

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*

Prepared by *

Ambassador Moushira Khattab, Vice-Chair of CRC

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

Let me at the outset express my appreciation on behalf of the Committee on the Rights of the Child for the Commission on the Status of Women for its decision to consider “The elimination of all forms of discrimination and violence against the girl child” as its priority theme during its fifty-first session in 2007. Our appreciation goes also to the United Nations Division for the Advancement of Women, in collaboration with the United Nations Children’s Fund (UNICEF), for organizing an Expert Group Meeting (EGM) on the topic in order to deepen understanding of the issue. The choice of Innocenti Institute for embracing such an important theme will definitely add value to our deliberations.

Elimination of all forms of discrimination against the girl child has been highly placed on the international agenda. As mentioned in the Aide Memoire for this EGM meeting a number of documents have clearly identified the challenges and has made the necessary recommendations. The Convention on the Rights of the Child (CRC) and The Convention on Elimination of all Forms of Discrimination against Women (CEDAW) are key international instruments in so far as the specifying the rights of the girl child from discrimination. As the core issue has been clearly identified; the EGM need to focus its agenda on means to encourage and assist States to take measures that will implement their commitments. We need to guide them among other stakeholders on how to practically eliminate all forms of discrimination against the girl child, There are very important developments taking place; such as the reform of the UN human rights treaty bodies; the launch of the UN Secretary General in-depth study on Violence against children in October 2006. EGM outcome should

The human rights of children and the girl-child are explicitly set out in the Convention on the Rights of the Child (CRC), the most widely ratified human rights treaty in history. They are also contained but with special emphasis on the rights of women and the girl-child in other human rights document particularly the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW).

The human rights of the girl child at issue

The human rights of children and the girl-child include the following indivisible, interdependent and interrelated human rights to:

Freedom from discrimination based on gender, age, race, color, language, religion, ethnicity, or any other status, or on the status of the child's parents.

A standard of living adequate for a child's intellectual, physical, moral, and spiritual

Public accountability to the rights of women and children.
Appropriate participation of women and children.
Special policy measures for girls' education.
Legal reforms to guarantee women's right to inherit and children's right to nationality.
Right to information on reproductive and sexual health issues.
Recognition of harmful cultural practices as violations of girls' rights.
The best interests of the child and providing support to women's economic participation.
Disaggregated data (by sex, geographic origin, age and ethnicity) to facilitate the identification of issues and the effectiveness of actions to resolve them.

The following are excerpts from the CRC and CEDAW that address directly and indirectly the rights of the girl-child.

The Convention on the rights of the child:

Non- discrimination is one of the core principles of the Convention on the Rights of the Child as defined in Article 2 of the Convention which stipulates:

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their juri

account when making decisions affecting the child, SP shall take effective measures to abolish traditional practices prejudicial to the h

Overview of the concluding observation of both CEDAW & CRC:

An examination of some of the concluding observations of the two treaty bodies illustrates that they have common concerns:

Egypt

Both CEDAW&CRC expressed in their Concluding Observations concerns on the high level of illiteracy among women, and the rate at which girls and young women drop out of secondary school and university, which are sometimes due to the discriminatory social attitudes towards the education of girls. Both Committees also expressed concern about the high number of early and forced marriages of girls, especially in rural areas.

CEDAW also expressed its concern that, although efforts have been made, there is no holistic approach to the prevention and elimination of violence against women, including domestic violence, marital rape, violence against women in detention centres and crimes committed in the name of honour or the punishment of perpetrators.

South Africa

CEDAW expresses its concern at the high level of violence against women, including the high incidence of rape, particularly of young girls. It notes in particular that, given the persistent overall high levels of crime and violence in the country, there is a danger that efforts to address violence against women, although identified as a priority area in the National Crime Prevention Strategy, may become submerged in the larger struggle against violence in society.

Similarly, **CRC** has expressed concern on the high incidence of commercial sexual exploitation. However, the Committee is concerned about the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate measures to enforce legislative guarantees and to prevent and combat this phenomenon.

CRC further expressed concern towards the insufficient measures that have been adopted to ensure that all children are guaranteed access to education, health and other social services. Of particular concern are certain vulnerable groups of children, including Black children; girls; children with disabilities, especially those with learning disabilities; child laborers; children living in rural areas; children working and/or living on the streets; children in the juvenile justice system; and refugee children.

