

University of Pennsylvania Carey Law School

Penn Carey Law: Legal Scholarship Repository

Faculty Scholarship at Penn Carey Law

2022

Expanding the Women Peace and Security Agenda to Protect Women's Education in Afghanistan and Other Geographies of Conflict

Rangita de Silva de Alwis

University of Pennsylvania Carey Law School

Follow this and additional works at: https://scholarship.law.upenn.edu/faculty_scholarship



Part of the [Law Commons](#)

Repository Citation

de Silva de Alwis, Rangita, "Expanding the Women Peace and Security Agenda to Protect Women's Education in Afghanistan and Other Geographies of Conflict" (2022). *Faculty Scholarship at Penn Carey Law*. 2866.

https://scholarship.law.upenn.edu/faculty_scholarship/2866

This Article is brought to you for free and open access by Penn Carey Law: Legal Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship at Penn Carey Law by an authorized administrator of Penn Carey Law: Legal Scholarship Repository. For more information, please contact PennlawIR@law.upenn.edu.

**EXPANDING THE WOMEN PEACE AND SECURITY
AGENDA TO PROTECT WOMEN'S EDUCATION IN
AFGHANISTAN AND OTHER GEOGRAPHIES OF CONFLICT**

RANGITA DE SILVA DE ALWIS*

“[L]et us pick up our books and pens. They are our most powerful weapons. One child, one teacher, one pen and one book can change the world.”¹

– Malala Yousafzai

* Rangita de Silva de Alwis is a member-elect to the Committee of Experts to the Convention on the Elimination of Discrimination against Women (CEDAW) for the term 2023-2026. She is full-time faculty at the University of Pennsylvania Law School and Hillary Rodham Clinton Global Fellow on Gender Equity at Georgetown Institute for Women Peace and Security. She is visiting faculty at the Harvard Kennedy School of Government in fall 2022. This Article is dedicated to Afghan women leaders, Honorable Naheed Farid, former Member of Parliament and Chair of the Parliamentary Commission on Human Rights, Civil Society and Women's Affairs; Honorable Shukriya Barakzai, former Member of the Loya Jirga of the Afghan Constitution and former Ambassador to Norway; Honorable Dr. Simar Samar, former Vice President of Afghanistan, Honorable Fawzia Koofi, Member of Parliament, and distinguished delegate to the Doha Peace talks, and Honorable Rangina Hamidi, former Afghan Minister of Education. The author thanks them for their lives of courage and collaboration in this research and her broader work. She is grateful to Professor Zeid Al Hussein, former High Commissioner for Human Rights, Radhika Coomaraswamy, the former UN Under Secretary General and the Secretary General's Special Representative for Children in Armed Conflict, Dean Martha Minow, the 300th Anniversary University Professor, Harvard University, and Ambassador Melanne Verwee, the first US Ambassador for Global Women's Issues for their work on transformative theories and praxis on transitional justice. She thanks Genevieve Lim Urban, her former student, for collaboration on this research. Caitlin Gurary is a research assistant for the author. Finally, she thanks Chase Hanson, Editor-in-Chief of Vol. 44 of the University of Pennsylvania Journal of International Law and other Editors of the Journal for inviting me to write this article to mark the first-year anniversary of the second Taliban takeover of Afghanistan.

¹ Anne Hamilton, *Malala's Prescription for Change: One Child, One Teacher, One Pen and One Book*, REUTERS (July 12, 2013, 9:34 PM), <https://news.trust.org/item/20130712212432-4vg8f> [<https://perma.cc/CUF2-CT4P>].

ABSTRACT

While acknowledging the importance of the new Security Council Resolution 2601 adopted in October 2021, the Taliban's ban on girls' education reinforces the urgency for the adoption of a standalone Women Peace and Security (WPS) resolution that recognizes the disproportionate impact of conflict on girls' education in places such as Afghanistan. This new WPS resolution must address girls' and women's education as key to sustaining peace and security. The WPS agenda is critical to a peace and security agenda and recognizes and advances women's participation in peace and security. I argue that as they stand, the ten WPS Security Council Resolutions with their emphasis on conflict related sexual abuse are more focused on protecting women's bodies than on advancing women's minds as important tools of strengthening peace and security and empowering women and girls in communities such as Afghanistan. More must be done to redefine the WPS agenda and to develop a new standalone resolution that reframes bans on education as a threat to global and national security. The Taliban's limits on education for girls provides a warning cry for a WPS resolution that looks specifically at women's education as a casualty of conflict and violent extremism. Thus, denial of girls' and women's education must be seen as a form of conflict-related intellectual violence that is interconnected with conflict-related sexual and other forms of physical violence. Despite profound threats, girls' education is a powerful vaccine to stem the tide of fundamentalism. A new Security Council Resolution that acknowledges the primacy of educating girls, not only as a fundamental human right, but also as a security imperative to prevent conflict and sustain peace is critical. As devastating attacks on schools and schoolgirls have escalated in Afghanistan and other communities, the Security Council should adopt a WPS resolution protecting women's education during and after conflict.

In a roll back of prior pledges to reopen all schools in the spring of 2022, the Taliban directive of March 23, 2022, declared girls' high schools would be closed, denying girls in sixth grade and above formal educational instruction.²

² *June 2022 Monthly Forecast: Afghanistan*, SEC. COUNCIL REP. (May 31, 2022), <https://www.securitycouncilreport.org/monthly-forecast/2022-06/afghanistan-17.php> [<https://perma.cc/MDC2-M89K>].

Following on the heels of Hibatullah Akhundzada, the Taliban's supreme leader's decree calling upon Afghan women to cover their faces in public, in early May, the Taliban Ministry for the Promotion of Virtue and Vice decreed that "women, unless they are very young or very old, must cover their faces except for their eyes" when meeting a non- male relative.³ The declaration moreover announced that women "should wear a *chadori* [head-to-toe burqa], as it is traditional and respectful."⁴ A particularly patriarchal form of male involvement in this decree was reinforced by proclaiming that male relatives would be punished in cases of non-compliance with these orders. Furthermore, the decree advised women that "the best way to observe hijab is to not go out unless it's necessary."⁵ These orders expand on directives issued on 26 December 2021 disallowing women from travelling beyond 72 kilometers from their homes without being chaperoned by a "Mahram" or a close male relative.

Immediately following the March 23 decree on school closures for Middle and High School girls, on 27 March, the UN Security Council in a press statement called on the Taliban to "respect the right to education and adhere to their commitments to reopen schools for all female students without further delay."⁶ Girls and women's education has risen to the level of Security Council debates and discourse and this Article examines new and nuanced expansions for women and security that expand more orthodox normative frameworks.

³ *Id.*

⁴ *Id.* (alterations in original).

⁵ *Id.*

⁶ *Id.*

TABLE OF CONTENTS

I. Introduction.....	995
II. The Prelude: Afghan Women’s Activism Before the Taliban Takeover.....	999
<i>a. The Struggle for Gender Equal Laws: Where Is My Name?</i>	999
<i>b. The Afghan Constitution and the Elimination of Violence Against Women Act (EVAW)</i>	1001
III. Evolving Categories of Gender -based Violence	1005
<i>a. Learning from Afghanistan: Denial of Education as a Category of Gender-Based Violence in Conflict</i>	1005
<i>i. Attacks Against Women’s Education Around the World.....</i>	1010
<i>ii. Iraq</i>	1011
<i>iii. Syrian Arab Republic.....</i>	1012
<i>iv. Yemen.....</i>	1014
<i>v. Central African Republic.....</i>	1016
<i>vi. Nigeria.....</i>	1017
<i>vii. Congo</i>	1018
IV. A Data-Driven Analysis of Girls’ and Women’s Education in NAPs: What the Data Says.....	1020
<i>a. Methodology</i>	1021
<i>b. Results</i>	1022
<i>c. Analysis</i>	1025
<i>i. Coda: Security Council Resolution 2601 of 2021 .</i>	1026
V. Conclusion: Toward a Reimagining of the WPS Agenda	1029
Appendix:	1031

I. INTRODUCTION

A leading women's rights activist and political leader in Afghanistan, Shukria Barakzai, once asked President Obama for "'30,000 scholars or engineers' instead of that many soldiers."⁷ For Shukria Barakzai, a woman who ran the first underground schools for women in Afghanistan, access to education was a cornerstone of national security.

All over the world, a war is being waged against the education of girls and women. Malala was shot in the head by a masked gunman because of her campaign for girls to go to school in Taliban-controlled Pakistan.⁸ In 2014, Boko Haram kidnapped over two hundred girls from a boarding school in Nigeria, and in 2018, Boko Haram kidnapped over one hundred other girls in a neighboring town in Nigeria.⁹ Girls were barred from attending school to become wives of Boko Haram fighters.¹⁰ In Latin America, millions of students regularly miss school because gang violence endangers them on their way to school and at school.¹¹ Pregnant girls are

⁷ Shukria Barakzai, WIKIPEDIA, https://en.wikipedia.org/wiki/Shukria_Barakzai [<https://perma.cc/P7RW-JWGR>].

⁸ Mishal Husain, *Malala: The Girl Who Was Shot for Going to School*, BBC NEWS (Oct. 7, 2013), <https://www.bbc.com/news/magazine-24379018> [<https://perma.cc/VC9A-6GHW>].

⁹ Aminu Abubakar, *As Many As 200 Girls Abducted by Boko Haram, Nigerian Officials Say*, CNN (Apr. 16, 2014, 8:54 AM), <https://www.cnn.com/2014/04/15/world/africa/nigeria-girls-abducted/index.html> [<https://perma.cc/SYC3-7D6F>]; Jonathan Gopep et al., *Boko Haram's Seizure of 110 Girls Taunts Nigeria, and Its Leader*, N.Y. TIMES (Mar. 18, 2018), <https://www.nytimes.com/2018/03/18/world/africa/boko-haram-dapchi-girls-nigeria.html> [<https://perma.cc/2KCD-L6X8>].

¹⁰ See INT'L CRISIS GRP., NIGERIA: WOMEN AND THE BOKO HARAM INSURGENCY, at i (2016), <https://d2071andvip0wj.cloudfront.net/242-nigeria-women-and-the-boko-haram%20Insurgency.pdf> [<https://perma.cc/EKD2-8SYG>]; *Nigeria: Abducted Women and Girls Forced to Join Boko Haram Attacks*, AMNESTY INT'L (Apr. 14, 2015), <https://www.amnesty.org/en/latest/news/2015/04/nigeria-abducted-women-and-girls-forced-to-join-boko-haram-attacks/> [<https://perma.cc/GS5Q-5P9E>].

¹¹ Jo Griffin, *Too Afraid for School: Latin America Is Losing New Generation to Gang Violence*, GUARDIAN (Jan. 27, 2016, 2:00 AM), <https://www.theguardian.com/teacher-network/2016/jan/27/risk-life-qualification-education-latin-america> [<https://perma.cc/4AMU-NMWE>].

forbidden from attending school in some parts of the world, as well.¹²

The Taliban takeover of Afghanistan is part of an ongoing war against girls' education. In Afghanistan, school wells have been poisoned, further threatening girls' education.¹³ Girls traveling to school are subject to acid attacks.¹⁴ In May 2021, a bomb attack killed scores of schoolgirls at Sayed Ul-Shuhada High School in Kabul.¹⁵ School teachers at schools for girls had to grapple with the reality that their drinking water may be poisoned by the Taliban.¹⁶ Even before the August 2021 takeover of Afghanistan, "night letters" were a tool of Taliban communication in rural communities in Afghanistan, often threatening teachers and students.¹⁷ During the final stages of the publication of this Article, on March 22, 2022, the Taliban announced, hours after girls' high schools opened, that these schools were to be closed until plans were to be made on how institutions of learning for girls could be designed according to Afghan culture.¹⁸

The adoption of Security Council Resolution 2601, cosponsored by ninety-two countries, is a landmark contribution to children's education in armed conflict, both to protect education from attacks

¹² Africa: Pregnant Girls, Young Mothers Barred from School, HUM. RTS. WATCH (June 14, 2018, 3:00 AM), <https://www.hrw.org/news/2018/06/14/africa-pregnant-girls-young-mothers-barred-school> [<https://perma.cc/T3XT-54E9>].

