

The Girl Child¹

Summary

275. At its previous session, the Committee had decided to organize a general discussion on the girl child on 23 January 1995. The decision was intended to allow the Committee to contribute to the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in September 1995 in Beijing, as well as to allow the conclusions of its thematic discussion to be reflected in the Platform for Action to be adopted by the Conference. It was also an opportunity for the Committee to create a wider awareness of the situation and human rights of girls, a situation which had deservedly received special attention, both in examining State party reports and in the context of previous thematic discussions. This had particularly been the case during the general discussion on economic exploitation of children (CRC/C/20) and the discussion held during the International Year of the Family (CRC/C/34).

276. The Chairperson had prepared an outline identifying areas to be addressed during the thematic day, emphasizing the principle of non-discrimination and the need for the girl child to enjoy all her fundamental rights, including the right to make free and informed choices concerning her life. The outline had been sent to relevant United Nations bodies, specialized agencies, non-governmental organizations and other competent bodies with an invitation to participate in the general discussion and to submit written contributions in advance, to be used as background material for the discussion.

277. Representatives of the following organizations and bodies participated in the general discussion: UNICEF, UNHCR, UNFPA, ILO, FAO, UNESCO, WHO, Associated Country Women of the World, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, NGO Committee on UNICEF and Radda Barnen International.

278. During the discussion, it was stressed that in view of the fact that the Convention on the Rights of the Child was the most widely ratified international instrument in the field of human rights, with 168 States parties as at January 1995, it was undoubtedly also the most widely accepted framework for action in favour of the fundamental rights of girls. There was an undeniable commitment on the part of the international community to use the provisions of Convention as an agenda for action to identify persisting forms of inequality and discrimination against the girl child, to abolish practices and traditions detrimental to the enjoyment of their rights and to define a real forward-looking strategy to promote and protect those rights. This explained the essential importance of reflecting the Convention in the Platform for Action to be adopted by the Conference in Beijing.

279. The Committee had a crucial role to play when monitoring progress made by States parties in the realization of the rights recognized by the Convention, when promoting respect for and protection of those rights, and when combating all forms of discrimination, including on the basis of gender. The Committee should be clearly identified as one of the fundamental international institutions designated to implement the Platform for Action to be adopted by the Beijing Conference.

280. The activities developed by the Committee coincided with increasing awareness and action in favour of women's and children's rights at the international, regional and national levels. The importance of this movement was highlighted by the organization of the

¹ CRC/C/38, 8th Session, 21 January 1995.

Conference in 1995, the year of the fiftieth anniversary of the United Nations. Thus, women and girls were undeniably in the front line of the priorities of the Organization.

281. Such an assessment was confirmed by the final document of the World Conference on Human Rights, which recognized that the human rights of women and of the girl child were an inalienable, integral and indivisible part of universal human rights; that they should form an integral part of the United Nations human rights activities and be regularly and systematically addressed. Furthermore, the eradication of all forms of discrimination on the grounds of sex were priority objectives of the international community.

282. Yet, despite being recognized as a priority, the place in society of girls, and women in general, raised serious and unresolved questions of inequality and indifference, manifested by discrimination, neglect, exploitation and violence. It was important to recognize the complementary and mutually reinforcing nature of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

283. Addressing the questions of inequality and discrimination on the basis of gender did not imply that they had to be seen in a complete isolation, as if girls were a special group entitled to special rights. In fact, girls are simply human beings who should be seen as individuals and not just as daughters, sisters, wives or mothers, and who should fully enjoy the fundamental rights inherent to their human dignity. The rights of the girl should in no way be ignored or neglected, but rather promoted and protected.

284. Within the larger movement for the realization of women's rights, history had clearly shown that it was essential to focus on the girl child in order to break down the cycle of harmful traditions and prejudices against women. Only through a comprehensive strategy to promote and protect the rights of girls, starting with the younger generation, would it be possible to build a shared and lasting approach and a wide movement of advocacy and awareness aimed at promoting the self-esteem of women and allowing for the acquisition of skills which will prepare them to participate actively in decisions and activities affecting them. Such an approach must be based on the recognition of human rights as a universal and unquestionable reality, free from gender bias.

285. There was a need to ensure that a woman's life cycle would not become a vicious cycle, where the evolution from childhood to adulthood would be blighted by fatalism and a sense of inferiority. Only through the active involvement of girls, who are at the root of the life cycle, would it be possible to initiate a movement for change and betterment. In fact, if the Platform for Action was to be an agenda for change and advancement of women, it could only be meaningful if it placed the human rights of girls at its core.

