

The girl-child

1. Global commitments

With the specific chapter in the Beijing *Platform for Action* on the girl-child, Governments highlighted the importance of addressing discrimination against women at the earliest stages of their lives. The *Platform for Action* set out nine strategic objectives.

- (Eliminate of all forms of discrimination against the girl-child.
- (Eliminate negative cultural attitudes and practices against girls.
- (Promote and protect the rights of the girl-child and increase awareness of her needs and potential.
- (Eliminate discrimination against girls in education, skills development and training.
- (Eliminate discrimination against girls in health and nutrition.
- (Eliminate the economic exploitation of child labour and protect young girls at work.
- (Eradicate violence against the girl-child.
- (Promote the girl-child's awareness of and participation in social, economic and political life.
- (Strengthen the role of the family in improving the status of the girl-child.

The 1995 Beijing Conference was the first of the United Nations World Conferences on Women to include a specific focus on the girl-child. The *Convention on the Rights of the Child* (CRC) and the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), together with their Optional Protocols, as well as other conventions and treaties, provide the legal framework for the protection and promotion of the human rights of girls. They prescribe a comprehensive set of measures to ensure the elimination of discrimination against the girl-child. Article 1 of the *Convention on the Rights of the Child* defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier,” and article 2 clarifies that Convention rights are to be enjoyed by children “without discrimination of any kind,” including on grounds of sex. The *Convention on the Elimination of All Forms of Discrimination against Women* sets out obligations of States parties to ensure the practical realization of the principle of equality of men and women. The treaty bodies monitoring implementation of these Conventions address the situation of the girl-child in their constructive dialogue with States parties, concluding comments, and general recommendations/comments.¹

The Commission on the Status of Women continues to address the situation of the girl-child in its work. At its forty-second session in 1998, the Commission considered the issue of the girl-child with emphasis on adolescent girls as a priority theme, and adopted agreed conclusions that proposed actions and initiatives to promote and protect the human rights of the girl-child; provide education and empowerment; improve the health needs of girls; protect girls in armed conflict, and prevent trafficking and exploitative labour conditions.² At its fifty-first session in 2007, the Commission focused on the elimination of all forms of discrimination and violence against the girl-child and adopted agreed conclusions.³

At least three of the Millennium Development Goals (MDGs) require a focus on the girl-child. Achieving universal primary education (MDG2) requires attention to the constraints facing girls, who are the majority of children remaining out of school. The promotion of gender equality

and women's empowerment (MDG 3) requires attention to the discriminatory practices that begin in childhood and constrain the choices and potential of girls. Combating HIV/AIDS (MDG6) requires attention to the particular vulnerabilities of girls, who outnumber boys among those living with HIV/AIDS.

In 2005 the United Nations General Assembly adopted a resolution on the girl-child⁴ in which Member States expressed deep concern about:

“discrimination against the girl-child and the violation of the rights of the girl-child, which often result in less access for girls to education, nutrition and physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices, such as female infanticide, rape, incest, early marriage, forced marriage, prenatal sex selection and female genital mutilation.”

The resolution reiterates the commitments to undertake legal reforms to ensure the rights of girls, to provide for equal access to basic social services (such as education, nutrition, vaccination, and health care, including sexual and reproductive health care), to enact and enforce legislation against all forms of violence and exploitation and to protect girls affected by armed conflict.

2. Progress at the national level

The major area of progress since the adoption of the Beijing *Platform for Action* is the strengthening of the legal framework of rights of girls and young women. This includes the widespread acceptance and ratification of the CRC, ^{which international} as called for in the *Platform for Action*. As of December 2006, there were 193 signatories to the CRC and over 100 states had ratified each of the two optional protocols to the Convention, one on the sale of children, child prostitution and child pornography and the other on the involvement of children in armed conflict.

Another important area in which international norms have been strengthened is child labour. The *Worst Forms of Child Labour Convention* (No. 182) adopted in 1999 had an unprecedented rate of ratification, reaching 156 by 2006, covering some 77 per cent of the child population of the world. The attention to the issue of child labour generated by this convention also provided new momentum to the 1973 *Minimum Age Convention* (No. 138), which was ratified by an additional 73 countries after 1999 to bring the total to 141. This is a very strong statement of political commitment to addressing child labour by member states.

