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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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An inspirational public-private partnership to improve girls' education in Afghanistan

The Journalists and Writers Foundation (JWF) believes that education is one of the key factors that affects all dimensions of sustainable development and can significantly enhance the integration of the dimensions in a cross-sectorial manner. If delivered properly, education has a transformative characteristic that can significantly trigger equitable economic development, increase social inclusion, foster environmental sustainability and improve governance.

In some specific cases such as the one in Afghanistan, the issue of girls' education becomes one of the most salient points in the international community's concern regarding the future of this country. The future of a country is bleak if all of its citizens are not provided with the equal opportunity to develop their personalities to a level that will allow them to get involved in the process of building their own future. The conscience of the international community has modified during the last several decades to such an extent that the focus on the rights of the individual is becoming more and more emphasized. In this regard, International law is not only a huge body of rules and norms whose role is only to protect the rights and the interests of the States. On the contrary, the nature of the international law changed to such an extent that today it obliges the States to protect the basic human rights of their own citizens. In fact, the legitimacy of the States came to be dependent on its capacity to protect citizens' basic rights. The right to education is high on the agenda of several international organizations and international agreements that are relevant to the subject of human rights. Article 28 in the Convention on the Rights of the Child, Article 13 in the International Covenant on Economic, Social and Cultural Rights, and various articles in the International Covenant on Civil and Political Rights are concerned with the issue of the right to education.

Efforts of the International Community

Throughout the last couple of decades, we are witnessing that the international community is increasingly becoming more active in advocating and promoting human rights in general, and girls' right to education in specific. The above-mentioned covenants put a special emphasis on the nondiscriminatory nature of the human rights, which are to be protected by the States Parties. Article 2(2) of the ICESCR explicitly states that "the State Parties to the present Covenant undertake the guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This provision recognizes that all States Parties to this covenant should respect the dispositions on the right to education in a nondiscriminatory fashion.

Improving girls' opportunities to gain an appropriate education is an obligation of every State, which is committed to the noble principle of protecting the human rights of its own citizens. The UN Millennium Development Goals also put a crucial emphasis on the importance of universal education and gender equality. While second goal

underline to achieve universal primary education, third goal aims to eliminate gender disparity in all levels of education no later than 2015.”¹

The Situation in Afghanistan

However, unfortunately one must admit that, *de facto* situation in Afghanistan does not reflect these *de jure* provisions and goals. For this reason, the education of girls in Afghanistan has been a top issue for various UN agencies (primarily UN Women and UNICEF) due to the religious, cultural and political challenges brought by the contentious political structure in the area, which made it extra difficult for girls to receive primary and secondary education. As can be understood from the tremendous popularity that Malala Yousufzai received after being shot by the extremists, “it takes more than textbooks and pencils to be a schoolgirl in Afghanistan—it also takes tremendous bravery and tenacity.”² As the combined periodic reports of Afghanistan to the CEDAW committee expresses, “there are no discriminatory issues against women in the educational laws of Afghanistan,”³ as the legal obstacles to girls’ education have been removed since the ousting of the Taliban in 2001. Yet, 38 percent of school age children (4.2 million) do not have access to schools, most of which are girls.⁴ Girls’ education is hindered “at almost every turn by vicious militant attacks, a lack of adequate facilities and teachers” and sometimes the reluctance of their parents to break the tradition that sees girls belonging at the domestic sphere.⁵

Women’s position in Afghanistan’s educational system is placed high on the agenda of the CEDAW. In the report concerning the situation in Afghanistan significant space is devoted to the education opportunities for the girls in this country. The lack of security in Afghanistan is emphasized as the main reason for the girls’ low attendance in the education process. The report points to the fact that the “antigovernmental insurgents are against women’s education and have closed girls’ schools.” The real problem, according to the report, is that those who prevent girls from going to school do not face any penalty. This inefficiency on the part of the State to punish those who disrespect the girls’ right to education is a clear sign of not being committed to the principles of the Convention on the Elimination of All Forms of Discrimination against Women and especially article 10 which states that “state parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.”

Relevance of the Civil Society Initiatives

¹The Millenium Development Goals Report 2013, p. 16.

²Jen Banbury, “Girls’ education in Afghanistan” UNICEF USA. <http://www.unicefusa.org/news/news-from-the-field/feeding-girls-hunger-to.html>

³ Combined initial and second periodic reports of Afghanistan to the CEDAW Committee, p. 49. <http://www.unwomen.org/en/news/stories/2013/7/afghani-women-strive-to-get-an-education#sthash.CkYkjmH0.dpuf>

⁴ Ibid, p. 55.

