Malala Fund Submission:

Preparations for the Working Group on an optional protocol to the Convention on the Rights of the Child

May 2025

Introduction

> Our vision of education allows girls to have a better quality of life, respect, be prepared for more things and discover their place in the world.
> – *'Vision statement' from Malala Fund's Girls' Vision for Education — workshop with girls under 13 who are in school in Brazil*[i]

Malala Fund supports the development of an optional protocol to the Convention on the Rights of the Child to extend the right to education under international law to include free secondary education (lower and upper). By enhancing States parties' obligations in this regard, national protections for girls' education would be strengthened — on paper and in practice — support greater implementation of girls' rights more broadly.[ii] [iii] [iv] [v] A protocol would also bolster accountability efforts led by rights activists, including girls themselves who have made clear demands for secondary education to better meet their needs and priorities.[vi]

> *"For Nigerian girls, particularly those in northern and conflict-affected areas, extending the right to education would mean greater protections from early marriage, child labour and other rights violations. Shifting secondary education from a political commitment to a legal obligation ultimately opens up stronger accountability mechanisms for us as civil society and legitimises demands for inclusive, gender-responsive education for all adolescent girls in Nigeria."*
> - Toyin Chukwudozie, Education as a Vaccine (EVA)

Girls' demands are matched with a well-established normative base in international human rights law[vii] and global political frameworks, including the UN Sustainable Development Goals (SDGs).[viii] Despite these normative foundations, governments' delivery of secondary education for all girls is slow, patchy and fragile. Today 88 million adolescent girls remain out of school and millions more are offered secondary education that is unaffordable, inaccessible and/or inappropriate. States parties — and the wider international community — are falling woefully short on obligations to implement the rights under the CRC and the international cooperation framework.

Malala Fund's submission focuses on adolescent girls (aged 10-24 years old)[ix] and is informed by the work of our grantee partners, with direct inputs from partners in Nigeria and Pakistan.[x] We make the following **recommendations for the Working Group:**

- **Prioritise the needs, rights and priorities of adolescent girls in your deliberations for an optional protocol.** Including as both a discrete and cross-cutting area within the delivery of

the Group's mandate and by ensuring the meaningful participation of adolescent girls in that process.

- **Facilitate discussions on education financing within the framework of international cooperation** to identify shifts needed in the international policy environment to enable lower income countries to mobilise maximum available resources for the implementation of free secondary education for all.

1. Main barriers to free public secondary education for all at national levels: law, policy and practice *(responding to questions two and four)*.

Some 110 countries have legal or constitutional provisions that guarantee free secondary education.[xi] Yet significant gaps for adolescent girls exist both on paper and in practice, reflecting entrenched gender-based discrimination and wider failure to implement girls' rights.

Inadequate protections on paper: gaps within laws and policies

States parties have specific obligations to protect and promote rights without discrimination and to prioritise the more vulnerable.[xii] [xiii] Inadequate or non-existent protections for more vulnerable girls is therefore inconsistent with these obligations and weaken guarantees for free secondary education. Pregnant and parenting girls face significant barriers to their education, with high rates correlating with low enrolment/completion at secondary level. In Tanzania, more than 85% of girls are not enrolled in upper secondary school, with high drop-out rates particularly amongst rural, pregnant and/or parenting girls.[xiv] Whilst Tanzania lifted a ban on pregnant or parenting girls accessing education — including through the 2023 Revised Education and Training Policy — ongoing conditions for girls' re-entry continue to raise human rights concerns.[xv] [xvi] In Nigeria, girls who have been subjected to early marriage are 23% less likely to complete secondary education.[xvii]

Legal and policy regressions are also emerging, consistent with a wider worrying trend of protections for girls' rights and wider rollbacks in gender equality. For example, the omission of gender considerations in Brazil's National Education Bill is a clear weakening of education protections and in worrying contradiction to civil society consultation outcomes.[xviii] [xix] The Taliban's total exclusion of all girls over 10 years old from education (within a broader and deliberate system of gender apartheid) in Afghanistan is an extreme example of States' rollback of rights.[xx]

Implementation gaps: barriers to providing free secondary education in practice

Even where there are national protections for secondary education, implementation gaps remain a barrier to girls' enrolment and completion and causes persistent or worsening drop-out rate, particularly between primary to lower secondary, and lower to upper secondary.[xxi] [xxii] Implementation gaps are shaped by a complex mix of factors including: high costs of secondary

education (at the system level and for households); pervasive discriminatory norms; weak governance systems; and inadequate progress on girls' rights more broadly.

