

United Nations
Division for the Advancement of Women (DAW)
in collaboration with UNICEF
Expert Group Meeting
Elimination of all forms of discrimination and violence
against the girl child
UNICEF Innocenti Research Centre
Florence, Italy, 25-28 September 2006

*The elimination of all forms of discrimination and violence
against the girl child*

*Background paper for the Expert Group Meeting**

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* The views expressed in this paper are those of the author and do not necessarily represent those of the United Nations

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I. Introduction

1. Eliminating discrimination and violence against girl children has been on the international, regional and national agendas for over a decade. Notwithstanding, girls continue to be discriminated against because of their sex and are exposed to many forms of violence. This Expert Group meets to share experiences on both successes and failures in addressing all forms of discrimination and violence against the girl child, with a view to providing policy recommendations for governments, the United Nations and other stakeholders. Highlighting factors that have impeded progress in achieving the standards already set, and identifying ways to address them, will be part of this evaluation of experiences. The meeting will focus on certain defined areas such as protection of the girl child, especially in the context of HIV/AIDS and armed conflict, the empowerment of the girl child, and institutional arrangements for the elimination of discrimination and violence. The present paper will outline issues for discussion at the meeting within this overall framework.

2. This paper draws on the extensive material available on the situation of the girl child in Asia and Africa. Discrimination and violence are experienced by girl children in all regions but the scope of the problem is different. In general, the prevalence of stereotypical social values regarding girls and denial of access to justice and remedies, particularly for male violence, are common problems. The

definition of the girl child used in this paper will be 0-18 years, the general standard contained in the Convention on the Rights of the Child (CRC).

II. Eliminating discrimination and violence against girls as a specific issue in the global agenda on children's rights

3. International standards on elimination of discrimination and violence against girl children, derived from treaties and policy documents, can make a contribution in responding to the issue of discrimination and violence against the girl child. It is important to consider whether the existing standards in the global agenda on children adequately address the specific situation of girl children. This section will examine the main international human rights instruments and policy documents that are relevant to the issue of discrimination and violence against girl children, as well as the work carried out by treaty bodies, international and regional organizations, governments and non-governmental organizations.

(a) Human rights instruments and policy documents

4. The global agenda on children is based on standards derived from treaties and policy documents. The latter are often described as “soft norms”, as distinguished from multilateral treaties and customary international law (*ius cogens*) described as “hard law.” International treaty law may be difficult to enforce both due to procedural constraints as well as national legal systems which adopt a dualist approach to international law and do not consider treaties enforceable in their countries unless local law has been harmonized with treaty standards. International policy documents adopted by consensus, such as the

Declaration of the World Summit for Children (1990), the Beijing Platform for Action of the Fourth World Conference on Women (1995) and the Millennium Declaration leading to the Millennium Development Goals (MDGs) (2000), although not legally binding, have thus acquired increasing importance in setting global norms and standards for Member States.

5. An examination of major international and regional human rights instruments reveals that discrimination and acts of violence against girl children are not addressed specifically; girl children are addressed within the generic category of “children”, “women” or “disadvantaged groups” who suffer discrimination.¹ Standards in the instruments that specifically refer to children are gender-neutral and assumed to cover both boys and girls. Even the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) refers to “children” rather than girls in its provision on the illegality of underage betrothal and marriage.² Article 2 of the 1989 Convention on the Rights of the Child (CRC) sets the standard of all rights for all children “without discrimination of any kind,” including discrimination on the ground of the sex of the child or the child’s parents or legal guardians, within a wide range of other forms of discrimination. The provision thus links discrimination against children, both boys and girls, to discrimination against the parent or guardian, rather than focusing on discrimination against women and the girl child. The provisions on violence and discrimination in the CRC do not specifically refer to the situation of the girl child. Articles in the CRC rather use the words “he or she,” thus reinforcing the gender neutrality of these norms.

6. This approach in normative standards contrasts with the one used in global policy agreements reached by the international community in the 1990s and 2000s

which link non-discrimination against the girl child and adult women in a “life cycle” approach to the elimination of discrimination on the ground of sex.³ The World Summit for Children (1990) reflected CRC’s emphasis on realizing the rights of all children and giving priority to them in the development agenda. The World Summit Declaration and Plan of Action focused on achieving equality for women as an intrinsic dimension of both development and improving the situation of children. The Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993) stated that the human rights of women and of the girl child are an “inalienable, integral and indivisible part of universal human rights.”⁴ The Beijing Platform for Action (1995), which is used in many countries’ action plans on development, adopted a life cycle approach, linking the elimination of discrimination against women and the situation of the girl child. The Beijing Platform for Action specifically focused on the situation of the girl child as a distinct “critical area of concern” for action. This area of concern (see paragraphs 259 to 285 of the document) contains a comprehensive range of proposals and recommendations for law reform, policies, programmes and advocacy.⁵

7. The Commission on the Status of Women, which is the inter-governmental body in charge of monitoring implementation of the Beijing Platform for Action, has kept the theme of the girl child alive on its agenda in the post-Beijing period. The outcome of the 2005 World Summit and resolutions of the General Assembly have reinforced the importance of considering elimination of discrimination against girls and violence as a critical issue of concern.⁶

(b) Work of treaty bodies, international and regional organizations, governments, and non-governmental organizations

8. The Committee on the Elimination of Discrimination against Women, the treaty body in charge of monitoring the implementation of the CEDAW convention, has addressed the issue of discrimination and violence against the girl child in its concluding comments and general recommendations.⁷ A survey of concluding comments highlights the fact that the Committee has consistently referred to the specific situation of girl children in considering school drop outs, teaching programmes, and access to non-traditional areas of education (technological and vocational training). The situation of the girl child has also been referred to in concluding comments on health, including risks of early marriage, reproductive health, sex education, drug abuse, smoking and HIV/AIDS. The link between women's and girl's health has been reinforced through a life cycle approach to health that is also the foundation of the Committee's General Recommendation No. 24 (1999) which interprets Article 12 of CEDAW relating to health. Concluding comments covering violence, sexual exploitation and human trafficking refer specifically to girl children. General Recommendation No. 19 (1992) on violence against women addresses the issue of violence in interpreting general Articles 2 and 3 of CEDAW, Article 1 which defines discrimination against women and Article 6 on traffic in women and exploitation of prostitution of women. The General Recommendation specifically refers to violence against girls from rural communities and in the family. Additionally, the Committee has called for data disaggregated by sex and age, particularly in relation to early marriage of girls, which is addressed in Article 16 (2) of CEDAW and General Recommendation No. 21 (1994).⁸

9. While the general comments of the Committee on the Rights of the Child refer to the importance of eliminating discrimination and violence against the girl

child, its concluding observations adopt a gender neutral approach and refer to the situation of the girl children as another dimension of “disparity reduction” relevant to disadvantaged or vulnerable groups.⁹ The 2000 World Summit Declaration on Children reflects a similar perspective.