¹³ Masoud Popalzai, *Extremists Poison Schoolgirls' Water, Afghan Officials Say*, CNN (Apr. 17, 2012, 8:21 PM), <https://www.cnn.com/2012/04/17/world/afghanistan-girls-poisoned/index.html> [<https://perma.cc/L63G-TZAS>].

¹⁴ Allie Torgan, *Acid Attacks, Poison: What Afghan Girls Risk by Going to School*, CNN (Mar. 17, 2016, 7:24 AM), <https://www.cnn.com/2012/08/02/world/meast/cnnheroes-jan-afghan-school/index.html> [<https://perma.cc/BH45-6FFP>].

¹⁵ Thomas Gibbons-Neff & Najim Rahim, *Bombing Outside Afghan School Kills at Least 90, With Girls as Targets*, N.Y. TIMES (May 16, 2021), <https://www.nytimes.com/2021/05/08/world/asia/bombing-school-afghanistan.html> [<https://perma.cc/U6EV-BUN7>].

¹⁶ Popalzai, *supra* note 13.

¹⁷ IMMIGR. & REFUGEE BD. OF CAN., RESPONSES TO INFORMATION REQUESTS (2015), https://www.justice.gov/sites/default/files/eoir/pages/attachments/2015/04/27/canada_coi_afg105047.e.pdf [<https://perma.cc/2CCF-67AZ>].

¹⁸ *The Taliban Closes Afghan Girls' Schools Hours After Reopening*, AL JAZEERA (Mar. 23, 2022), <https://www.aljazeera.com/news/2022/3/23/taliban-orders-girls-schools-shut-hours-after-reopening> [<https://perma.cc/2GS5-U537>].

and to advance the role that education plays to prevent conflict.¹⁹ The right to education is a fundamental human right but inclusive education is also a driver of peace and security.²⁰ Moreover, school closures amount to a form of intellectual violence that is interconnected with physical forms of violence against women and girls. On December 2021, during an intergovernmental meeting of Norway, Niger, UNICEF, UNESCO, and other stakeholders, it was underscored that the gendered aspects of attacks on schools and educational institutions demanded attention, “particularly in Afghanistan where threats to eliminate education for girls are already prompting huge spikes in Gender-Based Violence, including sexual violence.”²¹

The UN reports that “more than 22,000 students, teachers and academics were injured, killed or harmed in attacks on education during armed conflict or insecurity over the past five years.”²² After the Taliban takeover, a decree was issued on September 18, 2021, that ordered only boys to return to secondary schools, but not girls.²³ The Taliban’s action underscores the transformative force of education as social change tool and a bulwark against fundamentalism.

The first Part of this Article looks at the role of women in Afghanistan just before the Taliban takeover through the movement by women in Afghanistan to reclaim their names, and the legal framework on education for women. The second Part of the Article explores the Women, Peace, and Security (“WPS”) agenda and addresses its focus on conflict-related violence and argues for a new

¹⁹ *Security Council Adopts ‘First of Its Kind’ Resolution on Protecting Classrooms from Conflict*, UN NEWS (Oct. 29, 2021), <https://news.un.org/en/story/2021/10/1104482> [https://perma.cc/W9QM-6AZ8].

²⁰ *UN Security Council Calls for the Protection of Education in Conflict*, UNESCO (Dec. 6, 2021), <https://en.unesco.org/news/security-council-calls-protection-education-conflict> [https://perma.cc/P7S6-JX4R]; see also International Covenant on Economic, Social and Cultural Rights art. 13, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3, https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/ICESCR_1966_en.pdf [https://perma.cc/DN8M-23RT] [hereinafter ICESCR].

²¹ UNESCO, *supra* note 20.

²² UN NEWS, *supra* note 19.

²³ Sune Engel Rasmussen & Jalal Nazari, *Afghanistan’s Taliban Prohibit Girls from Attending Secondary School*, WALL ST. J. (Sept. 19, 2021, 2:16 PM), <https://www.wsj.com/articles/afghanistans-taliban-prohibit-girls-from-attending-secondary-school-as-boys-return-to-classrooms-11631951310> [https://perma.cc/PEA3-5PKN].

resolution that will help to address the prevention of girls' and women's education as part of the continuum of violence before, during, and after conflict.²⁴ While Security Council Resolution 1325 calls for women's participation in peace and conflict resolution,²⁵ subsequent resolutions focus heavily on addressing conflict-related sexual violence.²⁶ While violence needs to be looked at as a continuum, before, during, and after conflict, violence must be reexamined to cover other categories of systemic and structural violence such as school closures for girls and women. I also analyze the insufficient inclusion of education as an indicator in the National Action Plans under the WPS Agenda. During the writing of this Article, in October 2021, led by Norway and Niger, the Security Council adopted Security Council Resolution 2601 on conflict-related school closures.²⁷ Although this is a laudable step, I propose a standalone resolution under the WPS agenda which looks at women's education as a part of a prevention-of-conflict pillar and as part of the protection of women's education during conflict. The Conclusion to this Article makes recommendations for strategic performance indicators for women's education in a new Security Council resolution in the WPS agenda.

²⁴ Violence against women is often an early indicator or harbinger of impending conflict. WHITE HOUSE, UNITED STATES NATIONAL ACTION PLAN ON WOMEN, PEACE, AND SECURITY 8 (2011). There is often a spike in violence against women in post-conflict. *Women's Human Rights and Gender-Related Concerns in Situations of Conflict and Instability*, OFF. HIGH COMM'R ON HUM. RTS., <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability#:~:text=Gender-based%20violence%20also%20spikes%20in%20post-conflict%20societies%2C%20due,viole%20as%20an%20additional%20element%20of%20pre-existing%20discrimination> [https://perma.cc/U5MD-BFHZ].

²⁵ See S.C. Res. 1325 (Oct. 31, 2000).

²⁶ See S.C. Res. 1820 (June 19, 2008); S.C. Res. 1888 (Sept. 30, 2009); S.C. Res. 1889 (Oct. 5, 2009); S.C. Res. 1960 (Dec. 16, 2010); S.C. Res. 2106 (June 24, 2013); S.C. Res. 2122 (Oct. 18, 2013); S.C. Res. 2242 (Oct. 13, 2015); S.C. Res. 2467 (Apr. 23, 2019); S.C. Res. 2493 (Oct. 29, 2019).

²⁷ UN NEWS, *supra* note 19.

II. THE PRELUDE: AFGHAN WOMEN'S ACTIVISM BEFORE THE TALIBAN TAKEOVER

a. *The Struggle for Gender Equal Laws: Where Is My Name?*

The first impulse for this Article arose from the examination of the Afghan women's campaign "Where Is My Name?"²⁸ Although not directly related to women's education, the search for public recognition together with an ID card, or "Tazkira," is vital to women's economic participation as well as community development.²⁹ In early September of 2021, the Taliban issued a decree requiring all female students to wear clothes that cover their faces and bodies.³⁰ The Taliban decree mandated that women wear an abaya and niqab, and only be taught by other women or "elderly men."³¹ While women's bodies were being made invisible in academic settings, once again by the decree of the Taliban, just a year before, women were at the forefront of a battle to reclaim their names in public and private.

In 2020, the BBC reported that a woman from western Afghanistan was diagnosed with COVID-19.³² Her husband beat her for sharing her name with a man when he saw her name on the doctor's prescription.³³ In Afghanistan, a woman's name is not

²⁸ This social media movement helped to unmask the invisibility of women as well as their second-class citizen status. Peter Hutchison, 'Where Is My Name?' Afghan Women Seek Right to Identity, YAHOO! NEWS (Aug. 23, 2017), <https://news.yahoo.com/where-name-afghan-women-seek-identity-024436657.html?guccounter=1> [<https://perma.cc/X3SQ-TUWC>].

²⁹ Talajeh Livani & Sarah Haddock, *Women's Access to Identification Cards Can Accelerate Development in Afghanistan*, WORLD BANK BLOGS: END POVERTY IN S. ASIA (Oct. 5, 2020), <https://blogs.worldbank.org/endpovertyinsouthasia/womens-access-identification-cards-can-accelerate-development-afghanistan#:~:text=based%20legal%20barriers,-,In%20Afghanistan%2C%20the%20Bank%20supports%20women's%20access%20to%20identification%20through,bank%20loans%2C%20and%20register%20businesses>. [<https://perma.cc/CL6U-PU2V>].

³⁰ Frud Bezhan, *Taliban Imposes New Dress Code, Segregation of Women at Afghan Universities*, GANDHARA (Sept. 6, 2021), <https://gandhara.rferl.org/a/taliban-dress-code-segregation-women/31446726.html> [<https://perma.cc/6SAV-KHSW>].

³¹ *Id.*

³² Mahjooba Nowrouzi, *Where Is My Name: Afghan Women Campaign for the Right to Reveal Their Names*, BBC NEWS (July 25, 2020), <https://www.bbc.com/news/world-asia-53436335> [<https://perma.cc/Y34K-NYW9>].

³³ *Id.*

traditionally spoken in public.³⁴ A woman's identity is connected to her relationship to her father, brother, husband, and son.³⁵ The law of Afghanistan provides that only the father's name is inscribed on a birth certificate.³⁶ Custom dictates that a woman's name should not appear on her wedding invitations, her death certificate, or even her tombstone.³⁷ The conspicuous lack of women's names connotes an erasure of women. Women's names are not only erased from the public but also result in self silencing.

In 2017, the social media campaign "Where Is My Name?" was a lightning rod for change.³⁸ Laleh Osmany founded the campaign as a way to reclaim women's names and identities in public and was intent on pressuring the Afghan government to record the mother's name on a birth certificate.³⁹ The then-president Ashraf Ghani called upon the Afghanistan Central Civil Registration Authority (ACCRA) to evaluate the possibility of allowing women's names on their children's identification documents and birth certificates via an amendment to the Population Registration Act.⁴⁰ In 2020, the Act was forwarded to the President's Office of Administrative Affairs (OAA).⁴¹ Afghan female parliamentarians supported the bill. A member of the parliament, Fawzia Koofi, explained to the BBC that she supported the development, though it should have happened years ago. Koofi further emphasized: "[t]he matter of including a woman's name on the national ID card in Afghanistan is not a matter of women's rights – it's a legal right, a human right."⁴² Furthermore,

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Harun Yahya, *Social Media Campaign to Help Afghan Women Break Free from the Chains of Radicalism*, EGYPTIAN STREETS (Sept. 23, 2017), <https://egyptianstreets.com/2017/09/23/social-media-campaign-to-help-afghan-women-break-free-from-the-chains-of-radicalism/#:~:text=In%20July%2C%20a%20group%20of%20young%20and%20brave,being%20called%20by%20their%20names%20in%20the%20country> [<https://perma.cc/8ATT-W8D7>].