- (to combat child labour: China established severe economic penalties for illegal uses of child labour, and guaranteed protection for girls; the Maldives outlawed employment of persons under 14 years of age in any circumstances; and Mauritania increased the minimum legal age for employment from 14 to 16;
- (to prevent prenatal sex selection: China banned the use of technologies for pre-natal sex determination and the abandonment of girls, as well as discrimination against women with girl children;
- (to prohibit early and forced marriages: Djibouti established 18 as the minimum age of marriage; Nepal increased jail sentences for child early marriage from six months to three years and increased fines ten-fold; and other countries including Iran, Malaysia and Norway strengthened legislative provisions related to age of marriage; and
- (to address inequality in inheritance provisions: Liberia changed the law to permit girls and women to inherit property.

These developments at the international and national levels strengthen the framework of rights and the ability to protect girls and adolescents.

There has also been notable progress in the situation of girls in several respects. The number of child labourers world-wide decreased by 11 per cent between 2000 and 2004, and by 33 per cent for those engaged in hazardous work.⁷ The available data on the prevalence of female genital mutilation/cutting (FGM/C) provide ground for “cautious optimism” about a decline over time in the practice. Advocacy for women’s rights and against FGM/C have also resulted in a shift in understanding of the issue,

Son preference

Son preference exists in various forms and across many cultures and has effects from the earliest stages of life. The most extreme manifestations are female infanticide and sex-selective abortion. Biases in favour of sons and against daughters may also be reflected in inequalities in food allocation, nutrition and use of health care. Son preference is evident in many countries in Asia (including China, Bangladesh and India but not Sri Lanka, Thailand and Indonesia), the Middle East, many parts of Africa and some countries in Latin America.⁹

Inequalities in education

There are well-documented arguments about the benefits of education for girls for both girls themselves but also for their families and society. Nonetheless, a significant gender gap in school enrolment persists, particularly at the higher levels of education. Efforts are still needed to increase enrolments and to address continuing issues related to school drop-out and completion rates of girls. Gender-based barriers to facing girls include domestic responsibilities, such as household chores and care for siblings. Early pregnancy also affects school attendance and completion in some countries, particularly where girls are not able to continue schooling or resume after childbirth. Sexual abuse and violence in schools also place limits on girls' education.¹⁰

Another major challenge is to strengthen the capacity of teachers and develop curricula to demonstrate and encourage respect for girls and for equal rights of women and men.

Female genital mutilation/cutting (FGM/C)

Changing attitudes and protecting girls from female genital mutilation/cutting (FGM/C) remains a challenge in many regions and has become a new challenge in immigrant communities in Europe, Australia and North America. A disturbing development noted by the United Nations Special Rapporteur on traditional practices affecting the health of women and the girl-child is a trend toward excising girls as early as three days of age. This development may be in part a response to the effectiveness of campaigns and legislation against FGM/C and to forestall resistance from girls themselves.¹¹

Early marriage

Despite the many international conventions and human rights instruments, early marriage remains common in many parts of the world. Global estimates are that 36 per cent of women aged 20-24 had been married before they reached 18 years of age. Sub-Saharan Africa and South Asia have the highest incidence of early marriage, with particularly high rates of marriage below the age of 18 in Niger (77 per cent), Mali (65 per cent), Bangladesh (65 per cent), and Nepal (56 per cent).¹² UNICEF has pointed out the various ways in which early marriage is harmful to girls:

“Child marriage is a violation of human rights whether it happ

health risks as premature pregnancy, sexually transmitted infections and, increasingly, HIV/AIDS.”¹³

Considering only one of these risks, premature pregnancy, it is estimated that 14 million girls aged 15-19 give birth every year. Girls in this age group are twice as likely to die during pregnancy or childbirth as women in their twenties.¹⁴

Early marriage impedes the achievement of the Millennium Development Goals

Ending Child Marriage: a guide for action, published by UNFPA and others, emphasizes the relevance of the problem of child marriage to achieving international development goals as well as the impact on girls themselves.

