender Equality Act, 2019](#)²⁷

§113. Education

(3) An educational or training institution, whether public or private, must not refuse enrolment, restrict or refuse training, or deny any other educational or training opportunity to a person on the basis of sex, gender, or any of the multiple identities of women, including suspending or expelling a female student on the grounds of pregnancy, breastfeeding, marital or maternity status.

(5) Educational and training institutions must ensure that females students who become pregnant or young mothers are given support to continue and complete their education or training, including through special measures.

(6) Special measures under subsection (5) comprise targeted support to safeguard the health and welfare of mother and child and may include:

- (a) prenatal and postnatal checkups during school hours;
- (b) free schools lunches for pregnant and breastfeeding mothers;
- (c) breastfeeding and child care facilities within the educational compound; and
- (d) adjustment of rules relating to homework, examinations, sport, or other activities, as may be required.

²⁷ Retrieved from Parliament of Marshall Islands: <https://rmiparliament.org/cms/images/LEGISLATION/BILLS/2019/2019-0168/GenderEqualityAct2019.pdf> [Accessed on 16/01/2022]

Cabo Verde

[Law on Children and Adolescents of 2013](#)²⁸ (unofficial translation)

Article 47 ... (2). The pregnant child or adolescent or mother cannot be prevented or encouraged to stop studying or to drop out of school.

[Decree-law n°47/2017](#)²⁹ (unofficial translation)

Article 1. The present decree establishes the social and school support measures that guarantee the access and permanence, with quality, of mothers and fathers in the education system.

Article 2. This decree applies to student mothers and fathers who are attending primary and secondary education, vocational education or higher education, especially pregnant, postpartum and breastfeeding students.

Article 3. 1. Student mothers are entitled to a maternity leave of 60 (sixty) days to be taken consecutively after childbirth.

2. In case of clinical risk, the pregnant woman is entitled to exemption in the period prior to childbirth, for the duration indicated in the medical document.

3. Pregnant women and student mothers and fathers have the right to:

- a) A special regime of absences, considered justified, provided that they are duly proven, for prenatal consultations, illness and child care; and
- b) Postponement of the presentation or delivery of works and the carrying out of tests at a later date whenever, due to any of the facts indicated in the previous paragraph, it is impossible to comply with the established deadlines or to attend the tests.

4. Pregnant women, mothers and fathers are also entitled to:

- a) To carry out exams at a special time, to be determined by the school services, namely in the event that the birth coincides with the exam period; ...

Article 4. Under the terms to be established by regulation, underage student mothers and fathers are granted support so that their children, until they are 5 (five) years old, attend public pre-school education establishments, day care centers and kindergartens of institutions with cooperation agreements with the State.

Article 5. Education institutions take the necessary measures in order to offer school guidance corresponding to the level of study of pregnant women and mothers, namely:

- a) Use of an appropriate methodology to guarantee the improvement of school results, through monitoring, when medical reasons related to pregnancy or childbirth prevent her from regularly attending school;
- b) Educational, social and psychological guidance, as well as information about the present legal decree in order to know the rights that assist them;
- c) Necessary information and training for teachers of primary and secondary education and appropriate to the age of the students, in terms of education on sexual and reproductive health, in order to avoid attitudes of rejection or discrimination against pregnant students and vital in the prevention of pregnancy;
- d) Guarantee pregnant students to remain in the education system, creating decent conditions that are free from discrimination, and that allow them to participate in all educational and recreational activities at school, provided that their condition allows it.

²⁸ Retrieved from National Press of Cabo Verde: <https://kiosk.incv.cv/V/2013/12/26/1.1.70.1780/p2309> [Accessed on 16/01/2022]

²⁹ Retrieved from National Press of Cabo Verde: <https://kiosk.incv.cv/1.1.62.2405/> [Accessed on 16/01/2022]

Conclusion



arun_sambhu_mishra/Shutterstock.com

If education is a universal human right, then why are 127 million girls still out of school? There are multiple answers. Gender-based violence, discrimination and early marriage are some of the barriers girls can face to getting into the classroom. Various actions can be taken to tackle the large variety of issues that they can encounter. However, a step that must not be overlooked is the adoption of legal provisions to strongly guarantee the enjoyment of an inclusive and qualitative right to education for all.

This first report, based on Her Atlas' findings, highlights some key trends in the current legal frameworks of States worldwide. While some legislations abide by the international standards and requirements regarding the right to education and enshrine strong specific protections for girls and women, others are still falling behind or even restricting their right to education. States have to continue to intensify their efforts to ensure that no one is left behind, and must repeal all discriminatory legal provisions. For many girls, school is more than just a key to a better future. It's a lifeline (#Learningneverstops). We won't give up on them.

Alongside the many axes of work that UNESCO is conducting, Her Atlas will continue its monitoring and advocacy for girls' and women's right to education. Regular updates will be made in order to display the evolution of legal frameworks up to 2030. UNESCO will also continue to work on developing capacities of Member States to improve and strengthen national legislation.

Having a solid, inclusive and gender-responsive legal basis for the enjoyment of the right to education for all is crucial considering the emerging trends and issues that are arising, which will surely increase over the upcoming years. The acceleration in digital and remote learning, pandemics, climate change, polarization of societies and fraying democracy are altering life as we know it, and require evolving legal rights and obligations in education (UNESCO, 2021g). Arising issues include, for example, better recognition of the lifelong learning perspective, digitalization, and the increasing recognition of the interrelatedness of rights (Ibid). Therefore, to be ready to react and adapt efficiently to upcoming challenges, States need to respect, protect and fulfil the right to education in all the dimensions that have been set for years.