⁵ Banbury, “Girls’ education in Afghanistan”.

One of the missions of the JWF has been to present the significant role the civil society can have in almost every area of social life today, and its power to contribute to the international organizations' efforts to improve people's lives in general. Education is widely considered to be one of the most important milestones on which opportunities for having a better life are being built. That is the reason behind our staunch insistence on promoting the idea that when the official structures of the state and the international community are unable to provide the basic human rights to everybody, civil society organizations should step in.

Civil society initiatives, which resulted with the founding of many Afghan-Turkish schools in Afghanistan, present to all relevant actors in the international arena a model of how public-private partnership may contribute to the promotion of human rights, even in political contexts where it is extremely difficult to be accomplished. Three functional principles of these initiatives constituted the main reason behind the success of the Afghan-Turkish schools:

1. The idea for the establishment of the schools in Afghanistan was an outcome of a common action by several business networks from Turkey. Their experience demonstrates the fact that it is much easier and convenient to engage in altruistic activity when such activity is supported by larger number of businessmen rather than when it is expected to be done by one or two businessmen. This unique example should serve as a model to be promoted by the UN agencies and other relevant international actors. In other words, the UN should spend more energy in encouraging business networks around the world to devote some part of their financial assets for educational purposes (especially in places with undergoing problems of poverty or conflict), thus indirectly enhancing the promotion of human rights, as the example of Afghan-Turkish schools shows.
2. The second important dimension of this kind of philanthropic activism is that the schools that were initially established by the business networks are later taken over by local people who are able to manage them. Thanks to the quality education provided, most of these institutions are either financially supported by the governments where they exist or given opportunity to use state facilities to operate. This Public – Private Partnership (PPP) model in education has been a cornerstone of the quality education delivered to the children. Administered and supported by the governments and managed by entrepreneurs, these school models provide rigorous curriculum and they become sustainable institutions devoted to solving the pressing societal problems existing in every society in which they have been established.
3. The fact that these schools have both, students who are paying for the tuition and students who are on scholarship proves that the distributional nature of these educational institutions is yet another characteristic that makes them unique. This enables poor students to get a high quality education, thus promoting the principle of equality of opportunity. Put it differently, these schools are guided by the principle that each student (whether poor or rich, male or female) should have equal opportunity for reaching his/her intellectual capacity.

The norms and principles, which guide the work of the Afghan-Turkish schools, are automatically conducive to the goal of protection and promotion of human rights. Respect is the crucial principle on which the work of these schools is organized. Respect is best learnt through education. It leads to civic mindedness, which is crucial factor for every kind of development within a given society. Nondiscrimination is the basic focus of respect. This focus of nondiscrimination is reflected in the way the Afghan-Turkish schools provide education to everyone, irrespective of nationality, ethnicity or sex. This fact proves that these schools are devoted to accomplishing the goal of contributing to the development of Afghanistan through education and respect.

The principle of nondiscrimination was not abandoned even in times of great insecurity. As it becomes clear from Malala's testimonials, the Taliban rebels posed a great danger for the girls who wished to go to school and for their families as well. Girls were harassed, hurt and even killed on their way to school. Also, there was a great pressure on the schools to stop accepting girls. By putting themselves against the will of the Taliban leaders (who were trying to fiercely prevent girls from attending school), the managers of these schools presented their commitment to respect and their opposition to discrimination between students on any kind of basis, including discrimination on the basis of sex. Therefore, these schools stand firmly on the side of protecting human rights generally and girls' rights to education specifically.

One of the positive results of this commitment to universal right to education was its contribution to creating conditions for sustainable peace in Afghanistan. At the same time, the successful story of these schools proved that non-state actors might contribute to the promotion and protection of human rights and various provisions of the international law even when security conditions do not allow it. The Afghan education minister expressed his gratitude to the Afghan-Turkish schools for their resistance to Taliban's irrational will and for their efforts to create conditions conducive to peace and development. As he declared, "Turkish-Afghan schools are playing a vital role in bringing people together to live in happiness and prosperity."

Call to the UN to help civil society institutions focused on education

All of the abovementioned characteristics of the Afghan-Turkish schools demonstrate the fact that their influence is much wider, going beyond the contours of education. In other words, education must be considered, as everybody's right and it should be provided to everyone irrespective of nation, religion or sex. However, there must be other ways of doing it. The success of the Turkish-Afghan schools is a clear sign for the UN to start considering to help social initiatives as this one. The lack of financial power puts limits to the enthusiasm of the educational workers of these schools. In this respect, a big opportunity stands in front of the UN to notice the enthusiasm in civil initiatives such as the one explained here, and to combine their forces for the purpose of promoting human rights through education.