³⁹ Nowrouzi, *supra* note 32.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

she cogently stated, “[a]ny individual who exists in this world has to have an identity.”⁴³

The campaign led by Afghan women which called upon the Afghan president to change the law and record mothers’ names on birth certificates and identity cards is just one of the many campaigns led by the women of Afghanistan. In the wake of the Taliban takeover, these hard-won gains by women cannot be rolled back or squandered. The “Where Is My Name?” movement gained momentum due to social media and had the potential to become a lightning rod for change.⁴⁴

b. The Afghan Constitution and the Elimination of Violence Against Women Act (EVAW)

The attacks against education are a reaction to the transformative potential of education of women as a force for change in Afghanistan and elsewhere. The primacy of education is enshrined in Article 43 of the Afghan Constitution of 2004.⁴⁵ Moreover, the denial of the right to education is defined as a form of violence against women in the Elimination of Violence Against Women Act passed as a presidential decree in 2009.⁴⁶ This is one of the only laws in the world to define the denial of education as violence against women.

⁴³ *Id.* See also Convention on the Rights of the Child art. 7, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990) (stating that a “child shall be registered immediately after birth and shall have the right from birth to a name”). Afghanistan is a party to this convention.

⁴⁴ See Mujib Mashal, *Their Identities Denied, Afghan Women Ask, ‘Where Is My Name?’*, N.Y. TIMES (July 30, 2017), <https://www.nytimes.com/2017/07/30/world/asia/afghanistan-womens-rights-whereismyname.html> [<https://perma.cc/TH7S-WVZN>].

⁴⁵ CONST. OF ISLAMIC REPUBLIC OF AFG. Jan. 26, 2004, art. 43 (Afg.).

⁴⁶ LAW ON ELIMINATION OF VIOLENCE AGAINST WOMEN [EVAW Law] art. 5 (2009) (Afg.) [hereinafter EVAW Law].

The adoption of the Afghan Elimination of Violence Against Women (“EVAW”) Bill in 2009 was a major watershed event.⁴⁷ The EVAW law was reauthorized by President Ashraf Ghani in 2018.⁴⁸

The EVAW, despite its shortcomings, contains an expanded definition of gender-based violence. Article 5 of the law identifies twenty-two categories of violence falling under the law to include:

- (1) [s]exual assault; (2) [f]orced prostitution; (3) [r]ecording the identity of the victim and publishing it in a way that damages her personality; (4) [b]urning, using chemicals or other dangerous substances; (5) [f]orcing one to burn herself or to commit suicide or using poison or other dangerous substances; (6) [c]ausing injury or disability; (7) [b]eating; (8) [s]elling and buying women for the purpose of or on the pretext of marriage; (9) [g]iving *Baad*; (10) [f]orced marriage; (11) [p]rohibiting from the right of marriage or right to choose a spouse; (12) [u]nderage marriage; (13) [a]busing, humiliating, intimidating; (14) [h]arassment/persecution; (15) [f]orced isolation; (16) [f]orced addiction; (17) [d]epriving from inheritance; (18) [p]rohibiting to access personal property; (19) [p]rohibiting from the right to education, work and access to health services; (20) [f]orced labor; (21) [m]arrying more than one wife without observing Article 86 of Civil Code; and (22) [d]enial of relationship.⁴⁹

Prohibition on education in the EVAW can be defined as a category of structural rather than interpersonal violence. The notion of structural violence was first introduced as a concept in 1969 by sociologist and founder of peace and conflict studies, Johan Galtung.⁵⁰ He argued that structural violence exists any time “human beings are being influenced [by economic and political structures] so that their actual somatic and mental realizations are

⁴⁷ Fawzia Koofi, *Where Afghan Law Fails Women*, AL JAZEERA (Jan. 2, 2015), <https://www.aljazeera.com/opinions/2015/1/2/where-afghan-law-fails-women/#:~:text=The%20bill%2C%20known%20as%20The%20Elimination%20of%20Violence,July%2020%2C%202009%2C%20while%20parliament%20was%20in%20recess> [<https://perma.cc/W2YW-AEWG>]; EVAW Law, *supra* note 46.

⁴⁸ “I Thought Our Life Might Get Better”, HUM. RTS. WATCH (Aug. 05, 2021), <https://www.hrw.org/report/2021/08/05/i-thought-our-life-might-get-better/implementing-afghanistans-elimination> [<https://perma.cc/NM9F-JGUV>].

⁴⁹ EVAW Law, *supra* note 46.

⁵⁰ See generally Johan Galtung, *Violence, Peace, and Peace Research*, 6 J. PEACE RSCH. 167, 171-73 (1969) (explaining the distinctions between personal or direct violence and structural or indirect violence).

below their potential realizations,” and urged society to reject the notion that violence is only “somatic incapacitation, or deprivation of health . . . at the hands of an actor who intends this to be the consequence.”⁵¹ Galtung’s term, structural violence, was echoed by Paul Farmer⁵² who noted that “the arrangements are *structural* because they are embedded in the political and economic organization or our social world,” and that they are violent because “they cause injury to people.”⁵³

The EVAW has a standalone provision on the ban on child marriage.⁵⁴ Article 5 of the EVAW prohibits child marriage, forced marriage, forced isolation, and the selling of women into marriage.⁵⁵ Article 71 of the Civil Code of Afghanistan prohibits marriage under the age of fifteen.⁵⁶ Article 517 of the Afghan Penal Code provides “[a] person who gives in marriage . . . a girl who is eighteen years or older, contrary to her will or consent, shall be sentenced in view of the circumstances to short imprisonment.”⁵⁷ Moreover, Afghanistan introduced a “National Action Plan to Eliminate Early and Child Marriage” in 2014.⁵⁸ Article 28 of the EVAW outlaws child marriage.⁵⁹

Even before the fall of the Taliban, women and girls who ran away from violence risked being labeled as having “run away” from their “homes” (*farar az manzil*) to avoid forced marriages and risked being held by authorities and charged with “moral crimes” such as

⁵¹ *Id.* at 168 (emphasis omitted).

⁵² See Paul E. Farmer et al., *Structural Violence and Clinical Medicine*, 3 PLOS MED. 1686, 1686 (2006) (explaining how structural violence occurs in public health).

⁵³ *Id.*

⁵⁴ EVAW Law, *supra* note 46, at art. 28.

⁵⁵ *Id.*

⁵⁶ CIVIL LAW OF THE REPUBLIC OF AFGHANISTAN [CIVIL LAW] art. 71 (1977) (Afg.), <https://www.refworld.org/docid/5a6f2bce4.html> [https://perma.cc/QW2P-TG8W].

⁵⁷ PENAL CODE OF THE REPUBLIC OF AFGHANISTAN [PENAL CODE] art. 517 (1976) (Afg.), [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/cca31567c689b4aec12571140033a15e/\\$FILE/Penal%20Code%201976.pdf](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/0/cca31567c689b4aec12571140033a15e/$FILE/Penal%20Code%201976.pdf) [https://perma.cc/RWQ4-D95T].

⁵⁸ UNICEF, CHILD MARRIAGE IN AFGHANISTAN: CHANGING THE NARRATIVE 17 (2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF-MoLSAMD-afg-report-Child-Marriage-in-Afghanistan.pdf> [https://perma.cc/3QXY-5LL5].

⁵⁹ EVAW Law, *supra*, note 41, art. 28.

attempted zina (sexual relations outside of marriage).⁶⁰ A majority of the female prisoners have been charged with “moral crimes” which include pre- or extra-marital sex.⁶¹ In addition, it is not uncommon for women and girls charged with moral crimes, including rape victims, to be forced into “virginity testing.”⁶² Afghanistan’s Penal Code has not been changed to prevent such practices.

The spike in child marriage since the Taliban takeover is one of the most alarming fallouts of the Taliban takeover.⁶³ CNN has reported a father selling his nine-year-old daughter to a man more than four decades her senior in exchange for food.⁶⁴

The right to education is a vaccine against child marriage and operates as a multiplier. It enhances all other human rights when guaranteed and forecloses the enjoyment of most, if not all, when denied.⁶⁵

⁶⁰ Aziz Hakimi & Masooma Sa’adat, *Legal Reform or Erasure of History? The Politics of Moral Crimes in Afghanistan*, 39 CENT. ASIAN SURV. 255, 255-56 (2020); HUM. RTS. WATCH, “I HAD TO RUN AWAY”: THE IMPRISONMENT OF WOMEN AND GIRLS FOR “MORAL CRIMES” IN AFGHANISTAN 34-36 (2012), https://www.hrw.org/sites/default/files/reports/afghanistan0312webwcover_0.pdf [<https://perma.cc/RR9B-Q3Z8>].

⁶¹ See Mehdi J. Hakimi, *Elusive Justice: Reflections on the Tenth Anniversary of Afghanistan’s Law on Elimination of Violence Against Women*, 18 NW. J. HUM. RTS. 52, 65 (2020).

⁶² *Id.* at 52, 66.

⁶³ Akmal Dawi, *Afghanistan Poverty Bears More Child Brides*, VOA NEWS (May 4, 2022, 8:50 AM), <https://www.voanews.com/a/afghanistan-poverty-bears-more-child-brides/6556599.html> [<https://perma.cc/4RL5-59NA>]; HUM. RTS. WATCH, *supra* note 60, at 30-31 (citing, as of 2008, “70 to 80 percent of marriages in Afghanistan were forced, taking place without full and free consent or under duress” and “57 percent of marriages involved at least one party under the age of 16”).

⁶⁴ Anna Coren et al., *She Was Sold to a Stranger so Her Family Could Eat as Afghanistan Crumbles*, CNN (Nov. 1, 2021), <https://edition.cnn.com/2021/11/01/asia/1004-afghanistan-child-marriage-crisis-taliban-intl-hnk-dst/index.html> [<https://perma.cc/WFQ5-R46D>]; see also *Girls Increasingly at Risk of Child Marriage in Afghanistan: Statement by UNICEF Executive Director Henrietta Fore*, UNICEF (Nov. 12, 2021), <https://www.unicef.org/press-releases/girls-increasingly-risk-child-marriage-afghanistan#:~:text=Statement%20by%20UNICEF%20Executive%20Director%20Henrietta%20Fore&text=“We%20have%20received%20credible%20reports,in%20return%20for%20a%20dowry.&text=“The%20COVID-19%20pandemic%2C,exacerbated%20the%20situation%20for%20families> [<https://perma.cc/32F7-GZUY>].

⁶⁵ Comm. on Econ., Soc. and Cultural Rts., Gen. Comment No. 13: The Right to Educ., U.N. Doc E/C.12/1999/10 (Dec. 8, 1999) (explaining “[e]ducation is both a human right in itself and an indispensable means of realizing other human rights”).

III. EVOLVING CATEGORIES OF GENDER -BASED VIOLENCE

a. Learning from Afghanistan: Denial of Education as a Category of Gender-Based Violence in Conflict

The denial of a girl's education as a category of violence under EVAW is an important redefinition of violence against women especially in times of conflict.

UNSCR 1325, with its four pillars of prevention, participation, protection, and peacebuilding and recovery, has become the focal point for galvanizing worldwide efforts to deal with the many challenges that women face in situations of conflict.⁶⁶ In the wake of the Taliban takeover, I now call for an adoption of a standalone Women Peace and Security resolution that addresses the disproportionate impact of conflict and war on girl's education, which serves as key to sustaining peace and security. Since 2000, international law has recognized both the gender-specific impact of conflict and the central part women play in building peace and resolving conflict. Referring to the WPS agenda,⁶⁷ the landmark Security Council Resolution ("SCR") 1325 called on member states to increase the participation of women in the "prevention and resolution of conflicts" and in the "maintenance and promotion of peace and security."⁶⁸ To date, nine other resolutions are part this corpus of women peace and security agenda. Despite the breadth of these resolutions, not one addresses attacks against girls' education as a security issue. This Article maps the language of each of the resolutions that invoke education, but none go far enough to address the attacks against girls' education as part of the WPS oeuvre.⁶⁹ Against the backdrop of the Afghanistan situation, a WPS agenda which only looks at violence against women through the main prism of conflict-related violence is inadequate to cover the violence and discrimination against girls and women in Afghanistan.