10. In the immediate time period following the adoption of the Convention on the Rights of the Child, UNICEF as the lead international agency identified by CRC adopted policy documents on achieving specific goals to improve the girl child’s situation. Other international and regional organizations, as well as governments, gave priority to studies and targeted interventions to improve the situation of the girl child and eliminate discrimination and violence. For instance, the girl child’s situation was identified as a critical area of concern in the African Platform for Action for the Advancement of Women adopted by the Fifth Regional Conference on Women (Dakar, Senegal, 1994). There were some important interventions in Africa in the 1990’s on education and law reform, particularly in regard to harmful traditional practices such as female genital mutilation (FGM).¹⁰ 1990 was designated the “Year of the Girl Child” and 1991-2000 the “Decade of the Girl Child” in South Asia. This stimulated several governments, for example Bangladesh and Nepal, to initiate affirmative action for girls in access to primary and secondary education, and non-formal education for girls who had dropped out of school. Research studies in South Asia and Africa addressed the situation of the girl child, including the culture of son preference, and harmful traditional practices with a view to changing State policies and community responses.¹¹ At least one country in South Asia, Nepal, attempted to harmonize domestic law and policy with international standards. Nepal enacted a Children’s Act (1992) prohibiting the practice of dedicating a girl child to a deity, and discrimination between sons and daughters in their upbringing, education and health care.¹² A popular video

film “Meena” focused on advocacy for the elimination of discrimination against girls in South Asia.¹³ Girl specific programmes were also carried out in other regions, for example in Caribbean countries.¹⁴

11. During the last decade, there has been a shift away from a specific focus on the girl child at international, regional and national levels. Gender-neutral approaches have dominated the child rights discourse as well as policy interventions. This is most noticeable in the traditional protection areas relating to child sexual abuse and trafficking, child soldiers, and child labour. Data and discussions have focused on the various forms of violence and the infringement of protection rights of both boys and girls, without addressing the specific issue of violence and exploitation perpetrated against girls because of gender bias in their families, communities and at the national level.

12. The girl child is not always given specific attention in the work of entities of the United Nations system. Being a girl child is often considered only in the context of various forms of discrimination faced by girls based on ethnicity, disability, or other factors. Otherwise excellent reports of United Nations entities refer to the girl child only in passing,¹⁵ except in the areas of education and reproductive health where the United Nations Children’s Fund (UNICEF) and the United Nations Population Fund (UNFPA) have given a special focus to the education and health status of girl children.¹⁶ Gender-based discrimination against girls is, however, considered as a specific topic by the United Nations Development Fund for Women (UNIFEM) in its work on the status of women.

13. Influential international non-governmental organizations working on children’s rights often adopt a neutral approach in their reports and interventions.¹⁷

Many publications of international discussions on children's rights adopt a gender neutral approach and carry few, if any, references to girl children even in comments on data and monitoring indicators.¹⁸

14. The papers presented at this Expert Group Meeting will undoubtedly demonstrate the importance of addressing the situation of the girl child as a major issue of global concern that should be given increased attention by Member States at the national level. The intersectionality of discrimination should be recognized, where girls face multiple forms of discrimination on the basis of their sex as well as their caste, ethnicity and origin, religion or disability. The inclusion of gender perspectives rather than the adoption of gender neutral approaches to child rights will contribute to giving visibility to the discrimination faced by girl children and help achieve progress in addressing such discrimination.

15. The formulation of strategies to ensure that issues relating to the girl child receive the attention they attracted initially when the Convention on the Rights of the Child was adopted is therefore important. The fact that the Millennium Development Goals, that determine the current international agenda on development, do not refer specifically to girl children is of particular concern for developing countries, which confront the reality of a gender gap in many of the areas covered by the MDGs. The United Nations is committed to integrating a rights-based approach to development in the implementation of the MDGs. Attention must be given to the rights of the girl child in implementing and monitoring all the MDGs and especially Goal 3 "Promote Gender Equality and Empower Women", as a means to achieve progress in the elimination of discrimination and violence against the girl child.

16. The outcome of the 2005 World Summit, in its first section on “Values and Principles”, reaffirms the link between development and human rights and the importance of a human rights-based approach. It provides an opportunity to move beyond the goals and targets on girls’ education and women’s employment incorporated in MDG Goal 3. It recognizes that “gender equality and the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance development and peace and security.” It also reaffirms the “universality, indivisibility, interdependence and inter-relatedness of all human rights” as well as the commitment to “create a world fit for future generations, which takes into account the best interests of the child.” An important paragraph recognizes the need to “bring a gender and child protection perspective into the human rights agenda.”¹⁹ The paragraphs on education recognize the need to go beyond the goal of achieving universal primary education and to focus in a gender sensitive manner on “expanding secondary and higher education, vocational and technical education especially for girls and women.”²⁰

17. Accepting the development analysis that “progress for women is progress for all,” the outcome of the 2005 World Summit reaffirms the commitments to implement the Beijing Platform for Action as an “essential contribution” to realizing the MDGs. The elimination of gender discrimination is emphasized in a section on gender equality and the empowerment of women. Specifically identified goals cover areas of relevance to girls such as discrimination in inheritance, equal access to reproductive health, and violence especially during and after armed conflict. Violence against women and girls is covered in separate sections on the human rights of women and children in armed conflict. The

outcome document can be used to give the situation of the girl child increased attention in the implementation of MDG 3 as well as other MDGs.

III. Linking women's rights with the rights of the girl child

18. The links between women's rights and the rights of the girl child have been challenged at times both by child rights activists and women's groups. Historically, women and children have been linked as disempowered groups in all cultures that have endorsed patriarchy. Women's lack of choices, access to resources, and opportunities for advancement, have often been justified by their domestic roles and responsibilities including child care. Consequently, women's rights movements have not always linked activism for women with activism on behalf of children. This ambivalence was reflected in the non-governmental organizations meeting prior to the World Conference on Human Rights in Vienna. It was difficult to persuade the meeting to take on the agenda of the girl child in a life cycle approach to issues of gender, equality, and violence. However, many women's activists in Africa and Asia, growing up invariably in an environment of son preference and disadvantaged girlhood, identified with the life cycle approach to eliminating discrimination and violence. This is clearly reflected in the regional initiatives linking the women's rights and girl child agendas in South Asia and Africa, as well as law reform initiatives in Asia and Africa on violence against women and girl children. More recently, the women's movements in developed countries too have recognized the relevance of linking women's rights activism with the girl child in campaigns to eliminate violence and discrimination. The outcome of the 2005 World Summit, the work of UNICEF, UNIFEM and UNFPA reflect a consensus on the connectivity of women's rights and the rights of girl children.²¹ Recognition of the linkage is clearly seen in the work of the

Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women.

19. There is significant evidence of the linkage between discrimination and violence against women and girl children. Harmful traditional practices such as food taboos that discourage or prevent girls from being given nutritious items in their diet or ensure that only boys get foods, son preference and female infanticide manifest themselves in health indicators which consistently show that girls in Asia and Africa fare worse than boys. Stereotypical attitudes towards women and girls in the family and community, including their non-recognition as heirs to family titles and lands and as household heads, reinforce the perception of their lower status. These perceptions often manifest themselves in domestic and intra-family violence, as well as acts of sexual violence and exploitation in the community. Women and girls constitute a majority of those exploited in prostitution and trafficking. In developed countries, adult women and girls may lack choices in education, especially in the technological and vocational fields, due to gender bias. In developing countries, the failure to provide access to education is often linked to gender bias. Girls drop out of school and are forced to marry very young or enter the child labour market because of family and community perceptions on their exclusive responsibility as care givers for children, siblings or the elderly. In developing countries, they bear a disproportionate burden of unpaid work and constitute the majority of those affected by poverty. Participation rights of girl children are undermined because they, as well as women, lack decision making power as females in the family or community. The linkages between discrimination and violence against women and children are particularly evident in situations of internal or cross border conflict and in trafficking. Families,

communities and nations that endorse discrimination and violence against girls perpetuate discrimination and violence against women.