Goal 1: Eradicate extreme poverty and hunger. Child mothers often have limited skills, education and access to the economic assets and decision making powers necessary to properly nourish their offspring, and are therefore likely to perpetuate the cycle of poverty.

Goal 2: Achieve universal primary education. Access to universal education is a right which many girls forced into child marriage are denied. Their limited education reduces their chances of acquiring related skills and economic opportunities. Globally, there is a strong link between child marriage and low levels of education or non-education.

Goal 3: Promote gender equality and empower women. Eliminating gender inequalities and empowering young women is a key strategy for reducing child marriage and, in turn, improving the health and economic status of women and their children.

mutilation/cutting, increases girls' risk of contracting the disease. Despite these risks, social norms often discourage education and

Improving the data required for policy development

The need for improved data has been called for under most of the critical areas of concern of the *Platform for Action*.. To better understand the situation of girls and to strengthen the capacity for effective policy-making to improve their situation, further work is required in the following areas:

- (*data on births and infant mortality*: sex-disaggregated data on births and infant deaths are needed to assist in identifying and responding to discriminatory practices related to son preference, including pre-natal sex selection, female infanticide, and discriminatory practices in nutrition, immunization and other preventive care, and treatment for illness;²⁴
- (*data on the health of children and on access to health services*: such data is often not disaggregated by sex, despite evidence from some studies of differences between girls in rates of malnutrition and access to health services;²⁵
- (*data on sexual and reproductive health*: data on “women of reproductive age” often groups together women from ages 15-49, which ignores pregnancies among girls younger than 15 and the different issues raised by pregnancy among adolescents in the 15-18 age group as compared to adults;²⁶ and
- (*data on child labour*: there are major data gaps on child labour generally as well as in relation to the work of girls, particularly underestimation because definitions of “economic activity” generally do not include work on household chores and inadequate information on the specific and different nature of labour by girls compared to boys due to the lack of sex-disaggregation.²⁷

Analysis of child labour – the value of incorporating a gender perspective

According to an ILO report, specific national studies are an important basis for effective policies to combat child labour:

“The first step is to have data disaggregated by sex. For this to occur and for gender differences to be highlighted during studies and survey design, statisticians, census-takers, government officials and politicians need to be sensitized to the need for such information, why it is useful, and how to ask questions in a particular way that will bring forth the socio-cultural reasons for child work in paid employment, school attendance and so forth. Such sensitization will help to create better instruments that will in turn extract data with the gender dimension already added, rather than adding it at a later stage of analysis. For example, if it is realized that it is more probable (as was demonstrated in this report) that girls are heavily engaged in household chores, it can be highlighted that this type of work is often hidden from the mainstream of the labour force. Subsequently, questions focusing on the actual household chores performed can be asked in labour surveys. In addition to the usual questions of whether the child was involved in such activities and how many hours she/he spends on them, more in-depth questions can be asked, like how household chores affect studies or cut into leisure time.

“Often girls are hidden from specific sectors of work. Girls may be engaged in planting, weeding and harvesting crops but they may be perceived as helping parents/employers rather than “working”. These girls would not then be counted in the total number of agricultural workers, particularly if they do not get a salary, are paid in kind, or if their parents/employers or the girls do not consider themselves to be working. Girls are frequently seen as “helping out” even though such “helping out” takes many hours of their day and affects their schooling. Similarly domestic labour is often not viewed as work per se, but as preparation for future household duties, or as one less mouth to feed, when the girl is living elsewhere.

“With the same type of approach, we can also extract boys who are hidden in a particular sector. For instance, prostitution is often believed to be a girls’ domain, but the ILO/IPEC’s Rapid Assessments in various countries illustrate that boys are also engaged in prostitution, albeit even more hidden than girls. A careful and gender-sensitive investigation would make an attempt to locate these hidden boys and address this issue. “

Source: ILO (2005). *Global Child Labour Data Review: a gender perspective*.²⁸

Protecting girls from early marriage

The continuing high incidence of early marriage suggests that effective national legislation or policies have yet to be developed or enforced.