⁶⁶ S.C. Res. 1325, *supra* note 25.

⁶⁷ See *The Resolutions*, PEACEWOMEN, <http://www.peacewomen.org/why-WPS/solutions/resolutions> [<https://perma.cc/QM22-TMJG>] (enumerating the security Council resolutions that make up the Women, Peace, and Security Agenda and that guide work to promote gender equality and strengthen women's participation, protection, and rights across the conflict cycle, from conflict prevention through post-conflict reconstruction).

⁶⁸ S.C. Res. 1325, *supra* note 25.

⁶⁹ See *infra* Appendix.

In applying SCR 1325 and its progeny, this Article argues that the WPS agenda needs to be expanded or interpreted broadly to cover the unique forms of security concerns for women in Afghanistan.

It has been argued that “[s]exual violence has received more significant attention by the Council in recent years.”⁷⁰ Seven of the nine WPS resolutions address sexual violence in conflict specifically.⁷¹

The Resolution adopted in 2008 after SCR 1325, SCR 1820 pertains directly to sexual violence in conflict. A year later, in 2009, the role of Special Representative on Sexual Violence in Conflict (“SRSG-SViC”) was created under SCR 1888.⁷²

The SCR 2467 is specifically dedicated to sexual violence in conflict and introduces language on survivor-centered approaches and the continuum of violence against women and girls.⁷³ It recognizes national ownership and responsibility in addressing root causes of sexual violence, and it names structural gender inequality and discrimination as a root cause.⁷⁴

In the current analysis, we see that in SCR 1820 conflict related violence was noted thirty-four times, in SCR 1888, forty-eight times, in SCR 1960, forty-five times, and in SCR 2106, forty-seven times. In comparison, education was mentioned only in SCR 1889 five times, twice in SCR 2242, and once in 2467 and 2494, respectively.⁷⁵

The WPS agenda pays attention to conflict-related sexual violence (“CRSV”). In fact, the terminology of CRSV has been

⁷⁰ *Sexual Violence Monitoring*, PEACEWOMEN, <https://www.peacewomen.org/security-council/sexual-violence-indicators-and-monitoring> [<https://perma.cc/M3H6-RQ6X>] (explaining that sexual violence was not recognized as a crime against humanity until 1993 when the mass rapes of Yugoslavian women were recognized in the International Criminal Tribunal for the former Yugoslavia (ICTY), and that in 1994 the International Criminal Tribunal for Rwanda (ICTR) also found rape to be a war crime, but it was not until the Rome Statute in 2002 that the International Criminal Court (ICC) could hold sexual violence perpetrators accountable).

⁷¹ *Id.* (citing S.C. Res. 1820 (June 19, 2008); S.C. Res. 1888 (Sept. 30, 2009); S.C. Res. 1960 (Dec. 16, 2010); S.C. Res. 2106 (June 24, 2013); S.C. Res. 2122 (Oct. 18, 2013); S.C. Res. 2242 (Oct. 13, 2015); and S.C. Res. 2467 (Apr. 23, 2019)).

⁷² S.C. Res. 1888, *supra* note 26, ¶ 4.

⁷³ S.C. Res. 2467, *supra* note 26, at 3.

⁷⁴ *Id.* at 2.

⁷⁵ *See infra* Appendix.

mainstreamed by the WPS agenda.⁷⁶ However, a focus on CRSV has obscured attention from the everyday routine violence that women experience before, during, and after conflict. It creates a dichotomy between everyday violence and conflict-related sexual violence and develops a hierarchy of violence. In geographies such as Afghanistan, violence and misogyny are routine and need to be seen in the context of exclusion of girls from schools.

As explained above, violence against women in Afghanistan involves women's highly limited access to education, to their identity, and their right to a name, among others. Some of these categories are covered by the EVAW and the EVAW is one of the rare anti-violence laws that defines prohibitions against girls' education as a form of violence against women.

Identifying conflict-related sexual violence as the primary impact of conflict on women has many problems. Invoking sexual abuse against women as the chief and primary impact of war undermines other ways in which women are impacted by war, conflict, extremism, and rising fundamentalism. Often crisis is accompanied by denial of women's access to education and economic resources.⁷⁷ This reality is powerfully played out in Afghanistan but also present in other theaters of war and conflict as well. Conflict results in low school enrollment and the erosion of resources from education. At the same time, denial of access to education, land tenure, and credit creates the perfect storm of inequality and disempowerment of women and their communities

⁷⁶ The corpus of WPS resolutions has emphasized conflict-related sexual violence.

Conflict-related sexual violence has been one area of specific focus and increased attention within the Women, Peace and Security agenda, in particular since the establishment of UN Action Against Sexual Violence in Conflict in 2007, the adoption of UNSCR 1820 in 2008, and the establishment in 2009 of a Special-Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC). The mandate of the SRSG-SVC, as detailed in SCR 1888 and SCR 1960, is to provide coherent and strategic leadership and to strengthen coordination, advocacy, and cooperation between all relevant stakeholders.

Sexual Violence in Conflict, UN WOMEN (July 3, 2022), <https://www.endvawnow.org/en/articles/1489-sexual-violence-in-conflict.html> [https://perma.cc/QSN7-CYCE].

⁷⁷ Sharanya Sai Mohan, *The Battle After the War: Gender Discrimination in Property Rights And Post-Conflict Property Restitution*, 36 YALE J. INT'L L. 461, 461-62 (2011). See also Comm. On the Elimination of Discrimination Against Women, General Recommendation No. 36 (2017) on the Right of Girls and Women to Education, U.N. Doc. CEDAW/C/GC/36 (Nov. 16, 2017).

to recover from conflict.⁷⁸ It is estimated that half of children out of school live in areas impacted by conflict and girls' education is most disproportionately affected by conflict.⁷⁹

Feminist scholars examining the evolution of WPS have critiqued the primary and excessive focus on sexual violence, allowing international institutions to maintain a traditional gaze on women's bodies as the only site of violence.⁸⁰ Women's minds are battle grounds as well and in the context of Taliban the powerful form of control over progress and modernism.

The 2015 Global Study examining the fifteen years after the adoption of SCR 1325 stated:

In 2000 when resolution 1325 was adopted, the major issues facing women in situations of conflict were the brute force of sexual violence, losing children or loved ones to the conflict, being forced to or voluntarily becoming a combatant, and/or leaving one's possessions as vulnerable refugees or internally displaced persons. Today all these concerns remain, but in addition, in certain wars, women's concerns have become more dire while, at the same time, the nature of warfare invades their most private spaces, those spaces in the family and the community where their sense of identity and security are deeply threatened.⁸¹

As the Global Study affirms: "[s]ome of the issues concerning women will take decades of diligent, consistent practice to change. The international community should address its mind to these long-term structural issues in a more systematic manner."⁸²

Today, Security concerns are not limited to physical violence.⁸³ Both scholars and practitioners argue that security covers both

⁷⁸ UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, at 80, [https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf) [https://perma.cc/VH25-S29K].

⁷⁹ *Id.*

⁸⁰ Anne Marie Goetz & Rob Jenkins, *Participation and Protection: Security Council Dynamics, Bureaucratic Politics, and the Evolution of the Women, Peace, and Security Agenda*, in *THE OXFORD HANDBOOK OF GENDER AND CONFLICT* 110 (2018); Dianne Otto, *Women, Peace, and Security: A Critical Analysis of the Security Council's Vision*, in *THE OXFORD HANDBOOK OF GENDER AND CONFLICT* 105 (2018).

⁸¹ UN Women, *supra* note 78, at 21.

⁸² *Id.* at 22.

⁸³ *Id.* at 24.

economic and social factors.⁸⁴ This broader definition of security must include the denial of education for women as a security issue.

Despite this, in all the 417 pages of the Global Study, education occupies a small part. For example, where violations of girls' and women's rights to education have occurred as a result of armed conflict, education providers should include special outreach and remedial education programs for girls associated with armed forces or forcibly married, displaced, or trafficked.

From Taliban controlled attacks on girl's education, to Boko Haram's kidnapping of school girls in Chibok, Nigeria, to girls being forcibly married off to al-Shabab fighters in Somalia, to gang violence in Latin America which inhibits girls travel to school, educational institutions have become sites of potential harm caught in the vortex of violence.⁸⁵ Speaking of attacks on girls' education, former Under-Secretary-General Zainab Bangura has said "[w]hen we think of terrorism, we think of destruction of property But we cannot deplore the public violence of terrorism, while ignoring the violence terrorists inflict on women and girls in private, behind closed doors."⁸⁶

Studies have shown that there is a correlation between low levels of educational attainment and a higher risk of conflict. The Global Study on the Implementation of 1325 puts it best: "Across religions and regions, a common thread shared by extremist groups is that in each and every instance, their advance has been coupled with attacks on the rights of women and girls... [including the] right[] to education...."⁸⁷ The study notes that terrorists "deliberately attack schools."⁸⁸

The Global Study documents that SCR 1889 addresses girls' access to education as it relates to Women's Peace and Security, but only in post conflict situations. SCR 1889 refers to education, urging Member States "to take all feasible measures to ensure women and girls' equal access to education in post-conflict situations, given the

⁸⁴ *Id.*

⁸⁵ *See supra* notes 8–12.

⁸⁶ Zainab Hawa Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict, Statement dated June 2, 2016 at the Security Council Open Debate on Sexual Violence in Conflict, at 4, <https://www.peacewomen.org/sites/default/files/20160602%20SRSG%20Statement%20to%20SC%20Open%20Debate%20June%202016%20FINAL.pdf> [<https://perma.cc/TE56-CT7Q>].

⁸⁷ UN Women, *supra* note 78, at 16.

⁸⁸ *Id.* at 68.

vital role of education in the promotion of women's participation in post-conflict decision-making."⁸⁹

Generally, when education is mentioned in the various legal frameworks discussed above, it is referred to as a fundamental human right, and girls' and women's rights are violated when they are denied education. While undoubtedly true, these frameworks ignore the capacity of education as a tool to facilitate change. Education is one tool to prevent violent extremism, and the education of girls and women is a tool to facilitate peace.

i. Attacks Against Women's Education Around the World

In this Part I provide a panoramic exploration of conflict-related school closures and gender-related exclusions from school during, before, and after conflict.

The global disruption in education caused by the COVID-19 pandemic compounded the growing attacks and threats of attacks against schools, especially in the Central Sahel where terrorist and non-state armed groups specifically targeted schools and girls' education.⁹⁰ The Secretary-General's report underscores the severity of the crisis, with the United Nations having verified 927 attacks on schools (494) and hospitals (433), including against educational and medical personnel, for the period January to December 2019.⁹¹ In the Sahel region alone, as of December 2019, more than 3,300 schools had been closed due to insecurity in Burkina Faso, Mali, and Niger, a six-fold increase compared to the number of schools closed or rendered non-operational since 2017, affecting 650,000 children and more than 16,000 teachers.⁹² UN Secretary-General António Guterres announced in 2022 that "[a]round the world, 222 million

⁸⁹ S.C. Res. 1889, *supra* note 26, ¶ 11.

⁹⁰ *Children and Armed Conflict: Open Debate and Adoption of a Presidential Statement on Attacks Against Schools*, SEC. COUNCIL REP. (Sept. 9, 2020), <https://www.securitycouncilreport.org/whatsinblue/2020/09/children-and-armed-conflict-open-vtc-meeting-and-adoption-of-a-presidential-statement-on-attacks-against-schools.php> [<https://perma.cc/9L8X-SWXX>].