20. It is a core reality that inequality and discrimination against women in gender relations in all societies impact on the status and rights of both women and girls. Neither children's rights nor the rights of women can be realized in an environment of structural discrimination. It is possible that realizing an agenda of women's rights, in a given context or in a particular country situation, may conflict with the rights of the child. That such conflicts may arise cannot take away from the need to strive to balance conflicting interests.²²

21. Both the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, as well as State parties to the two conventions, interpret the CRC and CEDAW conventions as instruments which help families and communities to evolve as democratic groups that nurture the maximum human potential of girls and women and contribute at the same time to the well being of the family and the community. Progress on an agenda of women's rights and the rights of the girl child cannot be sustained without recognizing and advocating the legitimacy of both agendas. The Convention on the Rights of the Child has been described as a "feminist landmark," highlighting provisions that can be used to focus on the girl child and achieve progress on women's rights.²³

22. Connections between the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women should be strengthened in order to ensure maximum impact of interventions in respect of the girl child. Partnerships should be forged between gender activists

and girl children activists. In this regard, efforts should be made to persuade gender activists to link women's rights and girl children's rights without undermining the work on adult women's rights. Similarly, child rights activists and those working on children's issues must be persuaded to respond to the equally challenging task of integrating a gender equality perspective into their work as a substantive and critical dimension of child rights.

IV. The importance of universality as the global response to discrimination and violence against girls

23. The universality of human rights was emphasized in the Declaration of the Vienna World Conference on Human Rights, and is now considered a core concept in international law. It is reflected in CEDAW and CRC, as well as the United Nations Declaration on Violence against Women. Specific provisions in both CEDAW and CRC²⁴ have been interpreted by the treaty bodies monitoring their implementation in a manner that recognizes and promotes their universality. The concluding observations of the Committee on the Rights of the Child refer in a gender neutral way to the need to prevent harmful traditional practices and have not interpreted Article 24 (3) which deals with the subject. However, the concluding comments as well as general recommendations of the Committee on the Elimination of Discrimination against Women have emphasized that culture and tradition do not justify a State party's failure to intervene to prevent traditional practices that foster discrimination and violence against women and girls. Particular customs such as female genital mutilation/cutting (FGM), foeticide, forced and early marriage, dowry, son preference, discrimination against widows, dietary taboos and restrictions have been identified as constituting discrimination and violence. State parties have been considered to be under an obligation of due

diligence under international law to prevent such practices in the family and community even by private persons or non-State actors. The CEDAW Committee has adopted concluding comments that pointed to stereotypical notions and values that perpetuate discrimination and violence against women and girls both in respect of developing and developed countries.²⁵ States parties who entered reservations and declarations on the basis of custom to the Convention on the Elimination of All Forms of Discrimination against Women and/or the Convention on the Rights of the Child have been encouraged to withdraw these reservations by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, respectively. Many have done so in the last decade.²⁶

24. The universality of the standards set out in CEDAW and CRC have been recognized at the national level in legislative reform and State policies to prohibit harmful traditional practices, and supported by women's groups and civil society initiatives in Asia and Africa. Successful programmes engage in advocacy and awareness raising to obtain broad based community support for these measures. Campaigns against FGM, dowry, female foeticide and domestic violence have resulted in successful legal reform and policy measures in many countries in Asia and Africa, especially in the areas of sexual and domestic violence.²⁷ The most recent outcome of the 2005 World Summit clearly records a consensus on the universality of human rights, stating that "...While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms."²⁸

25. Despite those developments, there is a continuing difference of opinion among women's groups in the West and women's movements in developing countries, as well as among United Nations agencies and other stakeholders, on the issue of universalism vs. cultural relativism. The perceived need for "cultural sensitivity" has led at times to failure to forge a consensus, thereby strengthening the hand of fundamentalist and conservative lobbies in countries opposed to women's and girl children's rights. Cultural relativist approaches dilute women's and girls' rights as citizens under the mantle of protecting them, rather than protecting their human rights against discrimination and violence.

26. The universalist approach is often promoted by activists and women's groups in countries in Asia and Africa, which recognize that custom and tradition are dynamic rather than static. Studies challenge the theory of "immutable" or "unchanging" customs. They have shown how law and policy measures introduced by successive colonial administrations often undermined positive values and reinforced patriarchy. Conservative post-colonial governments in developing countries sometimes lacked the political will to initiate dramatic changes and to create a new culture or value system that is positive to women and girls.²⁹

27. It is clear that effective advocacy campaigns in developing countries on practices such as on FGM, discriminatory nutrition practices, forced marriage and many forms of socially legitimized violence, such as honour crimes, have gained community support for law reform and policy measures. Macro level initiatives such as constitutional reform and legislation at national level, as well as regional instruments in Africa and elsewhere, reflect the efforts of women's groups in lobbying for normative standards that require the State to intervene against

traditional practices that discriminate and perpetuate violence abuse and torture of women and girls. Identifying those practices as gross forms of violence, and “undermining” their legitimacy through the link to violence and infringement of the right to bodily security, have been an important part of the strategy. Several national constitutions have incorporated clauses or general articles on gender equality and children’s rights, in efforts to incorporate international law and domesticate these values.³⁰ Regional human rights instruments in Africa contain provisions that reinforce universalism and CEDAW/CRC standards. The most recent instrument, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, reflects the perception of the transformative power of culture and its potential for impacting positively on women’s lives. This instrument provides that “women have a right to live in a positive cultural context and participate in the formulation of cultural policies at all levels.”³¹ Constitutional standards and regional instruments are particularly important since they provide an opportunity for appellate courts to integrate CEDAW and CRC standards into domestic jurisprudence.³²

28. Universality becomes more difficult to achieve in a context where reservations are entered by States parties on the ground that CEDAW or CRC conflict with the tenets of religion such as Islam. The right to freedom of conscience and religion as a human right might then compete with the norm of gender equality and freedom from violence. However, women’s groups have lobbied for change in Islamic laws through a feminist deconstruction of their own religious tradition. They have demonstrated how stereotypical attitudes and customs rather than religious doctrine have influenced negative interpretations, denying women and girls their human rights in the family and community. Some Islamic countries have amended their nationality laws. The CEDAW Committee

has encouraged Islamic States to harmonize domestic legislation with the treaty standards by way of comparative analysis of other Islamic legal systems.³³ A State party's obligation in human rights law to respect freedom of conscience and religion does not extend to condoning practices and manifestations that are contrary to public interest. This provides a basis for State intervention through legal and policy measures against practices that deny women equality and the right to freedom from violence. Domestic violence legislation, and laws against practices such as honour crimes in Islamic countries, can be justified based on that principle, or through a deconstruction of religious tradition. The Government of Pakistan, with the support of the National Commission on Women, has recently taken the initiative to limit the scope of application of the Hudood Ordinance making it possible to prosecute cases of sexual violence against girls and women. Both the Commission and women's groups had lobbied for a repeal of that law for many years. In a compromise, the government has now permitted prosecutions under ordinary criminal law. Debates on religion and women's rights are also relevant in Western countries where the State is being challenged in regard to practices such as FGM and veiling, especially within some immigrant communities.