In Nigeria, for example, policy and legal fragmentation created by the federal system facilitates inconsistent resourcing and application of education protections for girls, which are particularly weak in states where discriminatory gender norms are more severe and pervasive. Northern states omitted or reduced the national minimum age of marriage in the Child Rights Act.[xxiii] The Civil Society Action Coalition on Education For All conducts community-level monitoring of the Universal Basic Education Act (UBE), which has exposed unequal state funding for the UBE.

Inadequate resourcing for gender-responsive education

States parties have clear obligations to both ensure the effective implementation of education protections within their resources *and* prioritise allocating resources to the more vulnerable.[xxiv] The international community has also agreed benchmarks for national education financing within normative frameworks.[xxv] Yet governments in lower-income countries are reducing their expenditure on education: in 2024, lower-income countries spent an average of just 13.7% of their budgets and 4.5% of GDP — both down from previous years.[xxvi]

Whilst a lack of available domestic resources can be an obstacle for some governments (especially in LICs), under-prioritisation and under-funding of gender-responsive education is persistent across countries. Pakistan — which enshrines free secondary education in the constitution — has one of the highest rates of out-of-school adolescent girls but spends less than 2% of GDP on education, most of which is spent on salaries.[xxvii] [xxviii] [xxix] [xxx]

> *"In Pakistan, the stage is well set for girls to access free, public secondary education. We have decent national laws and policies that build on CRC protections and the government has resources – they just aren't being effectively directed to education and the girls who need them most. Girls in rural areas and urban slums are particularly vulnerable to being left out."*
> Baela Jamil, Idara-e-Taleem-o-Aagahi (ITA), Centre for Education and Consciousness

Ensuring that free secondary education is inclusive and gender-responsive education is fundamental for adolescent girls' access and completion. This requires investments to improve education systems for girls; provide specialist support for more marginalised groups of girls; and support girls and families to meet indirect education costs.[xxxi] [xxxii] [xxxiii] [xxxiv] [xxxv] [xxxvi] It also requires investments outside of the education system to improve the public services that adolescent girls depend upon, including heath, social protection, nutrition and financial inclusion.

> *Three things to improve education for girls like me: Provision of [menstrual] pad banks or empowering girls with skills on how to make reusable pads. Provision of enough reading materials in the school in order to avoid payment of hidden charges in the school. Avoidance of early marriage for the girls.*
> *– Girls' Vision survey participant who is 22-24 years old and has completed education in Nigeria*[xxxvii]

National steps towards free secondary education and the critical role of civil society

The existence of a free and vibrant civil society is fundamental to democratic accountability for education. Civil society groups play vital roles in mobilising citizens' demand for education, and as implementation partners and accountability stakeholders to ensure that protections are effective in practice. **Indeed, they are often the main influences for governments taking steps to remove barriers, as illustrated in the examples above and below.**

In Nigeria two Malala Fund partners, YouthHub Africa and Center for Girls Education, successfully advocated for the domestication of the Child's Rights Act in Kaduna state and supported other Northern states to follow suit. Education as a Vaccine and Connected Development [CODE] have supported policy dialogues between girls, communities and all levels of government to progress the legal codification of free secondary education for all. PAGED Initiative has led campaigns with girls and communities to build demand for girls' education and address child marriage.

In Pakistan, Malala Fund grantee partners including Thar Education Alliance, have been supporting district education officials with their technical expertise and capacity to provide more accurate and aggregated community-level data, informing where and how to effectively direct education resources. Civil society-government partnerships have also been effective in shaping the Sindh Education Sector Plan (2019-2024) which includes plans for the construction of new girls' schools and the recruitment of women teachers for rural areas,

2. Steps the international community can take within the framework of international cooperation to mobilise sustainable and adequate resources to provide free secondary education to all. *(Responding to questions three and four).*

As donor and lower income country (LIC) governments are decreasing financing for education, the Working Group must explore the potential of international cooperation to reform the international financing architecture in order to mobilise and maximise resources for implementing an extended right to education.

