

Mandates of the Special Rapporteur on the right to education; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL PAK 7/2024
(Please use this reference in your reply)

23 October 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to education; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/7, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the destruction of more than four schools for girls in North and South Waziristan, and in Balochistan, this year.

According to the information received:

On or about 8 May, the Afia Girls Public School, Shewa, North Waziristan, a private girls' school, was attacked with explosives. As this is the only girls' school in the area, the attack prevented girls from pursuing their education. It is believed that the Tehreek-e-Taliban Pakistan (TTP) are responsible for this attack but no credible investigation was held to confirm this.

In another incident, a school run by the Shakhi Mar Welfare Society of Razmak, North Waziristan, was attacked in March, destroying the school's solar panel system and damaging its roof. Local elders encouraged their children to continue attending school in the aftermath of the attack. The school was attacked again on 25 May 2024. Armed men forcefully dragged the school's security guard out of his room in the middle of the night, tied his hands and feet, and held him hostage. Afterwards, they set the school building on fire and fled the scene. The classrooms, offices, and other rooms in the building were reduced to ashes. Following the attack, the girls have not returned to school. It is reported that no one from the local administration has reached out to the school administration in the aftermath of the attack.

On 16 May 2024, Sofia Girls Academy in Dabkot, Wanna, Lower South Waziristan was destroyed in a bomb attack at 3 a.m. The school had been under construction since March and has not been completed since the attack.

On 29 May 2024 a group of unidentified armed men attempted to set fire to a school in Surab district of Kalat division, in Balochistan. The unidentified attackers led the overnight attack and escaped before the police arrived.

It is reported that the net enrollment rate for girls in school is lower for girls than for boys in Pakistan on average, and particularly worse in rural areas. Girls in

Pakistan are disproportionately excluded from receiving education. Girls' education faces numerous challenges, including a lack of schools, security concerns travelling to school (including harassment), and child marriages, and the prohibitive cost of education, especially for families living in poverty.

While we do not wish to prejudge the accuracy of the above-mentioned allegations, we are alarmed by the ongoing terror attacks against girls' schools by organizations who are against the education of women and girls. We note that all attacks on schools are abhorrent, but that targeted attacks against girls' schools additionally deter women and girls from seeking an education, perpetuating discrimination and inequalities in society.

We express concern that in Pakistan, girls are less likely to be enrolled in school, less likely to stay in school, and less likely to achieve learning outcomes even if they attend school. Girls from rural areas suffer the worst educational outcomes and are the most susceptible to factors such as poverty and sociocultural beliefs that prevent girls and women in Pakistan from completing their education.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the investigations conducted and their outcome, and what actions are being taken to protect girls' schools in North and South Waziristan, and to prevent further attacks; and what actions have been taken to prosecute those responsible.
3. Please provide information as to the comprehensive measures that the Government intends to take to ensure that the inalienable right of Pakistani women and girls to a safe and secure education environment is going to be upheld and protected in North and South Waziristan. How many schools are being built for girls in these areas, and what plans are being made to increase this?
4. Please provide information as to what current measures are being taken to improve education participation rates and outcomes for women and girls in Pakistan.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Farida Shaheed
Special Rapporteur on the right to education

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of the legal obligations of States under international human rights law to respect, protect and fulfil women's rights and fundamental freedoms, including the rights to non-discrimination and equality set out in article 3 and 26 of the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 23 June 2010 and article 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified by your government on 17 April 2008, and article 2 of the Convention on the Rights of the Child ratified on 12 November 1990.

Article 13 of the ICESCR stipulates the right of every person to education. As underlined by the Committee on Economic, Social and Cultural Rights in its general comment No. 13 on the right to education, States or those effectively having control over a territory have the obligation to respect, protect, and fulfil the right to education. The obligation to respect requires States parties, and those with effective control over a territory, to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties, or de facto authorities, to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfil (provide) the right to education. As a general rule, States parties are obliged to fulfil (provide) a specific right in the Covenant when an individual or group is unable, for reasons beyond their control, to realize the right themselves by the means at their disposal (see E/C.12/1999/10, paras. 46-47).

We remind your Excellency's Government of the legal obligations of States under article 19 of the Convention on the Rights of the Child to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence. We also would like to draw your attention to general comment No. 13 of the Committee on the Rights of the Child (CRC/C/GC/13 para. 5) to protect child victims and witnesses from human rights violations, to investigate and to punish those responsible, and to provide access to redress human rights violations.