29. Much that has been achieved in intervening with regard to religion, custom or harmful tradition-based practices in developing countries that deny women and girls their human rights, has occurred through local interventions in Asia and Africa. Such local initiatives are critically important. However, continued progress requires a global support network of resources and partnerships. Cultural relativism is often promoted in the name of respect for pluralism and diversity which is perceived as the correct and acceptable response. Reluctance to get involved, in fact strengthens fundamentalist religious and other groups who argue

that “equity” and “fairness” can be achieved for women through customary or religious tradition, without conforming to standards of universal human rights. These groups also claim that human rights have been negotiated by the Western countries as a dominant group, and do not reflect the views of non-Western nations.

30. Cultural relativist approaches to the concept of human rights must be distinguished from the need to apply universal standards in a way that is meaningful within a local context. Respect for pluralism, diversity and ethnic and religious identity should not be used as justifications for undermining the core values of equality and the right to freedom from violence and bodily security. Otherwise, the gains and progress made in the last decade will not be sustained and the State’s obligation of due diligence and accountability with regard to universal human rights standards will be undermined. The concept of the “best interests of the child” should be interpreted through the lens of the core obligations of the CRC and CEDAW conventions on children’s rights and not interpreted in a relativist manner, which would undermine the rights of girl children, justifying practices such as child labour and early marriage. The perception of some that child labour is justifiable in the context of economic deprivation reinforces a State’s lack of accountability for poverty reduction in terms of the MDGs. Those arguments are often “rationalized” on the ground of diversity and the need to ‘contextualise’ human rights, thus challenging the standard of universality that sets common standards of achievement for all people.

31. Forging a consensus on the universality of the norms of non-discrimination and violence, therefore, must be a key dimension of any strategy to improve the situation of the girl child. Cultural relativism which is “justified” as respect for

diversity and pluralism will only entrench differences in the enjoyment of human rights by girl children living in different countries of the world. Progress on the women's and girl children's agenda requires a dialogue between cultures so that there can be a confluence, rather than a conflict, of ideas to promote a human rights-based approach regarding the girl child. Universalist rather than relativist interpretations of the CEDAW and CRC norms provide the space for partnerships and solidarity in achieving progress with regard to the respect, promotion, protection and fulfillment of the human rights of girl children.

32. The global campaign on violence against women more than any other area of gender equality has developed strong links within the women's rights movement from different regions. This has created greater understanding of the need to move beyond cultural relativism towards a recognition of a human rights-based approach, emphasizing every woman's and girl's right to be assured of bodily security and life chances. The campaign has highlighted that eliminating discrimination and violence is relevant to both developing and developed countries.

33. Child rights activism in the last decade in the West has used a gender-neutral approach with an emphasis on civil rights. This approach to issues such as violence against children has failed to acknowledge the important interface between gender-based discrimination and violence against girls. It has promoted cultural relativist attitudes to violence against girls, legitimizing discrimination and abuse. It has also contributed to a failure to give adequate attention to commitments of State parties to fulfill socio-economic rights that have been prioritized by both the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. Linkages between the findings of the United

Nations Secretary General's studies on violence against women and on violence against children³⁴, in particular promoted by both bodies, could provide a basis for adopting gender-sensitive approaches in international child rights activism.

V. Protection and girls' empowerment³⁵: The interlinkages

(a) Rights to protect and to provide

34. The concept of the indivisibility and interdependence of socio-economic and civil and political rights has gained recognition only during the past decade. Yet, the concept of indivisibility and interdependence was the foundation of the CEDAW standards adopted in 1979 and the standards incorporated in the CRC ten years later, in 1989. Both the CEDAW and CRC Committees, through their general recommendations, general comments and concluding comments/observations have re-iterated the manner in which civil rights and socio-economic rights of women and children must be considered indivisible and interdependent. They have adopted the approach reflected in General Comment No. 3 of the Committee on Economic, Social and Cultural Rights. The idea that economic and social rights can be realized progressively does not mean that a State party can postpone indefinitely measures to realize basic health and education needs of the population.³⁶ Nevertheless, child protection strategies promoted internationally and nationally tend to neglect this dimension of the indivisibility of rights.

35. The concept of "child protection" in international human rights law - interpreted as protection from violence and exploitation or developed as a response to children in conflict with the law and in respect of juvenile criminal justice - is just one dimension of the responsibility of governments to respect and promote,

protect and fulfill human rights. A State must refrain from violence and protect children and women from violence perpetrated by third parties. It must also fulfill their socio-economic rights. This ensures both the negative right “not to be denied the rights to freedom from violence” and the positive right “to have basic health and education needs addressed”. CRC thus distinguishes between “survival and development rights” such as health and education, “protection rights” focused on violence and exploitation, and “participation rights” or rights of privacy, personal autonomy and decision making - as a child grows from infancy towards adolescence and maturity. Survival and development rights give girls access to life chances through health and education. Participation rights help achieve the empowerment of girl children, thus contributing to women’s empowerment. Empowerment of girls is an important goal in itself but is also part of a strategy for protection from violence.

36. This important synergy between empowerment and the social and economic rights of girl children, as a strategy for implementing protection rights, is missed through overly focusing on child protection as a single strategy. This imbalance has to be addressed in working towards realizing the rights of girl children, in general, and adolescent girls in particular. Child protection often perceives the child or girl as the “vulnerable victim” of abuse and exploitation, as a group placed in “specially difficult circumstances.” Accordingly, Governments are encouraged to focus exclusively on law reform, and law enforcement through legal processes, as preventive strategies. This entails an inevitable “gap” in regard to social policy and resource allocation measures that are necessary to empower girls and prevent their victimization and abuse. The protective approach also reinforces family and community values on “protecting girls” - usually manifested in a denial of opportunities for education, decision making and choice for adolescent girls.

Inadequate social policies and the failure to effectively support awareness-raising and attitude change create problems for effective law enforcement. Many countries, in the last decade, have engaged in law reform to prohibit violence, sexual exploitation and abuse, harmful traditional practices, trafficking, child labour and early marriage. Yet the impact of these laws has not been as satisfactory as expected, since complementary social policies on access to health and education, resources for law enforcement and community awareness-raising, and procedures for birth registration have not been introduced. The persistence of discrimination and violence against girls highlights the gap between law and enforcement.

37. Although in a few developing countries boys may be more disadvantaged than girls in some areas,³⁷ significant gender disparities and disadvantages continue to confront girls. Current evidence indicates a significant gap between the situation of boys and girls in the critical areas of education, health and poverty. Though literacy rates have improved, and there has been some reduction in mortality rates in South Asia, school drop out rates for girls are, in general, higher than for boys. More girls are at risk of early and forced marriages which can also lead to cross border trafficking in brides. They are exposed to the high risk of death due to pregnancy-related problems in both Asia and Africa. Based on current predictions, most countries will not eliminate this gender disparity and meet the MDG targets.