Morocco

CEDAW expressed concern that, despite the efforts made in the political sphere, women's representation at the policy-making level was minimal; in addition to the profound inequalities affecting the status of women in Morocco. Considerable discrimination in the areas of marriage, conjugal relations, divorce and the custody of children still exists. Laws regarding the punishment of adultery and the ability to pass on nationality continue to benefit the husband to the detriment of the wife. Moreover, blatant inequalities could be observed in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's, but not men's, employment, which reflected stereotypical attitudes regarding appropriate work for women. The Committee also noted with concern that no legislation was envisaged to protect women against all forms of violence.

CEDAW was concerned at the high rate of female illiteracy, which affected girls and rural women in particular. Similarly, **CRC** expressed concern at the high illiteracy rate,

notably of women, and at the high drop-out

table for that purpose. The Report of the UNSG “Towards Greater Freedoms” and the plan of action of the High Commissioner for Human Rights to establish a unified standing treaty body replacing the existing 7 UN Treaty Bodies. Though the idea of establishing such a standing unified treaty body has not found the support it needed; the Plan of Action & its concept paper contain several excellent ideas. In my view the implementation of these ideas will diffidently assist us greatly. Among these measures; both CRC & CEDAW should converge towards:

Using harmonized guidelines;

Use the same terminology;

Use the same indicators;

Make cross reference to one another Concluding Observations.

The important role of independent national human rights institutions for systematic follow-up/implementation.

I also recommend that the two treaty bodies organize a joint Day of General Discussion followed by a meeting totally devoted to identify the key issues. This should lead to a joint formulation of a General Comment on means to eliminate all forms of discrimination against the girl child.

The two treaty bodies should coordinate their consideration of the reports; if the time gap is small; their must agreement on the issues to be raised with the SP. That the questions put by one treaty body will not be repeated by the other. On the other hand; if the time gap is wide enough; there must be a follow up on the issues raised earlier by one treaty body to monitor the progress achieved or problems encountered.

The two treaty body must have regular contact and exchange of expertise and knowledge. A focal point from each Committee needs to be appointed.

Designating a devoted focal body for the two committees, in order to:

Establish a similar framework combining the output of both committees, and this will enhance the use of joint general comments and recommendations of the two committees.

Monitor and execute combined working groups and taskforces between both committees.

Effective dissemination of concluding observations from both committees.

Unify objectives and approach mechanisms for both committees.

Enhance the role of human rights organizations and NGOs in supporting states to effectively adopt objectives of both conventions thus ensuring that such objectives are pragmatically addressed in state programs.

The legal framework to eliminate all forms of discrimination against the Girl Child:

CEDAW Convention provides a definition of discrimination against women, and comprehensively addresses women’s right to equality and non-discrimination in the civil, political, economic, social, and cultural fields. It requires States parties to pursue a policy of eliminating discrimination against women, and to take all appropriate measures to eliminate

such discrimination, whether committed by public authorities or by any person or organization.

The Convention on the Rights of the Child requires States parties to protect the rights of each child, defined as a human being below the age of eighteen. Among the Convention's general principles are the best interest of the child, a child's rights to life, survival and development, and respect for the views of the child. The protection and promotion of the rights of the girl child is guaranteed through the Convention's principle of non-discrimination.

Upon ratification of these Conventions, States parties assume specific obligations for the full implementation of the Conventions at the national level. The CEDAW Convention requires States parties to embody the principle of equality of women and men in their national constitutions or other appropriate legislation, and ensure, through law and other appropriate means, the practical realization of this principle. States parties are also obliged to adopt legislation prohibiting discrimination, to establish legal protection for women on an equal basis with men, as well as to provide effective remedies against acts of discrimination against women. The Convention on the Rights of the Child also requires States parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.

As a result of international treaty obligations which flow from ratification or accession, and in accordance with procedures established under domestic legal systems, many States parties to CED2 Twitni6l CE8n ratif2(149 Tw{sCED2 Tws3 TD0.2ng)-5)Ttd45rough t328(

Conclusion and recommendations:

The way forward: We have a golden chance to make a difference. **The timing of our meeting** is very opportune for the following reasons:

1. The hard work done by CEDAW & CRC has generated more awareness of the issue of discrimination against the girl child. The Concluding Observations of both treaty bodies provide the recipe to the State as well as the civil society. All we need is the political will on the part of SP. Our duty as

Let me close by saying that there is no disagreement about the manifestation and negative impact of discrimination against the girl child. But **there is lack of adequate progress due to the absence of clarity on the way forward to improve the situation.** The EGM should focus on assisting States and other stakeholders to prevent discrimination against the girl child. Some options are open now for action.