286. Mention was made of the State party reports submitted to the Committee and to the full picture they provided of the situation of girls around the world. Several States had identified persistent traditions and prejudices as a main difficulty affecting the enjoyment of girls' fundamental rights. Discrimination often arose from the way roles were traditionally distributed within the family. Girls often shared the responsibilities of the household, taking care of younger siblings and refused access to education and participation in social life. The son preference, historically rooted in the patriarchal system, often manifested itself by neglect, less food and little health care. Such a situation of inferiority often favoured violence and sexual abuse within the family, as well as problems associated with early pregnancy and marriage. In some cases it had led to such traditional practices as female circumcision and forced marriage.

287. Reports had also indicated that the situation of the girl was of particular concern in rural or remote areas under the strong influence of community and religious leaders and aggravated by the persistence of harmful traditions and beliefs.

288. While seriously concerned at the persistence and extent of gender discrimination, the Committee was encouraged by the fact that States parties often had sought the advice of the Committee and, through it, the assistance of the international community to address discrimination, neglect and abuse. The Committee therefore had had the opportunity to recommend, in its concluding observations, that a comprehensive strategy be formulated and effectively implemented to create awareness and understanding of the principles and provisions of the Convention; launch educational programmes to eradicate all forms of discrimination against the girl child; and encourage the participation of all segments of society, including non-governmental organizations. In this connection, the Committee had further suggested that customary, religious and community leaders may be systematically involved in the steps undertaken to overcome the negative influences of traditions and customs.

289. Education was of essential importance. It allows for the harmonious and informed development of children, and gives them the necessary confidence and skills to make free choices in their lives and to act in a context of gender partnership - both at the professional and at the family level. However, the level of illiteracy among girls is still extremely high and it has become urgent to ensure their effective access to the educational and vocational system, to enhance their rate of school attendance and reduce the drop-out rate.

290. Attention was also paid to the need to eliminate stereotypes in educational materials and train all those involved with the educational system in the Convention and the fundamental rights of children. It was pointed out that the recent launching by the General Assembly of the United Nations Decade on Human Rights Education provided a timely opportunity to use the Convention as a meaningful educational tool to enhance the promotion and protection of the rights of girls and to eradicate gender discrimination. Its incorporation in the school and training curricula should also be considered as an important step to ensure the implementation of the Platform for Action.

291. Reference was also made to the importance of eradicating degrading and exploitative images of girls and women in the media and advertising. The values and models of behaviour that were portrayed contributed to the perpetuation of inequality and inferiority.

292. The interventions made during the day, along with the experience gained by the Committee through its examination of State party reports, showed that discrimination against girls was often also reflected in the legislative solutions adopted by States. Although the eradication of prevailing mental and social attitudes will mainly be achieved through advocacy, information and education, legislation will play a decisive role. In fact, legislative measures send a formal message that traditions and customs contrary to the rights of the child will no longer be accepted, create a meaningful deterrent and clearly contribute to changing attitudes.

293. The Committee had often recommended, in the light of article 2 of the Convention, that national legislation of States parties should clearly recognize the principle of equality before the law and forbid gender discrimination, while providing for effective protection and remedies in case of non-respect. There was also a need to reflect in the legislation the prohibition of harmful traditional practices, such as genital mutilation and forced marriage, and any other form of violence against girls, including sexual abuse.

294. The Committee had also identified certain areas where law reform should be undertaken, in both the civil and penal spheres, such as the minimum age for marriage and the linking of the age of criminal responsibility to the attainment of puberty. In several States the minimum age for marriage was different for girls and boys. To explain this, States had often argued that girls attain physical maturity earlier. However, maturity cannot be identified simply as

physical development; social and mental development also had to be taken into account. Moreover, on the basis of such criteria, girls are considered as adults before the law upon marriage, thereby being deprived of the comprehensive protection of the Convention. It was noted that the final document of the Cairo Conference on Population and Development (A/CONF.171/13) has recently encouraged Governments to raise the minimum age at marriage, and the Special Rapporteur on violence against women in her preliminary report to the Commission on Human Rights recognized that the age of marriage is a factor contributing to the violation of women's rights (E/CN.4/1995/42).

295. In the criminal area, some legislation retained the linkage between the age of criminal responsibility and the attainment of puberty. Once again based on a subjective criterion that addresses only the physical aspect of the development of the child, this approach allows boys and girls to be treated differently, often applying to the latter criminal punishments applicable to adults.

296. The situation of specific vulnerable groups of children was also addressed. The situation of girls affected by armed conflicts and that of refugee girls were given particular attention. In view of the prevailing circumstances of emergency surrounding them, such girls do not really have any time to enjoy their childhood, and the traditional inferiority affecting girls' lives is seriously aggravated. Sexual violence and abuse and economic exploitation often occur, education is not perceived as a priority when urgent basic needs must be met, forced and early marriage is seen as a protective measure. And although dramatically affected by emergency situations, girls often cannot voice their fear and insecurity or share their hopes and feelings.