38. More girls are denied access to health and education, more are exposed to violence and abuse including sexual slavery and abuse, and more are exploited in trafficking. More girls are exposed to the risk of HIV/AIDS, health risks from harmful traditional practices, and poor nutrition. Sex selective abortion and female

foeticide contribute to adverse male/female ratios in some regions such as South Asia. Despite initiatives in India to ban sex selective abortions and introduce legal controls that were strengthened in 2002, the practice continues even in the capital city. Sixty million girls are described as “missing” in South Asia due to mistreatment, foeticide or infanticide. Girls face more significant exploitation and abuse in particularly hazardous forms of employment, and especially in domestic work. A disproportionate work load, in situations of poverty and domestic service, impacts negatively on their development. Denied access to education and health care including reproductive health, they are exposed to conditions such as obstetric fistula and HIV/AIDS. Early and forced marriage is a major reason for poor participation rates in education among girls. Teenage pregnancy and inadequate access to reproductive health information and counseling also contributes to high school drop out rates for girls in some countries. Gender parity in access to health care, education, nutrition, and protection of personal security and participation rights still remains a distant goal. The overall negative impact on development and economic growth is also recognized, in comparisons of human resource investment in health and education in East Asia, South Asia and Sub Sahara Africa.³⁸ There is an urgent need to link empowerment strategies, based on development and participation rights of girls, as an integrated dimension of responses to issues of protection. This approach is also relevant in developed countries among poor and migrant communities where girls can face violence and limited access to basic needs.³⁹

(b) Law reform

39. Experience in developing countries across the board indicates that law reform has focused on child protection areas such as child marriage, child labour, juvenile justice, sexual abuse, trafficking, and harmful traditional practices such as FGM, honour crimes, female infanticide and foeticide.⁴⁰ Adopting legislation is a first step in creating a culture that is supportive of gender equality and zero tolerance for violence and discrimination. Constitutional reform is most important in this respect although more difficult to achieve. Countries need to consider whether general codes on child rights and constitutional guarantees should be expanded by focusing on sectoral legal reform - in specific areas. Such legal reform is especially important for girls in the areas of compulsory registration of birth and marriage, and access to education as a legal right through regulating compulsory education. Reform is often necessary with respect to the right of girls to participate in decision-making that affects their lives on issues such as custody, medical treatment and employment - the latter when they are above the minimum age for child labour. The voices of girls are not heard in decision-making on issues relating to juvenile justice. Most importantly, child friendly court procedures, access to justice and non-formal dispute settlement have to be addressed. Removing the gender bias in penal codes and court procedures, especially in relation to criminal justice and sexual offences, and ensuring that girls are protected from violence in custodial situations is important in providing girls with access to justice through the established court system. Girls are at higher risk of torture and violence in police custody, and they face a range of risks when they are placed in institutional care. Affirmative action or temporary special measures to redress disadvantages and imbalances can be addressed through constitutional provisions and legislation – particularly in areas such as access to education.

(c) Policy formulation

40. Social policies, including affirmative action policies to give girls access to health and education, can contribute to strengthening the implementation of laws. Devolved political power and resource allocation is critically important to support the effective implementation of laws prohibiting discrimination and violence. Supporting law enforcement through the establishment of facilities for registration of birth and marriage, shelters and “One Stop Centres” for girls and women affected by violence has become an essential component in the response to violence. Broad based awareness-raising in the community on the content of new laws and value systems on violence and discrimination should become an integral part of legislative or constitutional reform.

41. Countries that have supported law reform on child marriage and child labour coupled with social policies that provide access to health and education, and broad based community awareness, have achieved a higher degree of progress than those that have simply put “child protection” legislation in place. Education is known to have a multidimensional impact, strengthening protection in areas such as health including HIV/AIDS, and coping with conflict. Education can increase the capacity for choice and for realizing girls’ potential to contribute to their own and their family’s and community’s well being. Preferential access to primary and tertiary education for girls, and the increase in the number of female teachers have increased school participation rates, and addressed the problem of girls dropping out of school in the early years. Some countries have tried to introduce the idea of “reserved seats” for girls in professional tertiary education institutions. This is a controversial issue since it is argued that if there is equal access and a level playing

field, merit should be the sole criterion. Affirmative action for girls at the tertiary level may be justified to encourage female participation in selected fields and disciplines.

VI. Protection and armed conflict ⁴¹

42. The situation of the girl child in armed conflict merits particular attention as an area where gender-sensitive approaches are critical. Girls have to face risks to personal security, and heightened exposure to violence. They experience inadequate access to education and health care including reproductive health. They lack access to water and sanitation with respect for privacy and needs of personal hygiene. Displacement and disruption can contribute to the eagerness of families to see girls married early. The exposure of girls to domestic and intra-family violence, due to tensions between adults in the family, can increase. Girls also face physical violence in the community through rape and other forms of sexual abuse. They face abduction or forced conscription as child soldiers, and sometimes join armed groups as runaways seeking protection from the family and the community. Conflict situations have also increased the risk of trafficking in girls for forced labour and sexual exploitation and prostitution. Their exposure to violence and denial of human rights can originate from both State and non-State actors, parties and non-parties to the conflict. Massive infringements of human rights in conflict situations have led to the recognition that human security, including that of the girl child, has to be given enhanced attention.

43. In the complex situation of conflict, provision of humanitarian assistance and protection from violence, rehabilitation and re-integration, are basic rights of all persons concerned. Policies and programmes in such situations have

traditionally focused on aspects of “vulnerability”, “protection” and “delivery of humanitarian assistance” and have adopted gender-neutral approaches, thus failing to adequately address the specific needs of girl children. Community-based initiatives that draw on the human resources and capacity of both women and girls in responding to crisis should be developed in helping to empower both groups. Empowered women in conflict situations can help to improve the situation of girl children. Security Council Resolution 1325 on women, peace and security should be implemented in a manner that is sensitive to the needs, priorities and contributions of the girl child in conflict situations. Rather than treating girl children as mere “victims” in need of “protection,” policies and programmes should be formulated in a way to create conditions that ensure the empowerment of girl children.

44. The Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict and the provisions of the Rome Statute of the International Criminal Court, as well as the jurisprudence of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, have strengthened the international norms on criminal justice and reparation for women and girls and are an important response to violence and discrimination. Creating accountability for violating these international standards and investigating and prosecuting offenders during conflict is essential for both women and girls. Impunity gives powerful negative messages and legitimizes violence and discrimination. Girls who have survived rape and other acts of violence require special attention. The CEDAW Committee has, in reviewing country reports, commented on the need to review and amend domestic legislation that gives impunity to armed forces, and the importance of the administration of criminal justice through proper investigation and prosecution of

rape and acts of violence. There must be State accountability for developing reparation and compensation systems and reintegration programmes that provide individual redress to those affected by conflict.

45. National monitoring of violence, through the efforts of civil society and the media, is critical in preventing impunity and promoting the accountability of both State and non-State actors. International monitoring is equally important. The concept of “failed State” should not be used to legitimize governments’ lack of accountability in situations of conflict. Impunity for acts of violence and denial of human rights adversely affects women and girls, while accountability may reduce or eliminate acts of discrimination and violence.

VII. Institutional arrangements⁴²

46. Effective institutional arrangements are necessary to promote empowerment. The failure to transform existing institutions, or create new ones with the necessary authority and resources, often means that “good” laws and policies put in place to address violence and discrimination against the girl child cannot be implemented. The importance of this dimension has been recognized in policy documents such as the Beijing Platform for Action as well as in the concluding comments/observations, general recommendations and general comments of the CEDAW and CRC Committees.

47. Achieving the empowerment of girl children requires national policy formulation, legislative reform and resource allocation. Pluralism and diversity are important in responding adequately to local contexts but certain issues are of common concern. Both the CEDAW and the CRC Committee have, in concluding

comments and observations, referred to duplication of institutions and complex administrative arrangements that undermine efficiency and contribute to the failure to implement plans and legislative reform. A co-ordinated response and networking among relevant institutions is important.