We would also like to recall to your Excellency's Government that the Working Group on discrimination against women and girls, in its report indicated that States should eliminate all discriminatory laws and practices which prevent girls from completing their education. The Working Group has noted that school-related gender-based violence takes different forms including with girls being violently targeted for attending school. Such violence severely curtails girls' educational opportunities. The Working Group has urged States to eliminate all discriminatory laws and practices which prevent girls from completing their education and to ensure all girls' de facto access to education, including mandatory, free primary education and access to secondary and tertiary education, free of discrimination (A/HRC/26/39). Furthermore,

in its recent report on ‘Gendered inequalities of poverty: feminist and human rights-based approaches’, the Working Group emphasized that the absence of effective protection against violence not only deprives women (especially those living in poverty) of their right to personal integrity, it also impedes their right to equal participation in public life, education and employment. The Working Group recommended States to take positive measures to realize the rights to free or affordable quality and accessible education for women and girls, as well as women’s and girls’ right to participate in all areas of political, social, cultural and economic life (A/HRC/53/39, paras. 41 and 62,c.)

We wish to refer your Excellency’s Government to the report of the mandate of the Special Rapporteur on violence against women and girls, on State responsibility for eliminating violence against women (A/HRC/23/49) which notes the lack of State accountability for social structural deficiencies, such as ongoing gender discrimination, create environments that are conducive to acts of violence against women. While laws, policies and resources are crucial to effectively address violence against women and girls, efforts must be coupled with renewed will and actions to combat the structural and systemic challenges which are a cause and consequence of such violence. Also, in order to prevent and eliminate violence against women and girls, such violence has to be understood as an element which affects women through their life cycle and is underpinned by a complex interplay of individual, family, community, economic and social factors. This requires recognizing that State responsibility to act with due diligence is both a systemic-level responsibility, i.e. the responsibility of States to create good and effective systems and structures that address the root causes and consequences of violence against women; and also, an individual-level responsibility, i.e., the responsibility of States to provide each victim with effective measures of prevention, protection, punishment and reparation.

We would like to recall your Excellency’s Government that the Working Group on Discrimination against women and girls, in its report on participation in public life (A/HRC/23/50) expressed in paragraph 65 that women human rights defenders are often target of gender-specific violence such as intimidation, attacks, and death threats which are sometimes condoned or perpetrated by State actors. The Working Group has further called upon States to eliminate all forms of violence against women in order to fulfil women’s human rights and to improve the enabling condition for women’s participation in political and public life (according to the paragraph 97(i) of the abovementioned report). In addition to these provisions, we would like to remind your Excellency’s Government of the respective resolutions of the General Assembly GA res 68/181 and of the Human Rights Council HRC res 31/32, expressing particular concerns about systemic and structural discrimination and violence faced by women human rights defenders. States should take the appropriate measures to ensure their protection and to integrate a gender perspective into their efforts to enable a safe environment for human rights defenders.

We would like to further recall your Excellency’s Government that the Working Group on discrimination against women and girls, in its report on girls’ activism (A/HRC/50/25) expressed that young women are mobilizing worldwide to demand and catalyse change on critical global issues. They are at the forefront of initiatives aimed at transforming societies towards social justice, gender equality and sustainability. The realization of girls’ and young women’s human right to participate in public and

political life, including organizing and engaging actively with a variety of State and non-State actors, is essential for the protection of their human rights. The Working Group has called on States to ensure that mechanisms are in place to solicit the views of girls in all matters of public interest affecting them directly or indirectly and to give due weight to those views

We appeal to you to take all necessary measures to guarantee all women and girls the right to be free from any gender-based violence, discrimination and abuse. Towards that end, we would like to draw your attention to the Declaration on the Elimination of Violence against Women, adopted by the United Nations General Assembly, which states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In this context, we would like to bring to your attention article 4(c & d), which notes the responsibility of States, or those effectively controlling a territory and its people, to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. To this end, States should develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence, and to families of the victims.

We would also like to recall that, under article 13 of the ICESCR, everyone has the right to education. As underlined by the Committee on Economic, Social and Cultural Rights in its general comment No. 13 on the right to education, education in all its forms and at all levels shall exhibit a number of interrelated and essential features. In particular, educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party (E/C.12/1999/10, para. 6).