ODA for education has been in steady decline over many years, but the recent dramatic aid cuts from the US and European governments sent the situation into freefall and laid bare the failure of donor governments to support the framework of international cooperation and deliver on global policy standards.[xxxviii] [xxxix] [xl] Even in countries like Pakistan where most of the education budget comes from domestic sources, the aid cuts undermine the security of human rights protections by curtailing the capacity of civil society organisations, noting the critical role that such groups play in the development and effective implementation of protections for girls' education access.

Baked-in policy constraints from within the wider international financial architecture further curtail governments' abilities to resource and implement girls' rights particularly in LMICs. Under

pressure from international creditors, many governments implement austerity measures — raising regressive taxes and cutting social investments — often as a condition for IMF loans. Such cuts to public services risk contravening States parties' obligations.[xli]

Nearly 40% of low-income countries are grappling with severe debt distress. In 2024, these countries spent 1.7 times more on debt repayments than their combined spending on health care, education and social protection.[xlii] In 16 countries, debt repayments were five times higher than spending on education. According to Malala Fund's recent analysis, in 2024, the 10 countries with the worst barriers to girls' education spent four times more on debt servicing than on education. These countries are home to 32 million out-of-school girls.[xliii]

Collaboration between States parties — as required under IHRL — could effectively mobilise resources for the right to education. GRADE estimates that **5 million more children** could go to school *every year* if debt payments decreased from 15% to 5% of government revenue in 88 countries.[xliv] The Heavily Indebted Poor Countries (HIPC) Initiative forgave $100 billion in debt for the world's lowest-income countries, freeing up resources for education, health and social services. In participating countries, education outcomes improved dramatically with increases of: 21.7% in gross primary enrolment; 8.7% in female-to-male enrolment ratio; and 13.7% in primary school completion (1990–2015). Whilst positive, the HIPC Initiative did not prevent countries from falling back into debt or the rise of private lenders.[xlv]

To unlock the potential of debt relief to mobilise adequate and sustainable resources to implement the right education, States parties must agree reforms to the current debt architecture that:

- **Reduce debt servicing to sustainable levels (10-15% of revenues):** Current restructuring efforts often leave lower-income countries with unsustainable repayment burdens, forcing cuts to education and health care. Debt relief should focus on deeper reductions, ensuring long-term fiscal space for social investments
- **Prioritise gender-responsive social spending:** Restructuring agreements should require minimum spending thresholds for social services, especially those that benefit girls, to ensure continued investment in human development.
- **Integrate human rights and gender considerations into debt sustainability**: Current assessments focus narrowly on financial indicators, ignoring crowded out spending on social sectors including education.
- **Strengthen civil society participation and accountability:** National governments should hold early formal consultations with civil society organisations — especially girls and women's rights groups — to ensure that relief measures effectively address social priorities.

Malala Fund is working for a world where all girls can learn and choose their own futures. Through grantmaking and advocacy, we strengthen girls' right to secondary education and unlock the resources needed for all girls to enjoy this right. Learn more at malala.org. Contact Carron Mann (carron@malalafund.org) regarding this submission.