48. It is necessary to consider the type of institutions focusing on child rights needed to provide leadership in eliminating discrimination and violence against the girl child at the national level, as well as the agencies and bodies that should collaborate and support their work. It is also important to explore whether the nodal agency should be purely governmental or be an independent body that consists of representatives from government and non-governmental organizations and key non-State actors such as professionals, the private sector, and the media. In many developing countries, the model of independent commissions has been used to foster policy and legislative reform. National child protection authorities which combine governmental and civil society representation have been established. In some countries, women and children's ministries are purely governmental bodies which are often marginalized in the planning and budgetary processes - lacking resources and the authority to articulate a strong voice within government.

49. These agencies must have higher status if they are to make an effective contribution to national planning and governance through increased consultations on budgetary allocations, negotiation of bilateral and multilateral grants and loans and the formulation of policies. The girl child agenda needs to be specifically incorporated into their work. Gender-neutral approaches that sometimes emerge in child rights work must be avoided by giving the girl child a high profile within child rights institutions and in women's empowerment agencies.

50. It is essential to raise the interest of legislative bodies and the bureaucracy at the central government, provincial and local level in the girl child agenda. Networking with local authorities and devolving power and resources prevents over-centralized governance. Decentralized administration can be critical for bringing to the fore and addressing regional disparities in regard to the girl child. Increasing women's representation in parliaments and local bodies is one strategy for ensuring progress on the rights of girl children. Parliamentary select committees are potential forums for raising the visibility on the girl child, and for addressing controversies constructively prior to legislative reform or the allocation of budgetary resources. The concept of incorporating budgetary resources at the time when legislation is enacted - as is the case in South Africa - is a useful strategy for strengthening Parliament's accountability in law making. Obtaining the commitment of the administration through the recruitment of more women, in-service training in respect of the girl child, and institutional arrangements that ensure continuous focus on the girl child in different agencies within government, is very important.

51. The training of judicial officers and the police on women's and girl children's rights is important to ensure that court procedures and practices become "sensitive" and provide access to justice for women and girls. The creation of Women and Children's Police Desks in Asian countries has proved to be useful in responding to the need for effective investigation, and law enforcement. Constitutional norms and procedures of recruitment that foster the independence of the judiciary and the police are equally important. "One Stop Centres" and women and children's "Police Desks" facilitate gender sensitive support to victims of violence. When alternative forms of dispute settlement exist at local level such as

mediation boards and tribal councils, gender sensitization programmes to create understanding of the issues of discrimination and violence against the girl child must be incorporated. Effective remedies and complaints mechanisms are a critical dimension in providing access to justice. Alternate complaints systems such as ombudspersons, human rights commissions and complaints committees should be established, and ways and means sought to enable girls' easy access to them. They can offer a choice of effective dispute resolution and relief without litigation procedures in courts. However, court procedures must be mandatory in the area of criminal justice since alternative complaints systems, mediation and conciliation can encourage an attitude of lenience and of condoning gender based violence.

52. The development of networks and partnerships to ensure cooperation between government and civil society as well as between government and the private sector, different professions and the media can greatly contribute to increasing the effective implementation of policies and legal change. Experience suggests that broad based community support and social mobilisation are also essential in this respect. Eliminating discrimination and violence against the girl child requires an effective partnership with men and boys. Their interest and commitment is vital in achieving the needed change of attitudes in the family and community. They can be reached through targeted special programmes or as members of community organizations working on social issues.

53. In the last decade, many partnerships that positively contributed to the agenda on women and children's rights have emerged and could be expanded to include a focus on the girl child. The experience of partnerships with institutions such as chambers of commerce, banks, employers' federations and media

collectives in promoting select social issues should be expanded and used to forge partnerships that support the rights of girls and promote a culture of zero tolerance for violence and discrimination. Professional networks can be co-opted to support standard setting and encourage positive community responses in their own organizations, in areas such as medicine, law, advertising and employment. Inter-agency cooperation in the United Nations, through the United Nations Development Assistance Framework (UNDAF) process, as well as regional co-operation, can facilitate the sharing of experiences. Programmes on women's and children's rights by the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC) are often supported by international agencies. Expanding the focus on the girl child should also be their priority. Closer co-operation with and between the CEDAW Committee and the CRC Committee should also be provided in order to strengthen the common voice on the human rights of girls.

54. Allocation of resources is a key dimension of effective institution building. Women and children's ministries are often the most under-resourced. Children's ministries operate with a gender-neutral budget that deprives girl-specific programmes of adequate resources. Incorporating women's issues under the agendas of ministries for the family or other ministries likewise diverts resources from women-specific programmes. Transparent budget scrutinies, gender audits, as well as gender and child rights budgeting and costing exercises by think tanks in the non-governmental sector have been undertaken in several countries. Costing of social policies as well as law enforcement is necessary to ensure that policy objectives are linked to resources. However, those exercises do not have a specific focus on girl children as issues of discrimination and violence against them are not always made part of central analysis.

55. The reporting process to both the CRC and CEDAW Committees demonstrates the paucity of sex-disaggregated data for evidence-based decision making on policies and budgets. Incorporating a focus on girl children as a priority in gender audits and developing an effective sex-disaggregated data base is essential. Statistical data, where it exists, is invariably quantitative. The development of both quantitative and qualitative indicators for monitoring progress is an essential part of the strategy of empowerment. Developing gender analysis focused on the girl child, carrying out audits and developing indicators and statistical data can only be done if the responsible agencies have sufficient capacity in terms of financial and human resources. International cooperation is mandated by CEDAW and CRC. Human resources are available in developing countries even when budgetary resources are lacking. Technical co-operation at the international and regional level carried out in collaboration between government agencies and research institutions can result in developing validated data bases on the girl child. The recent initiative by SAARC of creating a Gender Database: Mapping Progress of Women in the South Asia Region, supported by UNIFEM, is an example of such collaboration.

56. Obtaining the inputs of adolescents is a dimension of “participation rights” in CRC. Several non-governmental agencies have supported governments in initiatives to establish “Children’s Parliaments”. Notwithstanding the fact that these have sometimes become simply token events, incorporating children’s participation in educational programmes and community based special programmes is a creative strategy for obtaining the contribution of girls to the elimination of discrimination and violence. Country experiences in this regard

should be shared through intergovernmental and regional processes and international agencies.

57. The Optional Protocol to CEDAW provides for a complaints procedure at the international level when local remedies have been exhausted. Advocacy for a wider ratification of the Protocol and knowledge of the complaints procedure should be given priority, in order to create awareness of how local systems can be strengthened by linking to international complaints systems. Strengthening the CEDAW Committee's work under the Optional Protocol could be one important way to ensure that the rights of girls under the CEDAW Convention are respected, promoted, protected and fulfilled.