Technical consultations on early marriage organised by International Planned Parenthood Federation brought together participants from a various regions and disciplines resulted in a set of recommendations for national action. Key areas of recommendations are provided below.²⁹

- (*Enact, standardize and enforce national laws.* Legislative review and reform to bring national law and enforcement practices into conformity with international standards, including:
 - legislation to guarantee 18 as the minimum age of marriage for both boys and girls, to ensure consent and to provide appropriate sanctions; and
 - enforce policies or legislation on the registration of all births and marriages to support effective implementation of laws on minimum age of marriage.
- (*Create an enabling environment for social change.* Laws need to be complemented with measures to promote human rights and support individuals, communities and organizations to

change the attitudes and norms that perpetuate early marriage. The creation of an enabling environment at the policy level could include:

- support for awareness raising and public education programmes directed to parents and communities;
 - support to civil society organizations so that they have the resources and capacity to mobilize communities against early marriage;
 - dialogue with traditional and religious leaders to identify practical ways to reduce early marriage;
 - creation of opportunities for dialogue with men on women's rights in marriage and discriminatory cultural norms;
 - training of government and law enforcement officials in support of effective implementation of law and policy on gender equality and early marriage; and
 - improvements to data and monitoring systems.
- (*Develop multi-sectoral approaches and partnerships.* A multi-sectoral approach reflects the multiple consequences of early marriage and the different requirements of girls at risk of early marriage and young girls already married. Alliances and partnerships are needed both inside government and with other actors. The development of multi-sectoral approaches and partnerships could include efforts to:
- strengthen the integration of early marriage prevention and support programs with other initiatives in areas such as health, education, HIV and employment;
 - increase collaboration between government and civil society programs to support community level action; strengthen participation; and
 - strengthen the participation of young people and community stakeholders in prevention programmes.

Postponing Marriage (India)

A programme in India aims to increase the value placed on girls, and thereby indirectly increase their age at marriage. "The governments of Rajasthan, Karnataka and Haryana have established an incentive programme for low-income families. In Haryana, for example, a small sum of money (Rs.2,500, or US\$78) is set aside in a savings account for a girl at her birth. At the age of 18, if she is still unmarried, the girl is eligible to collect the accumulated sum of Rs. 25,000. This economic incentive to keep girls alive and postpone their marriage is supplemented by support for girls' education. The intention is to encourage parents to postpone marriage until daughters reach 18 and can use the grant for their dowry. "

Source: UNICEF (2001). *Early Marriage: Child Spouses.*³⁰

Combating child labour, with a focus on girls' labour

The development of effective policies to combat child labour and to protect girls requires attention to differences in the types of work done by boys and girls, including differences in the social context and the nature of the risks experienced. Attention to the gender dimension of child labour will contribute to improved data and more informed analysis of child labour in all sectors and will therefore provide a stronger basis for development of policies to protect both boys and girls.

Child domestic labour merits

Preparing the ground for legal reform on child domestic labour in Central America

In Central America, several countries undertook national studies and consultations that sought to address the overlapping and sometimes conflicting approaches in labour codes, child protection measures and newer child-rights-based legislation as they applied to child domestic labour. Various sectors were involved in the preparation of the country studies, including Ministries of Labour; ombudspersons and human rights commissioners; legislative bureaux; institutes for the family, children and women; child defenders; non-governmental organizations; and girls and women doing domestic labour. This initiative was analysed in a regional good practices study, which summarised the lessons identified:

“Conditions necessary for a good legal analysis process:

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prevention. Health professionals and teachers in particular have opportunities to raise awareness of FGM/C and to identify girls at risk, and both can play these roles more effectively if they are provided with information and guidance on the issue.

- (Ensuring coordination among government actors, and between government and community actors, has been an important step for many countries. Some have developed national plans of action to coordinate government action, others specific coordinating mechanisms or structures.