Annex: Endnotes

[i] Malala Fund (2025) *Girls' Vision for Education: Delivering on girls needs and priorities for education* https://malala.org/news-and-voices/malala-fund-publishes-girls-vision-for-education-report
[ii] Noting reporting requirements per Article 44 of the Convention on the Rights of the Child.
[iii] Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)* CRC/C/GC/19. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting Section B and para 27.
[iv] Human Rights Council Resolution (2024) *Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child on the rights to early childhood education, free pre-primary education and free secondary education* A/HRC/RES/56/5 https://docs.un.org/en/A/HRC/RES/56/5, preamble
[v] Committee on the Rights of the Child, *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, CRC/C/GC/20 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGC%2F20&Lang=en, paragraphs 27 & 68.
[vi] Malala Fund (2025) *Girls' Vision for Education: Delivering on girls needs and priorities for education* https://malala.org/news-and-voices/malala-fund-publishes-girls-vision-for-education-report
[vii] States parties to the CRC are obliged to "*encourage the development of different forms of secondary education… make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need*" (Art 28(b)). Cf. CRC Art28(e) & CEDAW Art10(f), States parties are obliged to take steps to promote regular attendance, reduce female dropouts and provide support "*for girls/women who have dropped out prematurely.*"
[viii] Notably SDG 4 on the provision of quality education for all and SDG 5 on the achievement of gender equality and to empower all women and girls. See also the Beijing Declaration and Platform for Action as well as the ICPD Programme of Action.
[ix] Noting that IHRL draws a clear line of 18 years for the CRC and other Conventions. We note the acknowledgement by the Committee on the Rights of the Child that "*adolescence is not easily defined, with context and environment playing key role*" (CRC General Comment 20, 2016). We further note that out-of-school rates include individuals aged 3-5 years after the expected age of completion.
[x] *From Nigeria*: Connected Development [CODE], Education as a Vaccine, PAGED Initiative.
From Pakistan: Idara-e-Taleem-o-Aagahi (ITA) Centre for Education and Consciousness, Tabadlab and Thar Education Alliance.
[xi] Human Rights Watch (2024) *Global Momentum Builds Toward Free Education for All Children* https://www.hrw.org/news/2024/03/18/global-momentum-builds-toward-free-education-all-children
[xii] Including CRC Articles 2 and 20-23; and CEDAW Articles 1, 10 and 13.
[xiii] Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)* CRC/C/GC/19. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting para 68.
[xiv] 86% of adolescent girls are out of upper secondary school in Tanzania, 2022 DHS data viewed at: https://www.education-inequalities.org/countries/u-r-tanzania#dimension=%7B%22id%22%3A%22sex%22%2C%22filters%22%3A%5B%22Female%22%2C%22Male%22%5D%7D
[xv] Msichana Initiative (2025) *Policy Brief on the implementation of re-entry for teen mothers in formal education in Tanzania* https://msichana.or.tz/wp-content/uploads/2025/01/POLICY-BRIEF-IMPLEMENTATION-OF-RE-ENTRY-POLICY-REPORT-1.pdf.
[xvi] Human Rights Watch (2025) *Tanzania: Protect Right to Education in Pregnancy, Parenthood* https://www.hrw.org/news/2025/01/23/tanzania-protect-right-education-pregnancy-parenthood
[xvii] Xiangming Fang et al (2024) The economic burden of child marriage' in *Nigeria, Child Abuse & Neglect, Volume 158* https://doi.org/10.1016/j.chiabu.2024.107135

[xviii] De Olho Nos Planos (2024) *Projeto do novo PNE se afasta de deliberações da CONAE e não menciona gênero e população LGBTQIA+* https://deolhonosplanos.org.br/projeto-do-novo-pne-se-afasta-de-deliberacoes-da-conae-e-nao-menciona-genero-e-populacao-lgbtqia/
[xix] Ação Educativa (2023) *Supressão do termo "gênero" no atual PNE fomentou censura e perseguição nas escolas* https://acaoeducativa.org.br/supressao-do-termo-genero-no-atual-pne-fomentou-censura-e-perseguicao-nas-escolas/
[xx] Malala Fund (2025) *ICC pursues justice for Afghan girls and women, applying for arrest warrants against Taliban leaders* https://malala.org/news-and-voices/%20ICC-pursues-justice-for-Afghan-girls-and-women
[xxi] Delprato, M., Farieta, A. (2024) 'A multilevel analysis of educational transition rates at secondary level in sub-Saharan Africa.' in *Prospects 54*, pp 73–102 https://doi.org/10.1007/s11125-023-09644-x
[xxii] South Asia has the second largest number of girls out of school at all levels, and the highest number of girls out of school at upper secondary level, suggesting that girls most likely drop out in the transition from lower to upper secondary school https://education-estimates.org/out-of-school/country/
[xxiii] Human Rights Watch (2022) *Nigeria: Child Marriage Violates Girls' Rights* https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights
[xxiv] States parties have clear obligation to implement economic, social and cultural rights "*to the maximum extent of their available resources*" and "*to mobilize, allocate and spend public resources to implement children's rights without discrimination*," and to "*refrain from discriminating against certain groups of children in budget decisions, or withdrawing funding or diverting resources away from existing programmes providing for children's enjoyment of economic, social or cultural rights.*" Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)* CRC/C/GC/19. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting paragraph 27 and Section D.
[xxv] Through the 2015 *Incheon Declaration and Framework for Action*, the international community agreed benchmarks for education financing: all governments should allocate 20% of national budgets or 6% of GDP to education. https://iite.unesco.org/publications/education-2030-incheon-declaration-framework-action-towards-inclusive-equitable-quality-education-lifelong-learning/
[xxvi] Malala Fund (2025) *Towards debt justice for girls: Calling on leaders to reform the G20 Common Framework to unlock resources for girls' education* https://malala.org/news-and-voices/malala-fund-calls-on-g20-to-reform-debt-in-new-policy-brief
[xxvii] Pakistan spends 1.9% of GDP on education (2023 data) https://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS
[xxviii] The Express Tribune (2025) *(Sindh) 92% of education budget spent on salaries* https://tribune.com.pk/story/2525987/92-of-education-budget-spent-on-salaries
[xxix] World Bank (2023) *Facing the challenges of girls' education in Pakistan* https://blogs.worldbank.org/en/education/facing-challenges-girls-education-pakistan
[xxx] Dawn (2024) *Increase in education budget not enough: ministry* https://www.dawn.com/news/1846050/increase-in-education-budget-not-enough-ministry
[xxxi] World Bank Group, Girls' Education https://www.worldbank.org/en/topic/girlseducation
[xxxii] Malala Fund (2025) *Girls' Vision for Education: Delivering on girls needs and priorities for education* https://malala.org/news-and-voices/malala-fund-publishes-girls-vision-for-education-report
[xxxiii] Noting obligations on States parties to eliminate "*stereotyped concepts of the roles of men and women*" in curricula (CEDAW, Art10); reduce female drop-outs (CEDAW, Art10(f); CRC, Art28(e)), right to health (CRC, Art24); promote human rights education, including sexual and reproductive health and rights education in line with children's best interests (CRC Art18) and evolving capacity (CRC Arts 5 & 14). Also noting the obligation on States parties to prevent rights abuses and the critical role that gender-responsive education can have in preventing discrimination and abuse.
[xxxiv] More vulnerable girls may require more specialised support like childcare, TVET or braille/sign language.
[xxxv] Human Rights Council Resolution (2024) *Open-ended intergovernmental working group on an optional protocol to the Convention on the Rights of the Child on the rights to early childhood education, free pre-primary education and free secondary education A/HRC/RES/56/5* https://docs.un.org/en/A/HRC/RES/56/5, preamble