VIII. Conclusion

58. The paper has identified several issues and discussed their importance in addressing violence and discrimination against girls. It has discussed the relevant international and regional normative and policy processes in place as well as the work of treaty bodies, international and regional organizations, governments and non-governmental organizations in this regard. The paper notes the limitations in the interpretation of existing regional and international legal frameworks and that girl children continue to face discrimination and violence in all regions of the world. The paper argues that use of gender-neutral approaches to child rights and a continuing debate on universalism v. cultural relativism have contributed to the invisibility of the girl child in child rights activism. There is also a wide gap between the adoption and implementation of laws. All of the above has impeded progress in respecting, promoting, protecting and fulfilling the rights of girl children. It is argued in the paper that (i) forging a consensus on the universality of

the norms on non-discrimination and violence against girls and women and zero tolerance of both phenomena must be a key dimension of any strategy to improve the situation of the girl child; (ii) a gender-sensitive approach to law reform, policy-making and programming is critical for the empowerment of girl children; (iii) the gap between adoption and enforcement of laws needs to be closed by adopting national policies and providing for adequate resource allocation based on the section on the “girl child” in the Beijing Platform for Action. (iv) Goal 3 of the Millennium Development Goals should be interpreted in such a way as to focus on the girl child, integrating the outcome of the 2005 World Summit, CEDAW, CRC, international human rights and the section on the girl child in the Beijing Platform for Action. The paper considers the paucity of sex-disaggregated data as an impediment to effective policy-making and recommends incorporating a focus on girl children in statistical data as a priority.

59. The paper suggests that the traditional concept of child protection in addressing sexual exploitation and HIV/AIDS should be reviewed, linking it closely to the rights of child development and participation. It argues that the strong focus in legislative reforms on protection has led to inadequate emphasis on supportive social policies to realize socio-economic rights, budgetary resources and institutional reform critical for addressing discrimination and violence against the girl child. The concept of empowerment of the girl child is examined in the context of the indivisibility of civil, political, economic, social and cultural rights, and of the need for social policies and institutional arrangements that are targeted towards the elimination of discrimination and violence against girls. The paper also considers that specific interventions for the protection of the girl child are necessary in armed conflict and post-conflict situations.

60. The paper notes that, because of the interlinkages of discrimination and violence against women and girl children, eliminating discrimination and violence against the girl child requires a holistic human rights-based approach as well as complementarity of action between child rights activism and the women's rights agenda.

Notes

1 International Covenant on Civil and Political Rights (1966); International Covenant on Economic Social and Cultural Rights (1966); Convention on Elimination of All Forms of Discrimination against Women (1979); Convention on Elimination of All Forms of Racial Discrimination (1966); Convention against Torture (1984); European Convention on Human Rights (1950); African Charter on Human and People's Rights (1981).

2 Convention on the Elimination of All Forms of Discrimination against Women, Article 16 (2).

3 World Declaration on the Survival Protection and Development of Children, World Summit for Children, United Nations New York and Plan of Action for Implementing the World Declaration, 30 September 1990, UNICEF New York p. 2, p. 11.

4 J Mertus and Others, Local Action, Global Change: Learning about the Human Rights of Women and Girls, UNIFEM and Centre for Women's Global Leadership, Rutgers University, USA (1999), paras 18, 21, 48, 49; p vii.

5 Beijing Declaration and Platform for Action, United Nations, New York 1996, pp. 33-34, p.145.

6 E/CN.6/ 1998/12 p.31; A/ RES/S -23/3 para 3 as cited Aide Memoir for EGM Florence, 26/07/2006; 2005 World Summit Outcome, United Nations General Assembly , 60th Session, 20 Sept.2005, A/60/150.

7 Committee members have sometimes pointed out in internal discussions that the Convention on the Elimination of All Forms of Discrimination against Women is a women's convention, and that even its language focuses on women as distinct from children. They have argued that the Committee should be careful in formulating concluding comments that draw too much attention to the situation of the girl child. Personal experience of the writer as CEDAW member 1999 – 2002; for concluding comments referring to the girl child, see Reports of the CEDAW Committee General Assembly Records 54th Session, 55th Session, United Nations New York (1999) and (2000).

8.CEDAW General Recommendation No. 19 (1992), General Recommendation No. 21 (1994), General Recommendation No. 24 (1999).

9 See reports in the period 1995 – 2005 e.g. CRC/C/15/Add.89 Fiji; CRC/C/15/Add.55, Zimbabwe; CRC/C/15/Add.76 Algeria; CRC/C/15/Add.67 Ethiopia; CRC/C/15/Add.25 Indonesia; CRC/C/15/Add.73 Ghana; CRC/C/15/ Add. 40 Sri Lanka; CRC/C/15/ Add.57 Nepal.

10 Traditional and Cultural Practices Harmful to the Girl Child, African Centre For Women, Economic Commission For Africa (1997).

11 For example: Shadows and Vistas: On Being a Girl Child in Sri Lanka, Centre for Women's Research (1993); Report of the Seminar on the Rights of the Child, National Law School India (1990) S Hafeez The Girl Child in Pakistan: Priority Concerns UNICEF Pakistan (1990); Traditional and Cultural Practices Harmful to the Girl Child in The Girl Child, An Investment in the Future UNICEF New York (1991).

12 Children's Act (1992) Nepal S. 5, S. 13.

13 For example. Situation Analysis Nepal (1992); The Girl Child in Bangladesh: A Situation Analysis UNICEF Dhaka (1990); State of the World's Children UNICEF New York (1993); free education for girls upto Grade 10 (Bangladesh), Cheli Beti Programme (Nepal).

14 Programme in Jamaica, Dominica, Saint Lucia documented in The Girl Child, An Investment in the Future UNICEF New York (1991).

15 AIDS Epidemic update UN Aids/ WHO (2005); World Report on Violence and Health, WHO Geneva (2002); State of the World's Children UNICEF (2006); Commercial Sexual Exploitation and Sexual Abuse of Children in South Asia UNICEF (ROSA) (2001); Juvenile Justice in South Asia UNICEF ROSA (2006); c.f. Progress of South Asian Women UNIFEM (2005) p. 76.

16 B Chevannes, *Gender Achievements and Prospects of Education: The Gap Report UNICEF New York* (n.d.); *State of the World's Population 2005 UNFPA* (2005); – ‘The Promise of Equality: Gender Equity, Reproductive Health and the Millennium Development Goals.’

17 Mapping Save the Children's Response to Violence against Children, International Save the Children Alliance (2005); Global Submission by the International Save the Children Alliance, United Nations Study on Violence against Children, International Save the Children Alliance (n.d.).

18 For example: *Understanding Children's Rights*, Ghent Papers on Children's Rights, Children's Rights Centre, Ghent University Belgium (1997), (1998), (2003).

19 2005 World Summit Outcome note 6 supra paras 1, 12 and 13; also section IV “Human Rights” paras 121, 128.

20 *ibid* paras 11, 43.

21 See law reform initiatives discussed in Goonesekere Savitri, *Human Rights and the Legal Status of Women in the Asian and Pacific Region* United Nations New York (1997); Savitri Goonesekere ed. *Violence Law and Women's Rights in South Asia* Sage Publications and UNIFEM (ROSA) (2004); A Belembaogo *The Best Interests of the Child: The Case of Burkina Faso* in P Alston ed. *The Best Interests of the Child*, Clarendon Press Oxford and UNICEF (1994) p. 202; *Risks Rights and Reforms A 50 Country Survey*, Women's Environment and Development Organisation New York (1999); *Report of Women's Law Initiatives in the Muslim World*, Women Living Under Muslim Law, Lahore Pakistan (1994).

22 S Goonesekere “Realizing human rights of women and children, some reflections on law and policy:”, in *Development*, Vol. 44, No 2, June 2001, p. 18.