Involving health care professionals in raising awareness of FGM/C risks

"In Sweden, health care professionals are advised that discussions regarding FGM/C should start at the time a new baby considered to be at risk is enrolled with the health services. It is recommended that the issue be raised again at the standard check-up after the child turns five. Health care workers are expected to advise parents of the health risks of FGM/C and inform them that the practice is prohibited under Swedish law."

Source: UNICEF (2005), *Changing a harmful social convention: female genital mutilation/cutting*.³⁵

Strengthening HIV/AIDS prevention and care for girls

With the high toll on girls of the HIV/AIDS epidemic, special attention to girls is an increasing important element of effective programmes for HIV/AIDS prevention, treatment, care and support. The 2007 agreed conclusions on elimination of all forms of discrimination and violence against the girl-child adopted by the Commission on the Status of Women urge government to:³⁶

- (ensure that particular attention is given to girls at risk of HIV/AIDS or affected by it in all policies and programmes designed to provide comprehensive HIV/AIDS prevention, treatment, care and support;
- (provide appropriate information to help young women and adolescent girls understand their sexuality and to increase their ability to protect themselves from HIV infection, other sexually transmitted infections and unwanted pregnancy;
- (educate men and boys to accept their role and responsibility in matters related to sexuality, reproduction and prevention of the spread of HIV/AIDS;
- (provide a supportive and socially inclusive environment for girls infected with, and affected by, HIV/AIDS, including by providing appropriate counselling, ensuring their enrolment in school, ensuring access to shelter, nutrition, health and social services;
- (take effective measures to eliminate stigmatization, discrimination, violence, exploitation and abuse on the basis of HIV or AIDS status; and
- (identify and address the needs of girls heading households for protection, access to financial resources, access to health care and support services, including affordable HIV/AIDS treatment, and opportunities to continue their education, with particular attention to orphans and vulnerable children.

Dealing with Violence Against Girls in Schools

Persistent reports of harassment and violence of girls in schools has prompted study and action in numerous countries. In Tanzania, a female guardian or *mlezi* programme in primary schools was one effective response. This initiative involved parents and communities and aimed to reduce the exploitation of school girls from sexual harassment, forced sexual relationships and rape. It also aimed to reduce schoolgirl pregnancy and prevent the blame and expulsion of young girls who become pregnant.

Mlezi are teachers chosen by their colleagues and trained to give advice in cases of sexual violence or harassment and other matters related to sexual and reproductive health. Boys can approach them too but the focus is on girls. The initiative started during an AIDS-prevention programme, when female students identified sexual coercion as a problem.

An evaluation of the programme showed that it increased the rate at which schoolgirls seek advice or help. In the first eight months to one year after the *mlezi* were established, 61 per cent of girls consulted them, 59 per cent about harassment by a boy and nine per cent about harassment by a teacher. Whereas in schools without a *mlezi* not a single girl said she would report sexual harassment by a teacher, not even to a female member of staff, in schools with *mlezi*, 52 per cent of girls said that they would consult a *mlezi* about harassment by a teacher. The evaluation also showed that girls would consult the teacher about sexual harassment by a boy, or another man, and for information on STDs/HIV or pregnancy prevention.

Source: Mirsky (2003). *Beyond Victims and Villains: Addressing Se*

- (Sunderland, J. and N. Varia (2006). *Swept under the rug: abuses against domestic workers around the world*. Human Rights Watch. hrw.org/reports/2006/wrd0706/ (accessed 3 July 2007). Sums up the findings of a set of studies on domestic work by women and girls, with a chapter on the specific situation of girls, with recommendations addressed to heads of state, ministries of labour, ministries of education, and other government bodies.
- (UNICEF (2007). *The State of the World's Children 2007: Women and Children - The double dividend of gender equality*. www.unicef.org/publications/index_36587.html (accessed 3 July 2007). Issue of the annual State of the World's Children that focuses on what needs to be done to eliminate discrimination against women and girls. It argues that investment in women's rights will ultimately produce a double dividend: advancing the rights of both women and children.
- (UNICEF (2005). *Changing a harmful social convention: female genital mutilation/cutting*. Innocenti Digest: www.unicef-icdc.org/publications/pdf/fgm-gb-2005.pdf (accessed 3 July 2007). Guide that considers the data on prevalence, indicators for assessing progress, the social dynamics of FGM/C, human rights and state obligations. It takes stock of progress to date, considers the approaches that have been effective, and on this basis suggests practical approaches at the community level and by governments to create an enabling environment.
- (United Nations, Division for the Advancement of Women (2006). Expert Group Meeting on "The elimination of all forms of discrimination and violence against the girl-child" (Florence, September 2006): www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/egm_elim_disc_viol_girlchild.htm (accessed 3 July 2007). This site gives access to the Final Report as well as the background documents and papers by experts.