[xxxvi] Adolescent girls are particularly affected by such costs as economic pressures and discriminatory gender norms intersect leading families' decisions to prioritise boys' secondary education over girls. See UNESCO, GEM Report (2020) *#AllMeansAll; Putting learner diversity at the heart of education post Covid-19* https://gem-report-2020.unesco.org/wp-content/uploads/2020/09/Inclusion_and_education_Covid_brief_GEM_Report_2020_FINAL-1.pdf
[xxxvii] Malala Fund (2025) *Girls' Vision for Education: Delivering on girls needs and priorities for education* https://malala.org/news-and-voices/malala-fund-publishes-girls-vision-for-education-report
[xxxviii] The Guardian (2025) *Analysis: EU will struggle to fill gap left by USAID as European countries cut their budgets* https://www.theguardian.com/global-development/2025/apr/15/eu-struggle-fill-gap-usaid-european-countries-cut-budgets
[xxxix] Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4) CRC/C/GC/19*. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting
[xl] Global standards including education financing benchmarks and other commitments outline in the Incheon Declaration and Framework for Action https://iite.unesco.org/publications/education-2030-incheon-declaration-framework-action-towards-inclusive-equitable-quality-education-lifelong-learning/
[xli] Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4) CRC/C/GC/19*. https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-19-2016-public-budgeting para 27(a).
[xlii] *Norwegian Church Aid (2024) Resolving the Worst Ever Global Debt Crisis: Time for a Nordic Initiative? https://www.kirkensnodhjelp.no/sites/default/files/2024-10/report_summary_newdebtcrisis_digital.pdf*
[xliii] Malala Fund (2025) *Towards debt justice for girls: Calling on leaders to reform the G20 Common Framework to unlock resources for girls' education* https://malala.org/news-and-voices/malala-fund-calls-on-g20-to-reform-debt-in-new-policy-brief
[xliv] Debt Justice (2024) *Debt cancellation could put 5 million more children in school* https://debtjustice.org.uk/news/debt-cancellation-could-put-5-million-more-children-in-school
[xlv] Malala Fund (2025) *Towards debt justice for girls: Calling on leaders to reform the G20 Common Framework to unlock resources for girls' education* https://malala.org/news-and-voices/malala-fund-calls-on-g20-to-reform-debt-in-new-policy-brief