23 Price Cohen ‘The United Nations Convention on the Rights of the Child: A Feminist Landmark’ William and Mary Journal of Women and the Law (1997) In E Brems, *Children's Rights and Universality in Understanding Children's Rights*. Children's Rights Centre, Ghent University (2003) 9; S. Goonesekere *Women's Rights and Children's Rights: The United Nations Conventions on Compatible and Complementary International Treaties*, Innocenti Occasional Papers Child Rights Series No. 1 UNICEF International Child Development Centre (1992).

24 CEDAW Article 5 and the general articles defining women's human rights, Article 2 (f) and Article 3. The U.N. Declaration on Violence against Women (1993); CRC Article 24 (3) (health and traditional practices), Article 2 (non-discrimination) Article 3 (best interests of the child).

25 Report of the CEDAW Committee, General Assembly Official Records 56th Session United Nations 2001, p. 29 at p. 31 (Finland), p. 76 at p. 78 (Sweden); CEDAW General Recommendations No. 12 (1989) and No. 19 (1992) (Violence against Women and Girls) General Recommendation No. 14 (1990) (Female Circumcision), General Recommendation No. 21 (1994) (Equality in Marriage and Family Relations); contrast gender neutral tone of CRC Committee General Comment No. 5 (2003); (General Measures) General Comment No. 4 (2003) (Adolescent Health) - with only a passing reference to Article 24 (3) in relation to awareness raising on FGM (para 24); similarly, General Comment No. 3 (2003) on HIV / AIDS has passing references to discrimination against the girl child (paras 8 and 11).

26 CEDAW Committee General Recommendations No. 4 (1987) No. 20 (1992); CRC Committee General Comment No. 5 (2003); Multilateral Treaties deposited with the Secretary General <http://untreaty.un.org/>; CEDAW/S/1998/2.

27 *The Girl Child UNICEF 1991* and *supra* notes 11, 15, 21; I Jalal, *the Campaign for Gender Equality in Family Law Dossier 27 December 2005*, *Women Living Under Muslim Law U.K.* p. 27; *Bringing International Human Rights Law Home*, United Nations New York 2000; Ruth Finney Hayward *Breaking the Earthen Ware Jar UNICEF 2000*; *Legislative Measures in 50 State Parties to the CRC: Preliminary Overview UNICEF Innocenti Research Centre*, Florence 2004 (unpublished); *A Study of Four Legal Traditions*, UNICEF New York 2004 (unpublished); *Women of the World, Laws and Policies Affecting Their Reproductive Lives (South Asia)*, Centre for Reproductive Rights New York (2004); *The Status of CEDAW Implementation in ASEAN Countries and Selected Muslim Countries*, IWRAW Asia Pacific (2004).

28 2005 World Summit Outcome Document United Nations General Assembly , 60th Session 20 Sept.2005 A/60/150 paras 13 and 121.

29 Savitri Goonesekere *op.cit.* note 22 supra; P Fournier *the Reception of Muslim Family Laws in Western Liberal States; Dossier 27*, note 26 supra p. 63; Anne Elizabeth, *Mayer Reform of Personal States Laws in North Africa*, *Women Living Under Muslim Law Occasional Paper No. 8*, Middle East Institute Washington DC USA.

30 For example: *Articles on gender equality and children's rights in the Constitution of South Africa, Botswana, Uganda, Ghana, Zimbabwe, SAARC region countries in South Asia; Treaty incorporation Articles in Egypt and Nepal; Draft Constitution Sri Lanka* (2000).

31 African Charter on Human and People's Rights (1981) Articles 2, 3, 18 (3); African Charter on the Rights and Welfare of the Child (1999), Articles 3, 4, Article 16 based on CRC, and Article 22 with a broad mandate for intervention with traditional customs and practices; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) Article 17 (1).

32 Andrew Byrnes and Others, International Human Rights Cases, Cavendish Publishing Ltd. UK 2005; Bringing International Human Rights Law Home op.cit. note 26 supra; Goonesekere op.cit. note 22 supra; Women of the World op.cit.note 21 supra; Pacific Human Rights Law Digest Vol 1 Pacific Regional Rights Resource Team Sura Fiji (2005).

33 Risks Rights and Reforms op.cit note 22 supra; Bringing International Human Rights Law Home ibid; CEDAW Committee Concluding Comments, Maldives (2001) Singapore (2001) note 24 supra, and Sri Lanka (2002); Progress of South Asian Women 2005 note 15 supra.

34 Secretary-General's in-depth study on all forms of violence against women, A/61/122/Add.1; United Nations study on violence against children, A/61/299.

35 c.f. The Girl Child UNICEF 1991 and more recently Progress of South Asian Women (2005) note 15 supra p. 77, WHO World Report on Violence and Health and especially p. 157-158; AIDS Epidemic Update 2005; UNFPA State of the World Population 2005, and Beijing at 10, , UNFPA's Commitment to the Platform For Action UNFPA New York (n.d.); Gender Achievements and Prospects in Education: The Gap Report UNICEF New York (n.d.); State of the World's Population 2005 UNFPA (2005); UNFPA The State of the World's Population (2006) Women and International Migrations; Human Rights and Poverty Eradication, Commonwealth Human Rights Initiative New Delhi (2001).

36 CEDAW General Recommendations No. 19 and No. 24, CRC General Comment No. 5; Committee on the International Covenant on Economic Social and Cultural Rights (ICESCR) General Comment No.3.

37 For example: Caribbean, see B Chevannes, Gender Achievements and Prospects in Education in Gap Report op.cit note 16 supra p.64 at 66.

38 Engendering Development, The World Bank, Washington DC 2001 p 1, 4, 11; S Kasen, Gender Achievements and Prospects in Education. The Gap Report UNICEF. op. cit note 16 supra p 60 at 62

39 ibid; Human Rights and Poverty Eradication: A Talisman for the Commonwealth Human Rights Initiative, New Delhi 2001.

40 notes 21, 26, and 28 supra

41CEDAW Committee Initial Reports India (2000); Periodic Report Sri Lanka (2002); UNFPA, Beijing at Ten supra, especially at p 23, UNFPA State of the World's Population supra on girl child, UNICEF State of the World's Children 2006 ibid; Progress of South Asian Women (2005) supra; The Gap Report UNICEF supra; International Criminal Justice and Children, UNICEF Innocenti Research Centre, Florence 92002); Yvonne E Kearns, The Voices of Girl Child Soldiers, Sri Lanka, Quaker United Nations Office New York (2003); Building Partnerships for Protecting Gender Justice in Post Conflict Societies UNIFEM (2006), Securing Peace UNIFEM (2006).

42UNFPA Beijing at Ten supra especially p. 23 UNFPA State of The World's Population supra on the girl child; Engendering Development, The World Bank, Washington DC 2001, pp. 1, 4; Progress of South Asian Women supra especially p. 52, WHO World Report on Violence and Health, UNICEF State of the World's Children 2006, the Global Status of Legislative Reform Related to the Convention on the Rights of the Child, Global Policy Section UNICEF New York 2004 (unpublished); CRC General Comment No 5 para 26, paras 37 to 70; Risks Rights and Reforms op.cit.: Traditional and Cultural Practices Harmful to the Girl Child op.cit. Gender Achievements and Prospects in Education: The Gap Report UNICEF op.cit; Budgeting for Women's Rights UNIFEM (2005).