Well-established standards, such as the prohibition of discrimination or the duration of compulsory and free education, must be guaranteed, now. Legal barriers to girls' and women's right to education should never have existed; they must come down without further delay. Less than a decade away from the deadline set for achieving SDG4, it is no time for excuses. Nothing can justify the restriction of such a fundamental right.

**It is long past time to act:
protect her rights, strengthen your laws!**

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Annex – Data

Numbers of years of compulsory education legally enshrined per UNESCO region (figure 1)

	Indicator 5) Legal framework guarantees compulsory education (9+ years)			
	n/a	No compulsory education (score 1)	Less than 9 years (score 3)	9 years or more (score 5)
Global	2%	8%	19%	71%
Region (UNESCO)				
Africa	2%	16%	41%	41%
Arab States	9%	0%	23%	68%
Asia & the Pacific	2%	15%	17%	65%
Europe & North America	0%	0%	2%	98%
Latin America & the Caribbean	0%	3%	18%	79%

Data Source: [Her Atlas](#), 2019

Out-of-school rate for children and adolescents of primary and lower secondary school age by duration of compulsory education (figure 2)

Indicator 5) Legal framework guarantees compulsory education (9+ years)				
		Both sexes	Female	Male
Score 1	No compulsory education	15	15,8	14,3
Score 3	Less than 9 years	15,0	14,8	14,0
Score 5	9 years or more	6,8	7,1	6,8

Data Sources: [UIS](#), most recent data between 2020 and 2010 (out of school rate); [Her Atlas](#), 2019 (duration of compulsory education)

Percentage of individuals using the Internet in 2020, by sex (figure 4)

	Female	Male
World	56,5	61,7
Developed countries	87,7	89,0
Developing countries	50,1	56,5
Least Developed Countries (LDCs)	18,8	30,5
Landlocked Developing Countries (LLDCs)	26,8	37,8
Small Island Developing States (SIDS)	59,4	61,2

Data Source: [ITU ICT Statistics](#)

Rate of free education years legally guaranteed by UNESCO regions (%) (figure 6)

Indicator 6) Legal framework guarantees free education (12+ years)				
	n/a	No free education (score 1)	Not fully free for at least 12 years (score 3)	Fully free for at least 12 years (score 5)
Global	2%	20%	45%	33%
Region (UNESCO)				
Africa	2%	36%	57%	5%
Arab States	9%	14%	36%	41%
Asia & the Pacific	0%	35%	41%	24%
Europe & North America	0%	4%	39%	57%
Latin America & the Caribbean	0%	9%	48%	42%

Data Source: [Her Atlas](#), 2019

Out-of-school rate for children, adolescents and youth of primary, lower secondary and upper secondary school age by duration of free education (%) (figure 7)

Indicator 6) Legal framework guarantees free education (12+ years)				
		Both sexes	Female	Male
Score 1	No free education	19,8	19,3	19
Score 3	Less than 12 years	14,6	15	14,2
Score 5	12 years or more	6,2	5,8	6,6

Data Sources: [UIS](#), most recent data between 2020 and 2010 (out of school rate); [Her Atlas](#), 2019 (duration of compulsory education)

Out-of-school rate for children, adolescents and youth of primary, lower secondary and upper secondary school age by duration of free and compulsory education (%) (figure 8)

Indicators 5&6) Legal framework guarantees compulsory (9+ years) and free (12+ years) education				
		Both sexes	Female	Male
Scores 1&1	Neither compulsory or free education	24,3	25,7	22,9
Scores between	Compulsory (less than 9 years) and/or free (less than 12 years) education	15,7	15,7	15,1
Scores 5&5	Compulsory (9+ years) and free (12+ years) education	6,2	5,7	6,5

Data Sources: [UIS](#), most recent data between 2020 and 2010 (out of school rate); [Her Atlas](#), 2019 (duration of compulsory education)

Rate of free and compulsory pre-primary education years legally guaranteed by UNESCO regions (%) (figure 9)

	Indicator 7) Legal framework guarantees free and compulsory pre-primary education			
	Neither free nor mandatory (Score 1)	Free or mandatory (Score 3)	Free and mandatory (Score 5)	Score n/a
Global	56%	18%	25%	1%
Region (UNESCO)				
Africa	82%	7%	11%	0%
Arab States	68%	23%	5%	5%
Asia & the Pacific	63%	20%	15%	2%
Europe & North America	37%	24%	39%	0%
Latin America & the Caribbean	33%	18%	48%	0%

Data Source: [Her Atlas](#), 2019

Minimum age of marriage legally defined per UNESCO regions (%) (figure 10)

	Indicator 9) Legislation sets the minimum age of marriage for girls at 18 years			
	Score 1	Score 3	Score 5	Score n/a
Global	18%	48%	30%	5%
Region (UNESCO)				
Africa	25%	41%	27%	7%
Arab States	36%	50%	9%	5%
Asia & the Pacific	28%	43%	26%	2%
Europe & North America	2%	47%	47%	4%
Latin America & the Caribbean	6%	64%	24%	6%

Data Source: [Her Atlas](#), 2019



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Protect her rights, strengthen your laws

Her Atlas: Status report on girls' and women's right to education

Gender equality is crucial in and for education and cannot be achieved without solid, rights-based, gender-responsive and inclusive national legal frameworks. In this perspective UNESCO's Her Atlas, online monitoring tool on girls and women's right to education, was launched in 2019. It aims to enhance public knowledge and monitor the status of national constitutions, legislations and regulations related to girls' and women's education rights, in order to encourage countries to take actions to improve their legal frameworks. This report, which marks the completion of the first monitoring phase, intends to highlight some key trends outlined by the research work, and to emphasize examples of legal provisions in relation to girls' and women's right to education guaranteed by States' domestic laws.

Stay in touch



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