⁹¹ U.N. Secretary-General, *Children and Armed Conflict*, ¶ 8, U.N. Doc A/74/845-S/2020/525 (June 9, 2020).

⁹² UNICEF, *CENTRAL SAHEL ADVOCACY BRIEF 7* (2020), https://www.unicef.org/media/64586/file/Central-sahel-advocacy_brief-2020.pdf [<https://perma.cc/SL4N-QWXX>].

children are having their education cruelly interrupted.”⁹³ More than 80% of these children lived in conflict affected communities.⁹⁴ Although the data varies, this is a 20% rise from 2021.⁹⁵

ii. Iraq

An estimated six million children from 1990 to 2005 have been permanently impaired or seriously injured because of the armed conflict, with an estimated 2.7 million being in Iraq.⁹⁶ It is believed that nearly 700 children have been maimed, killed, or executed in the conflict in 2014 alone.⁹⁷ Although approximately 1.2 million of all children in Iraq are in need of education, girls and women face more difficulties in their access to education as they are disproportionately affected given the socially constructed gender norms in Iraq.⁹⁸ According to a UNESCO report, 26.4% of Iraqi women are illiterate.⁹⁹ The rate of literacy is likely lower in rural areas as around 50% of the women in rural villages are illiterate.¹⁰⁰ Girls are often subjected to heinous crimes and abuses under ISIL such as “rape, sexual slavery, forced pregnancy, trafficking, and

⁹³ *Global Estimates: Number of Crisis-Affected Children and Adolescents in Need of Education Support*, RELIEFWEB (June 21, 2022), <https://reliefweb.int/report/world/global-estimates-number-crisis-affected-children-and-adolescents-need-education-support> [https://perma.cc/T8HT-7KGD].

⁹⁴ *Id.*

⁹⁵ *The 6 Biggest Challenges Facing Children in 2022*, SAVE THE CHILDREN (2022), <https://www.savethechildren.org/us/charity-stories/biggest-challenges-children-will-face-2022> [https://perma.cc/NZ2R-QYFG].

⁹⁶ PAOLA PEREZNIETO ET AL., *MITIGATING THREATS TO GIRLS' EDUCATION IN CONFLICT-AFFECTED CONTEXTS: CURRENT PRACTICE* 21 (2017), https://www.ungei.org/sites/default/files/2020-08/Girls_in_Conflict_Review-Final-Web.pdf [https://perma.cc/33G2-9ZFK].

⁹⁷ *Id.*

⁹⁸ United Nations Assistance Mission for Iraq, Off. of the U.N. High Comm'r for Hum. Rts., *The Right to Education in Iraq* (2021), https://www.ohchr.org/Documents/Countries/IQ/GirlsRightEducation_EN.pdf [https://perma.cc/T7HC-96N6].

⁹⁹ *Supporting Girls' Education in Iraq: 'Now She Can Write Her Name with Great Pride'*, U.N. WOMEN (May 19, 2019), <https://arabstates.unwomen.org/en/news/stories/2019/5/supporting-girls--education-in-iraq> [https://perma.cc/GT2S-DV5Q].

¹⁰⁰ *Id.*

torture.”¹⁰¹ However, some families prevent their girls from returning to school in order to encourage girls to step into the role of a mother and caregiver, or to protect and maintain the family’s honor.¹⁰² Girls in rural villages are disproportionately impacted and are subjected to a lack of educational resources, school, and services.¹⁰³ A UNAMI and OHCHR report demonstrates that a girl’s access to education is linked to her parents’ own access to education as families who have had exposure to education are more likely to prioritize their girls’ education.¹⁰⁴ With fewer girls enrolled in school, especially in rural areas, fewer girls can become teachers, which further perpetuates the cycle of lower quality education in rural areas.¹⁰⁵ Those girls who are able and willing to return to school experience a variety of challenges such as a lack of concentration, anxiety, psychological trauma, feelings of helplessness, and vulnerability, and stigma should they have experienced sexual violence previously. Country-wide school closures due to COVID-19 exacerbated the problem of low attendance rates at school.¹⁰⁶

iii. Syrian Arab Republic

Reports from students and witnesses describe how excessive force, even gunfire, is used against civilians by security forces and progovernment militias during peaceful student demonstrations.¹⁰⁷ Opposition armed groups are targeting schools, which is depriving children of their right to education, imposing danger on them, and causing school closures.¹⁰⁸ Over 7.3 million children have been

¹⁰¹ *The Right to Education For Girls In Post-ISIL Iraq*, OHCHR (Jan. 24, 2021), <https://www.ohchr.org/EN/NewsEvents/Pages/EducationForGirlsPostISIL.aspx> [https://perma.cc/E9VS-7GHY].

¹⁰² *Id.*

¹⁰³ *See id.*

¹⁰⁴ *See id.*

¹⁰⁵ *See id.*

¹⁰⁶ *The Right to Education in Iraq*, *supra* note 98, at 6.

¹⁰⁷ HUM. RTS. WATCH, *SAFE NO MORE: STUDENTS AND SCHOOLS UNDER ATTACK IN SYRIA 16-19* (2013), https://ssd.protectingeducation.org/wp-content/uploads/documents/documents_safe_no_more.pdf [https://perma.cc/AT3B-SKQ9].

¹⁰⁸ Billy Briggs, *10 Countries Where Girls’ Education Has Been Under Attack*, THEIRWORLD (Mar. 10, 2017), <https://theirworld.org/news/10-countries-where-girls-education-has-been-attacked> [https://perma.cc/S9PT-F6UE].

affected by the conflict.¹⁰⁹ The first nine months of 2014 saw 105 deaths and 300 injuries to children.¹¹⁰ In 2015, the Islamic State attacked a school in the Hrabish area in Syria, killing nine students and injuring twenty.¹¹¹ Over 90% of Syrian civilian deaths were caused by government military action, as the Syrian Network for Human Rights reported over the years 2011 through 2017.¹¹² According to a December 2012 report from the Syrian Ministry of Education, 2,362 schools in Syria (composing 10% of all Syrian schools) were damaged or looted, with 1,468 schools becoming homes for internally displaced persons.¹¹³ According to a UNICEF report in 2014, nearly 25% of schools have been damaged, destroyed or repurposed into shelters or other non-educational facilities.¹¹⁴ A February 2013 UN Commission of Inquiry of Syria report notes that armed forces often hijack schools and use them as barracks or offices, and such occupation spreads the belief that schools are unsafe.¹¹⁵ Once a military force, whether that be a national armed force or non-state armed group, utilizes schools for military purposes, the educational facility becomes a legitimate target in the eyes of the law. These occupations cause students to drop out of school. According to Human Rights Watch, many parents keep their children, especially girls, home in fear that security forces would otherwise arrest, detain, or attack their children.¹¹⁶ Salma, a fourteen-year-old girl from Dael in the Daraa governorate, recounts when the government forces attacked her school in Ramadan in 2012, stating

[W]hen the tank entered the school, it hit the walls of the school with machine guns. So students got down [on the

¹⁰⁹ PEREZNIETO ET AL., *supra* note 96, at 16.

¹¹⁰ *Id.* at 16.

¹¹¹ GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, EDUCATION UNDER ATTACK 2018 – SYRIA (2018), <https://www.refworld.org/docid/5be94301c.html> [<https://perma.cc/7UAC-FAG9>].

¹¹² *Id.*

¹¹³ HUM. RTS. WATCH, *supra* note 107, at 3.

¹¹⁴ HUMANITARIAN COUNTRY TEAM, 2015 STRATEGIC RESPONSE PLAN: SYRIAN ARAB REPUBLIC 5 (2014), https://reliefweb.int/sites/reliefweb.int/files/resources/2015_SRP_Syria_EN_AdvanceCopy_171214.pdf [<https://perma.cc/RZ84-BAKB>].

¹¹⁵ GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, EDUCATION UNDER ATTACK 2014, at 19 (2014), https://reliefweb.int/sites/reliefweb.int/files/resources/Education%20under%20attack_2014.pdf [<https://perma.cc/MV6L-HLMH>].

¹¹⁶ See HUM. RTS. WATCH, *supra* note 107, at 16.

ground] to shelter. We spent half an hour or an hour there underneath our desks. Then the teachers asked [the government soldiers] if the children could leave, so they let us go home. We were crying because [we heard a] plane and a soldier said "Why are you crying about the plane? When we leave, a 'barrel bomb' will fall."¹¹⁷

Iman, a twenty-year-old woman from Quneitra, shared with Human Rights Watch her memory of government snipers positioned on the roof of the Bassel al-Assad High School, which also served as a detention center, situated next to her family's home.¹¹⁸

Many children who leave school become child laborers, child soldiers, or provide support to the armed opposition.¹¹⁹ Many of the girls, notably sixteen- to seventeen-year-old girls, cited financial constraints and security concerns as their primary reasons for dropping school.¹²⁰

iv. Yemen

The onset of Yemen's major conflict in 2015 has significantly impacted children's access to education and safety.¹²¹ Though primary education is mandatory under Yemeni law for students between the ages of six and fourteen, enforcement of this law has been made difficult by the onset of armed conflict.¹²² One in five schools have closed as a "direct result" of the armed conflict.¹²³ Within the first eight months of 2017, at least two dozen schools were used for military purposes.¹²⁴ Schools face targeted attacks and

¹¹⁷ *Id.* at 21 (alterations in original).

¹¹⁸ *Id.* at 25.

¹¹⁹ *Id.* at 4.

¹²⁰ *Id.*

¹²¹ *Yemen Endorses Safe Schools Declaration in Advance of UN Security Council Debate on Children and Armed Conflict*, GLOB. COAL. TO PROTECT EDUC. FROM ATTACK (Oct. 26, 2017), <https://protectingeducation.org/news/yemen-endorses-safe-schools-declaration-in-advance-of-un-security-council-debate-on-children-and-armed-conflict/> [<https://perma.cc/5Y9S-AETS>].

¹²² *See id.*

¹²³ *As School Year Starts in Yemen, 2 Million Children Are Out of School and Another 3.7 million Are at Risk of Dropping Out*, UNICEF (Sept. 25, 2019) <https://www.unicef.org/press-releases/school-year-starts-yemen-2-million-children-are-out-school-and-another-37-million> [<https://perma.cc/8FPQ-WCJY>].

¹²⁴ GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, *supra* note 121.

destruction; many of the Yemeni schools have since been destroyed as a result of the conflict. Over 350,000 children in 2015 and approximately 2.2 million children since 2015 have been unable to attend school due to the conflict.¹²⁵ Girls' access to education has been severely disrupted by the conflict, which unraveled two decades worth of progress. Literacy is often sacrificed at the altar of ongoing conflict in Yemen.¹²⁶ All children, but especially girls, face grave danger on their commutes to school. The GCPEA reports that in 2019, local armed forces would cut off access to schools for girls and issue bomb threats should school administrators allow girls' admittance.¹²⁷ In 2014, fifteen schoolgirls on a bus in the Yemeni province of Bayda were killed by a car bomb.¹²⁸ A lack of a steady income has made it difficult for families to pay for their children's education and associated costs, including transportation, supplies, and other related materials. For this reason, and because of the absence of legal codes articulating a minimum age of eighteen to be married, many families marry off their daughters earlier on. Forced and early marriage has tripled since the start of the conflict as approximately one in five households are headed by girls under eighteen years of age.¹²⁹ If a family were to send their children to school and front that financial cost, they are more likely to send their sons over their daughters, citing safety and cultural reasons.¹³⁰ Many teachers and other public servants do not receive their salary payments regularly, with some teachers facing a stretch of two years until they receive a payment.¹³¹

¹²⁵ Merna Ibrahim, *8 Facts About Girls' Education in Yemen*, BORGENT PROJECT (Dec. 10, 2019), <https://borgenproject.org/girls-education-in-yemen/> [https://perma.cc/3YX5-UU2A].