Notes

- ¹ United Nations (2006). *The elimination of all forms of discrimination and violence against the girl-child.* Report of the Secretary-General. E/CN.6/2007/2, para. 12.
- ² United Nations (2006). *The elimination of all forms of discrimination and violence against the girl-child.* Report of the Secretary-General. E/CN.6/2007/2, para. 11.
- ³ CSW agreed conclusions, Session 51 (2007), para. 14.6: www.un.org/womenwatch/daw/csw/51sess.htm (accessed 3 July 2007).
- ⁴ United Nations General Assembly Resolution A/RES/60/141. www.un.org/Depts/dhl/resguide/r60.htm.
- ⁵ ILO (2006). *The end of child labour: within reach*. 2006 Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, pp. 5-9. www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE (follow link to global reports) (accessed 3 July 2007).
- ⁶ United Nations (2005). *Review of the Implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century."* Report of the Secretary-General. E/CN.6/2005/2, para. 467-469.
- ⁷ ILO (2006). *The end of child labour: within reach*. 2006 Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, 2006, pp. 5-9. Figures are for boys and girls age 5-17; while they are not sex-disaggregated, it was stated that the proportion of girls among child labourers remained steady. www.ilo.org/dyn/declaris/DECLARATIONWEB.INDEXPAGE (follow link to global reports) (accessed 3 July 2007).
- ⁸ UNICEF (2005). *Changing a harmful social convention: female genital mutilation/cutting*. Innocenti Digest, pp. 15-16.

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- ¹⁰ United Nations (2005). *Review of the Implementation of the Beijing Platform for Action and the outcome documents of the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century."* Report of the Secretary-General. E/CN.6/2005/2, para. 144-5.
- ¹¹ Commission on Human Rights, 57th Session (2005). *Ninth and final report on the situation regarding the elimination of traditional practices affecting the health of women and the girl-child*, prepared by Halima Embarek Warzazi, p. 11. E/CN.4/Sub.2/2005/36. documents.un.org/simple.asp (search by document number)(accessed 3 July 2007).
- ¹² UNICEF (2006). *State of the World's Children 2006: Excluded and Invisible*, p. 130-131. www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf (accessed 3 July 2007).
- ¹³ UNICEF (2006). *Child Protection Information Sheet, Child Marriage*. www.unicef.org/protection/files/Child_Marriage.pdf (accessed 3 July 2007).
- ¹⁴ UNICEF (2006). *Child Protection Information Sheet, Child Marriage*. www.unicef.org/protection/files/Child_Marriage.pdf (accessed 3 July 2007).
- ¹⁵ International Planned Parenthood Federation, et al.(2006). *Ending child marriage: a guide for global policy action*, UNFPA, p. 15 www.unfpa.org/upload/lib_pub_file/662_filename_endchildmarriage.pdf (accessed 3 July 2007).
- ¹⁶ United Nations (2006). *The elimination of all forms of discrimination and violence against the girl-child.* Report of the Secretary-General. E/CN.6/2007/2, para. 29.
- ¹⁷ United Nations (2006). *The elimination of all forms of discrimination and violence against the girl-child.* Report of the Secretary-General. E/CN.6/2007/2, para. 29.
- ¹⁸ ILO (2006). *The end of child labour: within reach*. 2006 Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, pp. 17-18.