297. Concern was also expressed about the situation of working girls. Girls below the age of 15 often do the same household work as adult women; such labour is not regarded as "real work" and is therefore never reflected in the statistical data. To free girls from this cycle they must have the equal chances and equal treatment, with special emphasis on education.

298. As in previous thematic discussions, there was recognition of the urgent importance of gathering information and gender-disaggregated data, in a comprehensive and integrated manner, at the international, regional, national and local levels, with a view to assessing the prevailing reality affecting girls, identifying persisting problems and challenging the prevalence of invisibility, which in turn allows for the perpetuation of vulnerability. Only through a serious analysis of the root causes of gender gaps would it be possible to develop appropriate strategies and programmes to eliminate gender disparity and empower girls and women. International organizations should devote greater efforts to defining a comprehensive and integrated strategy to monitor the situation of girls in accordance with their mandates.

299. At the end of the thematic discussion, the Committee stressed the importance of wide participation by United Nations and non-governmental bodies, which had contributed to the richness of the debate. It presented a set of conclusions which reflected the main areas addressed during the day (annex V). The Committee adopted a recommendation on this subject (see chap. I) which it decided to transmit, along with the contents of the general discussion, to the secretariat of the Fourth World Conference on Women, in particular with a view to ensuring that particular emphasis is given to the following:

- (a) The Platform for Action should reflect, throughout its different chapters, the situation and fundamental rights of the girl child, in particular in the areas specifically addressed during the general discussion of the Committee;
- (b) The Convention on the Rights of the Child, together with the Convention on the Elimination of All Forms of Discrimination against Women, should constitute an essential framework for a forward-looking strategy to promote and protect

the fundamental rights of girls and women and eradicate inequality and discrimination;

- (c) The Committee on the Rights of the Child in view of its crucial role in monitoring the rights of girls, should be clearly considered as an essential mechanism within the framework of the international machinery that will be entrusted with the task of monitoring and periodically reviewing the implementation of the Platform for Action.

Conclusions²

A. Nationally

1. In the political sphere

- Demonstrate a genuine will to act by drawing up an appropriate policy and an overall integrated strategy for national implementation that sets specific priorities and goals in conformity with the rights of the child and of women.
- Submit to the Committee on the Rights of the Child reports on the implementation of the Convention on the Rights of the Child within the set time-limits, and ensure they include all the gender-specific data and statistics relating to the various forms of inequality and discrimination in the spheres of education, health, employment, etc.
- Encourage participation by all strata of the country's society, including men and community and religious leaders, in the advancement of the rights of girls.
- Provide non-governmental organizations and women's associations that operate on behalf of girls with the support they need.

2. In the legislative sphere

- Proceed to universal ratification of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.
- Consider the possibility of withdrawing reservations that are inconsistent with the fundamental principles of the Convention on the Rights of the Child.
- Adopt national laws to ensure respect for the principle of equal rights and duties for both sexes (the minimum age for marriage is an example).
- Lay down sanctions for violations of national legislation and establish mechanisms for implementation.

² CRC/C/38, Annex V.

3. As regards the implementation of the Convention on the Rights of the Child

(a) Information and education

- Change the image of women in the media, in advertising and in school textbooks by adopting suitable messages to combat inequalities, stereotypes and social apathy.
- Promote parental education in the formal and informal sectors.
- Incorporate teaching on the rights of the child in the school curriculum and in teacher-training programmes, as part of the United Nations Decade for Human Rights Education.
- Make families aware of the role they should play in securing the inherent dignity of girls as human beings and not merely as sisters, mothers and spouses and in ensuring that girls enjoy equal opportunities to participate actively in national life.

(b) Health

- Ensure that girls have access to health services.
- Strengthen the training of health professionals, devoting particular attention to the specific health needs of girls.
- Foster beneficial traditional practices and combat those that are detrimental to the health and development of girls.

4. Evaluation of the Convention's implementation

- Institute a system for gathering reliable, gender-specific information and statistics.
- Carry out the necessary research and studies to develop an understanding of specific cultural, religious and sociological issues.

B. Internationally

1. The Committee should

- Participate in the work of the World Conference on Women.
- Join in following up and implementing the conclusions of the World Conference on Women.
- Strengthen its cooperation with the Committee on the Elimination of All Forms of Discrimination against Women.
- Promote its advisory role with the support of the United Nations specialized agencies and non-governmental organizations.
- Insert a request for gender-specific data on all forms of discrimination in the list of questions sent to Governments in connection with the consideration of their reports.

2. The international organizations should

- Carry out joint activities among international organizations, having regard to their specific spheres of action.