¹²⁶ Ashley Cooper, *Addressing the Reasons to Encourage Literacy in Yemen*, BORGENT PROJECT (June 24, 2018), <https://borgenproject.org/tag/literacy-rate-in-yemen/> [https://perma.cc/B53L-D83G].

¹²⁷ *Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women on Yemen*, HUM. RTS. WATCH (Feb. 7, 2020, 3:00 PM), <https://www.hrw.org/news/2020/02/07/human-rights-watch-submission-committee-elimination-discrimination-against-women> [https://perma.cc/DV5N-VW39].

¹²⁸ *Yemen Car Bomb Attacks 'Kill 15 Children'*, BBC NEWS (Dec. 16, 2014), <https://www.bbc.com/news/world-middle-east-30504641> [https://perma.cc/T2UT-TFPT].

¹²⁹ *4 Ways the War in Yemen Has Impacted Women and Girls*, INT'L RESCUE COMM. (Mar. 25, 2019), <https://www.rescue.org/article/4-ways-war-yemen-has-impacted-women-and-girls> [https://perma.cc/2H3B-T3HS].

¹³⁰ HUM. RTS. WATCH, *supra* note 127.

¹³¹ *Id.*

A GCPEA report indicates that the increase in school attacks can largely be attributed to coalition airstrikes in the region since 2015.¹³² For example, on December 23, 2016, a Saudi-coalition cluster munition attack close to a children's school in Saada city killed two civilians and injured six, one of whom was a child.¹³³ A month later on January 10, 2017, another Saudi-led coalition airstrike near a school killed two students and injured two girls aged eight and twelve.¹³⁴ One of the students killed was an 11 year old girl.¹³⁵ Both schools near the airstrike were closed as a result of the destruction and danger posed to students. Fifteen children were killed – ten of whom were girls – and 100 civilians upon the explosion of a Houthis-controlled warehouse holding volatile material in Sanaa.¹³⁶

v. Central African Republic

Armed conflict in the Central African Republic by militia groups has impacted and displaced civilians as they endure the conflict of war since 2012. Both boys and girls have lost years of education due to the conflict. Girls' have disproportionately less access to education than boys. Only 41% of girls attend school when it is open, whereas 62% of boys are in attendance.¹³⁷ The out-of-school rate for girls has increased to 55%.¹³⁸ According to a report by the Human Rights Watch, the state saw an increase of 21% on school

¹³² GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, EDUCATION UNDER ATTACK 2018 – YEMEN (2018), <https://www.refworld.org/docid/5be942f926.html> [<https://perma.cc/NW6Z-SGZK>].

¹³³ HUM. RTS. WATCH, *supra* note 127.

¹³⁴ *Yemen: Saudi-Led Coalition Airstrike Near School*, HUM. RTS. WATCH (Feb. 16, 2017, 12:01 AM), <https://www.hrw.org/news/2017/02/16/yemen-saudi-led-coalition-airstrike-near-school> [<https://perma.cc/GN3T-H4K5>].

¹³⁵ *Id.*

¹³⁶ *Yemen: Warehouse Blast Kills Schoolchildren*, HUM. RTS. WATCH (May 9, 2019, 3:00 AM) <https://www.hrw.org/news/2019/05/09/yemen-warehouse-blast-kills-schoolchildren> [<https://perma.cc/2R7Z-8347>].

¹³⁷ Josephine Thum, *Realizing Children's Rights in the Central African Republic*, HUMANIUM (Jan. 26, 2021), <https://www.humanium.org/en/central-african-republic> [<https://perma.cc/4N2L-7P4B>].

¹³⁸ Diane Adame, *Improving Girls' Education in the Central African Republic*, BORGAN PROJECT (Aug. 1, 2018), <https://borgenproject.org/improving-girls-education-in-the-central-african-republic/> [<https://perma.cc/6DHM-UHEK>].

attacks between 2017 and 2019,¹³⁹ which led to schools being forcibly closed, occupied, or damaged in eleven out of sixteen prefectures of the country.¹⁴⁰ For the villages that do have schools, the schools lack basic facilities, materials, and teachers as the rate of teachers to students is one to eighty.¹⁴¹ Two thirds of the 1.5 million children in the Central African Republic are in need of emergency aid, with 300,000 more children in need of aid in the last two years.¹⁴² Children are often recruited into armed groups.¹⁴³ Though the Central African Republic's Constitution explicitly prohibits violence against women and girls and national legislation "criminalises the procurement, performance, arrangement and/or assistance of acts of [female genital mutilation,]" there is a lack of enforcement of these laws as seen in the fact that no sexual violence crimes have been prosecuted since 2013 and considering that sexual violence is endemic in the region today.¹⁴⁴

vi. Nigeria

The armed conflict between the Government of Nigeria and the Islamist insurgency group Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad, also known as Boko Haram, has resulted in a series of targeted

¹³⁹ UNICEF, EDUCATION UNDER THREAT IN WEST AND CENTRAL AFRICA 1 (2019), <https://www.unicef.org/media/57801/file/Education%20under%20threat%20in%20wca%202019.pdf> [<https://perma.cc/7ERM-SEEA>].

¹⁴⁰ *Central African Republic: New Wave of Violence Puts Education on Hold For One in Two Children Across the Country*, UNICEF (Feb. 23, 2021), <https://www.unicef.org/press-releases/central-african-republic-new-wave-violence-puts-education-hold-one-two-children> [<https://perma.cc/8P6Y-4F35>].

¹⁴¹ *130m Girls Are Not in School - And Problem is Worst in Conflict-Torn Countries, Says Report*, THEIRWORLD (Oct. 10, 2017), <https://theirworld.org/news/130m-girls-out-of-school-worst-in-conflict-countries> [<https://perma.cc/3LM9-8U2X>].

¹⁴² *Hunger, Exploitation and Lack Of Education - Life For Children in Central African Republic*, THEIRWORLD (Nov. 30, 2018), <https://theirworld.org/news/crisis-for-children-in-central-african-republic-hunger-violence-lack-of-education> [<https://perma.cc/AXN4-25P4>].

¹⁴³ *-Id.*

¹⁴⁴ 28 TOO MANY, CENTRAL AFRICAN REPUBLIC: THE LAW AND FGM 2 (2018), [https://www.28toomany.org/static/media/uploads/Law%20Reports/car_law_report_v1_\(july_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/car_law_report_v1_(july_2018).pdf) [<https://perma.cc/2MV4-65MP>].

attacks on schools and abductions of girls in Nigeria.¹⁴⁵ Boko Haram's targeted attacks are severely disrupting girls' access to education.¹⁴⁶ A GCPEA report notes that female students are temporarily or permanently suspending their studies after a targeted attack on their school, which is reflected in the female primary net attendance rate at a low 47.7% and 47.3% in the northeast and northwest Nigeria states, respectively.¹⁴⁷ The GCPEA report also notes that female students and their parents are fearful of returning to school.¹⁴⁸ Not only do students and parents have to cope with the psychological trauma resulting from past attacks and fear of future attacks, but also the conflict has further intensified families' financial constraints. Poverty and school expenses are the greatest ongoing obstacle to education in northeastern Nigeria.¹⁴⁹

vii. Congo

Armed conflict by the Kamuina Nsapu militia and the Congolese army (Forces armées de la République Démocratique du Congo, "FARDC") dominated the greater Kasai region of the Democratic Republic of Congo ("Congo" or "DRC") beginning in August of 2016 into much of 2017.¹⁵⁰ A United Nations Organization Stabilization Mission in the Democratic Republic of the Congo ("MONUSCO") report estimates that approximately 10–15% of the children in armed

¹⁴⁵ GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, THE IMPACT OF ATTACKS ON EDUCATION FOR NIGERIAN WOMEN AND GIRLS 3 (2018), http://protectingeducation.org/wp-content/uploads/documents/documents_attacks_on_nigerian_women_and_girls.pdf [<https://perma.cc/BYF8-9UHL>].

¹⁴⁶ Leighton Walter Kille, *Gender, Education and Conflict in Sub-Saharan Africa: Research Roundup*, JOURNALIST'S RES. (May 27, 2014), <https://journalistsresource.org/economics/gender-education-conflict-sub-saharan-africa-nigeria/> [<https://perma.cc/HZU5-HBWT>].

¹⁴⁷ HOLLY CARTNER, GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, "I WILL NEVER GO BACK TO SCHOOL": THE IMPACT OF ATTACKS ON EDUCATION FOR NIGERIAN WOMEN AND GIRLS 3 (2018), https://protectingeducation.org/wp-content/uploads/documents/documents_attacks_on_nigerian_women_and_girls.pdf [<https://perma.cc/FW7R-JCXM>]; *Nigeria: Education*, UNICEF, <https://www.unicef.org/nigeria/education> [<https://perma.cc/LK56-WM7Z>].

¹⁴⁸ CARTNER, *supra* note 147, at 51-52.

¹⁴⁹ *Id.* at 3.

¹⁵⁰ Luke Dennison, *New Phase of Lawlessness Grips Congo's Kasai Region*, IRIN (Aug. 28, 2018), <https://www.refworld.org/docid/5bc9a1a6a.html> [<https://perma.cc/4EP9-HC3P>].

groups are female.¹⁵¹ In a GCPEA report interviewing 150 former girl soldiers, 50% of girls stated that they joined local militias since they were unable to pay school fees.¹⁵² Though all children had their education disrupted by the armed conflict in the Kasai region, girls were disproportionately impacted as many families tended to keep their girls home due to fears for their safety, such as targeted school attacks and sexual violence including abductions and forced marriages.¹⁵³ Out of the thirty schools surveyed by the Global Coalition to Promote Education Under Attack, many of the schools reported that their students experienced sexual violence on their route to school.¹⁵⁴ Families often prioritized their sons' education over their daughters', which is reflected in the literacy rates of 66.5% for females 15 years and older and 88.5% for males 15 years and older.¹⁵⁵ Given the social stigma attached to rape,¹⁵⁶ it could be argued that this could impact girls' enrollment in school.

Below, I analyze the available National Action Plans ("NAPs") through 2018 for references to education, and particularly, girls' education.¹⁵⁷ In studying the NAPs, I searched for language

¹⁵¹ U.N. Org. Stabilization Mission to the Dem. Rep. Congo, "Our Strength Is in Our Youth": Child Recruitment and Use by Armed Groups in the Democratic Republic of the Congo 2014–2017, at 37 (2019), https://childrenandarmedconflict.un.org/wp-content/uploads/2019/12/190128_monusco_our_strength_is_in_our_youth_child_recruitment_and_use_by_armed_groups_in_the_drc_2014-2017_final_english_0.pdf [<https://perma.cc/LXS2-M55G>].

¹⁵² Tracy Fu, *Girls' Education in the Democratic Republic of the Congo*, BORDEN PROJECT (Dec. 14, 2018), <https://www.borgenmagazine.com/girls-education-in-the-democratic-republic-of-the-congo/> [<https://perma.cc/9WJA-2EJZ>].

¹⁵³ *See id.*

¹⁵⁴ GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, EDUCATION UNDER ATTACK 2018 – DEMOCRATIC REPUBLIC OF THE CONGO (2018), <https://www.refworld.org/docid/5be94311a.html> [<https://perma.cc/FNN9-3YCA>].

¹⁵⁵ *The Congo Literacy Project (The Democratic Republic of Congo)*, UNESCO (Feb. 28, 2020), <https://uil.unesco.org/case-study/effective-practices-database-litbase-0/congo-literacy-project-democratic-republic-congo#:~:text=In%20DRC%20it%20is%20difficult,men%20and%2066.5%25%20for%20women> [<https://perma.cc/63L7-BU2H>].

¹⁵⁶ Rym Tina Ghazal, *The Struggle with the Stigma Associated with Rape*, ARAB NEWS (Jan. 1, 2019, 7:55 PM), <https://www.arabnews.com/node/1428896> [<https://perma.cc/V9P6-XE6F>].

¹⁵⁷ The examination is of NAPs from 2005 through 2018. "[D]espite the adoption of UNSCR 1325 in the year 2000, NAPs did not become a UN priority until the release of two Security Council presidential statements, in 2004 and 2005,

regarding girls' education as a valuable tool to combat extremism and prevent conflict. The results suggest that States acknowledge education as a human right that should not be denied, but beyond rights-based reasoning, States do not view education as a way to prevent conflict.

IV. A DATA-DRIVEN ANALYSIS OF GIRLS' AND WOMEN'S EDUCATION IN NAPs: WHAT THE DATA SAYS

To implement SCR 1325, the President of the Security Council charged Member States to create NAPs that outline and define those States' strategies to combat gender inequality and utilize women as agents of peace.¹⁵⁸ In what is perhaps the first study of its kind, I analyzed NAPs published through 2018 for references to education, and particularly girls' education. In studying the NAPs, I also searched for language regarding girls' education as a valuable tool to combat extremism and prevent conflict.

encouraging the adoption of NAPs as a means of implementation." CAITLIN HAMILTON ET AL., TWENTY YEARS OF WOMEN, PEACE AND SECURITY NATIONAL ACTION PLANS: ANALYSIS AND LESSONS LEARNED 1 (2020), https://www.wpsnaps.org/app/uploads/2020/03/Twenty-Years-of-Women-Peace-and-Security-National-Action-Plans_Report_Final_Web.pdf [<https://perma.cc/4FBM-KRKX>].

¹⁵⁸ See *National Implementation of Security Council Resolution 1325 (2000)*, INTER-AGENCY NETWORK ON WOMEN AND GENDER EQUAL., http://www.un.org/womenwatch/ianwge/taskforces/wps/national_level_impl.html [<https://perma.cc/PW4K-53G8>] ("[T]he Security Council called on Member States to continue to implement resolution 1325 (2000), including through the development of national action plans . . ."); see also Press Statement, Statement by the President of the Security Council, S/PRST/2004/40 (Oct. 28, 2004), <https://www.un.org/womenwatch/ods/S-PRST-2004-40-E.pdf> [<https://perma.cc/73XJ-4XFM>] ("The Security Council . . . welcomes the efforts of Member States in implementing resolution 1325 (2000) at the national level, including the development of national action plans, and encourages Member States to continue to pursue such implementation."); Press Statement, Statement by the President of the Security Council, S/PRST/2005/52 (Oct. 27, 2005), <https://www.un.org/womenwatch/ods/S-PRST-2005-52-E.pdf> [<https://perma.cc/AJ63-XEEJ>] ("The Security Council reiterates its call to Member States to continue to implement resolution 1325 (2000), including through the development of national action plans or other national level strategies.").

a. Methodology

As of February 2018, seventy-two Member States had adopted at least one NAP to implement SCR 1325.¹⁵⁹ Of those, only sixty-six had published their NAP.¹⁶⁰ Where a Member State had more than one NAP, the most recent available document was analyzed. For the fifty-two NAPs available in English, I searched the documents for references to “school” and “education.” I then read the surrounding text for context and evaluated whether the reference to education was to primary and secondary education, and whether it referred to campaigns or military training. I only considered the NAP as referring to education if it referred to primary and/or secondary education, not public campaigns or military training. Then, I read the documents for references to girls’ education more specifically, and I evaluated the indicators for references to girls’ education. These references were coded with either zeros or ones—zero for non-references and one for references.

Fourteen of the available NAPs were in languages other than English. For the NAPs in Spanish, I had the assistance of a translator who implemented the same search strategy described above used for the English NAPs. For the remaining non-English NAPs, I used Google Translate.¹⁶¹ I used the translation tool to determine the search criteria, then after conducting the search, I used the translation tool to decipher the surrounding text for context. For example, when reviewing the Brazilian NAP, I translated “school” and “education” in Google Translate from English to Portuguese. I then conducted a search in the documents for “escola” and “educação,” respectively. Then, I used Google Translate to translate the surrounding paragraphs and evaluated the non-English NAPs in the same manner as the English NAPs. In further studies, I would recommend professional translators who may understand language nuances better than the Google Translate tool. However, because the NAPs are straightforward policy documents and not high literary works, I believe that the Google Translate tool was sufficient

¹⁵⁹ See *National Action Plans: At a Glance*, PEACEWOMEN, <https://1325naps.peacewomen.org/> [<https://perma.cc/4VK6-W635>] (monitoring the United Nations system with a focus on the Women, Peace and Security agenda).

¹⁶⁰ The following countries did not have available NAP documents as of February 2018: El Salvador, Guatemala, Montenegro, Niger, Solomon Islands, and Timor Leste.

¹⁶¹ GOOGLE TRANSLATE, translate.google.com [<https://perma.cc/2S7U-F2SM>].

for this study's purpose of determining whether the NAPs included girls' education in their indicators.

b. Results

As shown fully in Table 1, fifty-eight of the sixty-six NAPs, or 88%, included references to education. Only thirty-three, or 50%, however, referenced girls' education. Only seventeen NAPs, or 26%, included girls' education in the indicators.

Table 1: Girls' Education in the National Action Plans to Implement SCR 1325

COUNTRY	REFERS TO EDUCATION	REFERS TO GIRLS' EDUCATION	INCLUDES GIRLS' EDUCATION AS INDICATOR	COUNTRY	REFERS TO EDUCATION	REFERS TO GIRLS' EDUCATION	INCLUDES GIRLS' EDUCATION AS INDICATOR
Afghanistan	1	1	0	Korea (Republic of)	1	1	1
Argentina	1	0	0	Kosovo	1	0	0
Australia	1	1	0	Kyrgyzstan	1	0	0
Austria	1	0	0	Liberia	1	1	1
Belgium	1	0	0	Lithuania	1	0	0
Bosnia Herzegovina	1	0	0	Macedonia	1	1	0
Brazil	1	1	0	Mali	0	0	0
Burkina Faso	1	1	0	Montenegro			
Burundi	0	0	0	Nepal	1	1	1
Cameroon	1	1	0	Netherlands	1	0	0

COUNTRY	REFERS TO EDUCATION	REFERS TO GIRLS' EDUCATION	INCLUDES GIRLS' EDUCATION AS INDICATOR	COUNTRY	REFERS TO EDUCATION	REFERS TO GIRLS' EDUCATION	INCLUDES GIRLS' EDUCATION AS INDICATOR
Canada	1	1	0	New Zealand	1	1	0
Central African Republic (CAR)	1	1	0	Niger			
Chile	1	0	0	Nigeria	0	0	0
Croatia	1	1	1	Norway	1	1	0
Czech Republic	1	0	0	Palestine	1	0	0
Democratic Republic Congo (DRC)	1	1	0	Paraguay	1	0	0
Denmark	1	0	0	Philippines	1	1	1
El Salvador				Portugal	1	0	0
Estonia	1	1	1	Romania	1	1	0
Finland	1	1	1	Rwanda	1	1	0
France	1	1	1	Senegal	1	1	1
Gambia	1	1	1	Serbia	1	0	0
Georgia	1	0	1	Sierra Leone	1	1	0
Germany	1	1	0	Slovenia	1	1	1

Ghana	1	0	0	Solomon Islands			
Guatemala				South Sudan	1	1	1
Guinea	0	0	0	Spain	1	1	1
Guinea Bissau	1	0	0	Sweden	1	0	0
Iceland	1	0	0	Switzerland	1	1	0
Indonesia	1	0	0	Tajikistan	1	1	1
Iraq	1	0	0	Timor Leste (East Timor)			
Ireland	0	0	0	Togo	0	0	0
Italy	1	0	0	Uganda	1	0	0
Ivory Coast (Cote d'Ivoire)	0	0	0	Ukraine	0	0	0
Japan	1	1	1	United Kingdom	1	1	0
Kenya	1	0	0	United States of America	1	1	1
TOTALS	References to Education	58	References to Girls' Education	33	Girls' Education as Indicator	17	-

*Y= 1, N=2

c. Analysis

The lack of references to education in the indicators demonstrates that States do not view education as a tool to enact change. For example, the Afghanistan National Action Plan includes many lofty references to education: “[T]he Government of Afghanistan has developed this National Action Plan to achieve . . . [increased] access to education and higher education for girls and women,”¹⁶² and declares that the Afghan Constitution has a provision on education, which it declares is a prerequisite “for [women’s] meaningful political participation.”¹⁶³ Yet, education is not mentioned after page seven of the Afghanistan NAP, and none of its thirty-nine indicators mention primary or secondary education. The Burkina Faso NAP considers lack of education to be a form of social violence and considers education part of economic development.¹⁶⁴ Some Member States understand the importance of education to peace and security, and correspondingly, they include girls’ education as indicators in their Action Plans. Finland, for example, understands education as a “precondition for the strengthening of women’s participation and rights in peace processes,”¹⁶⁵ and “emphasises the right of women . . . especially girls, to education from pre-primary education to university level and adult education” as a way to “prevent[] conflict.”¹⁶⁶ As another example, the Philippines NAP identifies lack of education as a cause of armed conflict and increased education as a factor in facilitating

¹⁶² MINISTRY OF FOREIGN AFFS., AFGHANISTAN’S NATIONAL ACTION PLAN ON UNSCR 1235-WOMEN, PEACE, AND SECURITY 1-2 (2015) (Afg.), <http://pwnap1.tetra.in/wp-content/uploads/2020/10/NAP-Afghanistan.pdf> [<https://perma.cc/BM4A-AF93>].

¹⁶³ *Id.* at 3.

¹⁶⁴ SITA ZOUGOURI ET AL., NATIONAL ACTION PLAN OF BURKINA FASO FOR THE IMPLEMENTATION OF RESOLUTIONS 1325 AND 1820 OF THE SECURITY COUNCIL OF THE UNITED NATIONS 17-18 (2012) (Burk. Faso), <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/Burkina-Faso-NAP-2012-English.pdf> [<https://perma.cc/5ZD3-J3U6>].

¹⁶⁵ MINISTRY FOR FOREIGN AFFS. OF FINLAND, UN SECURITY COUNCIL RESOLUTION 1325 (2000) “WOMEN, PEACE, AND SECURITY”: FINLAND’S NATIONAL ACTION PLAN 2012-2016, at 13 (2018) (Fin.), http://peacewomen.org/sites/default/files/finland_nap_2012.pdf [<https://perma.cc/GYS8-KFV6>].

¹⁶⁶ *Id.* at 21.

peace.¹⁶⁷ Because it identifies education as such, the Philippines NAP includes education in its indicators and it seeks to “enhance existing programs . . . in providing . . . educational . . . services for women and girl survivors of armed conflict,”¹⁶⁸ as well as “[i]ntegrate peace, non-violence and gender education in all levels of formal and nonformal education.”¹⁶⁹ When States and policy makers understand the connection between education—especially girls’ education—and security, it logically follows that they include action steps related to education in their Action Plans to implement the Women, Peace and Security agenda.

i. Coda: Security Council Resolution 2601 of 2021

During the writing of this paper, in October 2021, for the first time, the UN Security Council recognized the criticality of protecting and facilitating the continuation of education during armed conflict.¹⁷⁰ Through Resolution 2601, the UN Security Council categorized educational institutions as safe spaces in armed conflicts and emphasized the need to maintain the right to education as a key priority for the international community.¹⁷¹

The Council also urged the international community to develop domestic legal frameworks to remain accountable to international legal obligations, including measures to prevent attacks against schools, children, teachers, and other related civilians.¹⁷² In the first of its kind, Norway and Niger led the Security Council resolution reaffirming the right to education during conflict and education as

¹⁶⁷ THE PHILIPPINE NATIONAL ACTION PLAN ON UNSCRS 1325 & 1820: 2010-2016, at 3 (2009) (Phil), http://1325naps.peacewomen.org/wp-content/uploads/2020/12/philippines_nap.pdf [https://perma.cc/DT3D-R52A] (“Other perceived causes of armed conflict are poverty, *lack of education* and lack of basic social services.”) (emphasis added); *id.* at 5 (“Peace can be attained if there is . . . promotion of human rights such as [the] right to education . . .”).

¹⁶⁸ *Id.* at 10.

¹⁶⁹ *Id.* at 20.

¹⁷⁰ S.C. Res. 2601, ¶ 3 (Oct. 29. 2021).

¹⁷¹ *Id.* ¶ 10.

¹⁷² *Id.* ¶ 4.

a tool to the contribution of peace and security.¹⁷³ While the fifteen member Council has issued previous statements decrying attacks on schools, this is its first resolution to explicitly focus on the link between education and peace and security.¹⁷⁴ Over the past five years, more than 20,000 students and teachers have been killed or attacked during conflict.¹⁷⁵ Although not specifically focused on women and girls, the Resolution focuses on “heightened risk for children in armed conflict, of not resuming their education following school closures, particularly girls, making them more vulnerable to child labor, child recruitment as well as forced marriage.”¹⁷⁶ It also

[e]xpress[es] deep concerns that girls and women may be the intended victims of attacks targeting their access to and continuation of education, and *expressing* concern about the specific consequences of such attacks including but not limited to incidents of rape and other forms of sexual violence including sexual slavery, threats of attacks, at school and on the way to and from school, abductions, forced marriage, human trafficking, and any resulting stigma and grave consequences on their health, all of which may further impede the continuation of their education.¹⁷⁷

The Resolution moreover goes on to state:

Expressing deep concern that many children in armed conflict, in particular girls, lack access to education owing to attacks and threats of attacks against schools, damaged or destroyed school buildings, mines and explosive remnants of war, insecurity, the prevalence of violence, including sexual and gender-based violence against children, in and around schools and loss or lack of civil documentation.¹⁷⁸

¹⁷³ See UN SCR 2601 on the Protection of Education in Armed Conflict, RIGHT TO EDUC., <https://www.right-to-education.org/resource/un-security-council-resolution-2601-2021-protection-education-armed-conflict> [<https://perma.cc/Q69R-2PM7>].

¹⁷⁴ See UN NEWS, *supra* note 19.

¹⁷⁵ See GLOB. COAL. TO PROTECT EDUC. FROM ATTACK, EDUCATION UNDER ATTACK 2018 24–62 (2018) (discussing the killings and violence of students and teachers globally), <https://reliefweb.int/report/world/education-under-attack-2018-enar> [<https://perma.cc/BZS3-H88Z>].

¹⁷⁶ S.C. Res. 2601, *supra* note 170, at 2.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

Strongly condemns all violations of applicable international law involving the recruitment and use of children by parties to armed conflict as well as their re-recruitment, killing and maiming, rape and other forms of sexual violence, abductions, attacks against schools and hospitals¹⁷⁹

Calls on all parties to safeguard, protect, respect, and promote the right to education . . . and in this regard *urges* Member States, United Nations bodies and civil society to take specifically into account girls' equal access to education.¹⁸⁰

Calls upon Member States to protect schools as spaces free from all forms of violence, noting that girls may be the intended victims of attack on their education, which can lead to serious violations such as abduction and rape and other forms of sexual violence, and urges Member States to take steps to address girls' equal enjoyment of their right to education.¹⁸¹

Even as we acknowledge the importance of the new Security Council Resolution 2601 of October 2021, the Taliban ban on girls' education reinforces the urgency for the adoption of a standalone WPS resolution. This WPS resolution must address the disproportionate impact of conflict and war on girl's education, which is key to sustaining peace and security. The WPS agenda recognizes and advances women's participation in peace and security. As argued in this Article, the ten WPS Resolutions are focused more on protecting women's bodies than on advancing women's minds as important tools of strengthening peace and security and empowering women and girls in countries like Afghanistan. More must be done to redefine the WPS agenda and to develop a new standalone resolution that reframes bans on education as a form of structural violence against women and girls. Limits on education for girls is a reaction to the transformative potential of education of women as a force for change in Afghanistan and elsewhere.

While UNSCR 2601 did not solely focus on girls' education, it did provide the connection between school closures and increased risks of child and forced marriage, early pregnancy, and gender-

¹⁷⁹ *Id.* at 3.

¹⁸⁰ *Id.*

¹⁸¹ *Id.* at 4.

based violence, all of which further decrease girls' likelihood of continuing their education.¹⁸²

The Author, Rangita de Silva de Alwis, interviewed, Dr. Halimatou Hima, Niger's Minister Counsellor to the Security Council and one of the chief architects of the Resolution. Dr. Hima shared the story of Hadiza, one of the girls who briefed the UN Security Council, joining virtually from Diffa, a region in eastern Niger neighboring the Lake Chad Basin, where Boko Haram has consistently targeted girls' education. Dr. Hima shared:

Hadiza recalling [sic] how some of her peers were currently in their fifth or sixth displacement. She narrated the story of her twelve-year-old childhood friend who was abducted by Boko Haram, never to return to fulfill "his dream of success in school," the trauma of having a school in her town targeted and concluded that "when a school is attacked and children are forced to flee their villages, all systems collapse unjustly. For me, claiming the right to education for children living in crisis situations means defending the survival rights of adults. As they say in Hausa language 'Yara Mayan Gobe' which means 'children are the future.'"

V. CONCLUSION: TOWARD A REIMAGINING OF THE WPS AGENDA

A new Security Council Resolution which is part of the corpus of WPS resolutions should be adopted. This Resolution must target denial of education as a category of structural forms of violence against women. Four broad areas that can address the underlying power dynamics of violence against women are: (1) curriculum and textbook dissemination through technology; (2) engagement of men and boys in addressing violence against women; (3) intersectional educational reform (with a specific focus on the inclusion of minority women); and (4) the gathering of data on girls who are currently out of school as a result of the Taliban takeover. Multilateral and bilateral organizations must work closely with Afghan women leaders both in and outside of Afghanistan who can

¹⁸² UNITED NATIONS, POLICY BRIEF: EDUCATION DURING COVID-19 AND BEYOND 10 (2020), https://unsdg.un.org/sites/default/files/2020-08/sg_policy_brief_covid-19_and_education_august_2020.pdf [https://perma.cc/S3V4-Y7XX].

lead the way in addressing access to girls' education as a security issue.

I recommend performance indicators that include gender disaggregated data on the number of girls who enroll in school, who are retained in school, and who complete school. By including measurable indicators, we can address cultural factors that prevent girls from attending and completing school in the first place. It is important to address barriers to their education such as: sexual harassment, female genital mutilation, early marriages, and early pregnancies. The performance indicator of teaching and training curricula is included to ensure that education is gender responsive and empowering to women and girls, resulting in improved educational outcomes for girls and women that address gender stereotypes and promote women's leadership skills and qualities. A holistic approach to education does not simply stop at promoting literacy and mathematics. It takes a gendered approach to education, which highlights women's contributions and encourages their leadership. Finally, we need to increase budgetary allocation for targeted interventions aimed at increasing girl-child retention in school and the distribution of free or subsidized sanitary towels for menstruating girls and women in schools.

In the final analysis, I recommend the United Nations Security Council pass a new Security Council Resolution that acknowledges the importance of girls' education, not only because it is a fundamental human right, but because it is a critical tool in preventing conflict. The Former Secretary-General of the United Nations, Ban Ki Moon, once said: "With armed extremist groups placing the subordination of women at the top of their agenda, we must put women's leadership and the protection of women's rights at the top of ours."¹⁸³

¹⁸³ Remarks at Launch of Global Study of Security Council Resolution 1325, U.N. SEC'Y-GEN. (Oct. 14, 2015), <https://www.un.org/sg/en/content/sg/speeches/2015-10-14/remarks-launch-global-study-security-council-resolution-1325> [<https://perma.cc/DQ7F-PE2J>].

APPENDIX:

Resolution	Violence	Conflicted related sexual violence	Protection	Educatio n
1325 (2000)	3	0	7	0
1820 (2009)	40	34	5	0
1888 (2009)	51	48	12	0
1889 (2010)	8	3	5	5
1960 (2011)	47	45	6	0
2106 (2013)	53	47	6	0
2122 (2013)	8	1	10	0
2242 (2015)	8	5	1	2
2467 (2019)	105	89	13	1
2493 (2019)	1	0	5	1

Following is a table where a WPSP Resolution employs education.

<p>SCR Resolution 1889 (2009)</p>	<p><i>Remaining</i> deeply concerned about the persistent obstacles to women's full involvement in the prevention and resolution of conflicts and participation in post-conflict public life, as a result of violence and intimidation, lack of security and lack of rule of law, cultural discrimination and stigmatization, including the rise of extremist or fanatical views on women, and socio-economic factors including the lack of access to education, and in this respect, recognizing that the marginalization of women can delay or undermine the achievement of durable peace, security and reconciliation,</p> <p>10. <i>Encourages</i> Member States in post-conflict situations, in consultation with civil society, including women's organizations, to specify in detail women and girls' needs and priorities and design concrete strategies, in accordance with their legal systems, to address those needs and priorities, which cover inter alia support for greater physical security and better socio-economic conditions, through education, income generating activities, access to basic services, in particular health services, including sexual and reproductive health</p>
--	---

	<p>and reproductive rights and mental health, gender-responsive law enforcement and access to justice, as well as enhancing capacity to engage in public decision-making at all levels;</p> <p>11. <i>Urges</i> Member States, United Nations bodies and civil society, including non-governmental organizations, to take all feasible measures to ensure women and girls' equal access to education in post-conflict situations, given the vital role of education in the promotion of women's participation in post-conflict decision-making;</p>
<p>SCR Resolution 2242 (2015)</p>	<p><i>Recognizing</i> the differential impact on the human rights of women and girls of terrorism and violent extremism, including in the context of their health, education, and participation in public life, and that they are often directly targeted by terrorist groups, and <i>expressing deep concern</i> that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing, recruitment, and the destruction of communities, as described in the Secretary-General's Report on Sexual Violence in Conflict of 23 March 2015 (S/2015/203), and <i>further noting</i> the Global Counterterrorism</p>

	Forum's good practices on Women and Countering Violent Extremism,
SCR Resolution 2467 (2019)	16. Encourages Member States to adopt a survivor-centered approach in preventing and responding to sexual violence in conflict and post-conflict situations, ensuring that prevention and response are non-discriminatory and specific, and respect the rights and prioritize needs of survivors, including groups that are particularly vulnerable or may be specifically targeted, and notably in the context of their health, education, and participation, and in this regard the Council.
SCR Resolution 2493 (2019)	. Calls on Member States to promote all the rights of women, including civil, political and economic rights, urges them to increase their funding on women, peace and security including through more aid in conflict and post-conflict situations for programmes that further gender equality and women's economic empowerment and security, as well as through support to civil society, and to support countries in armed conflict and post-conflict situations, including through access to education, training and capacity-building, in their implementation of women, peace and security resolutions, further calls for increased international development cooperation related to

	women's empowerment and gender equality and invites aid providers to continue to track the gender focus of aid contributions and provide further information and assessment on this progress;
--	---